



CATEGORY: 1.0 GOVERNANCE & STRATEGIC DIRECTION POLICIES			
SECTION: 1.9 General Policies			
POLICY: 1.9.8 Workplace Violence and Harassment Policy	APPROVED: Nov '15	REVISED: Jan '16 July '19 Jan 30 '21	PAGES: 8

Policy Statement

1. The Canadian Paralympic Committee (CPC) is committed to providing a safe welcoming and inclusive environment for everything within its sphere of influence and when carrying out all of its activities. CPC is an athlete-centred organization which has identified the meeting of athlete needs as one of its top priorities. CPC commits to treating all individuals with respect which is characterized by the values of fairness, integrity and open communication.
2. The CPC has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) as a standalone policy and has designated all CPC employees as UCCMS Participants subject to the UCCMS. Subject to their rights under employment laws, a CPC's employee may be sanctioned or disciplined pursuant to the UCCMS. A UCCMS Complaint involving UCCMS Participants will be administered by the Office of the Sport Integrity Commissioner (OISC). As such, employees acknowledge that they may be subject to proceedings initiated related to potential violations of the UCCMS, including, without limitation, accepting the jurisdiction of the OSIC/Abuse-Free Sport.
3. CPC is committed to the prevention of workplace violence, bullying and harassment, and is ultimately responsible for worker health and safety. CPC does not tolerate, condone or ignore any workplace violence, bullying or harassment, and will take whatever steps reasonable to protect CPC employees. CPC is also committed to ensuring safe sport related policies are well communicated to its stakeholders.
4. This policy will be interpreted in accordance with the laws of Ontario.
5. CPC has policies governing its] sanctioned activities, including the UCCMS and a Code of Conduct. These policies form part of the terms and conditions of employment agreements. It is understood and agreed that any CPC policies may be revised and supplemented from time to time to reflect changing business needs and situations in the workplace and CPC's activities. Employees agree to abide by any updated policies as well as the policies that are currently in effect.
6. Nothing under the OSIC/Abuse-Free Sport process or the UCCMS limits the ability of the CPC to exercise any rights as an employer, including taking any necessary disciplinary action under applicable workplace policies, legislation or the common law.



Definitions:

7. The following terms are defined within this policy as:

- a) "Abuse-Free Sport program" means Canada's independent system (mechanism) and program for preventing and addressing Maltreatment in sport
- b) "Complaint" –unless it relates to a breach of the UCCMS involving UCCMS Participant for which such complaint shall be exclusively made to and administered by the OSIC, a complaint of a breach of this policy made in writing to a Complaint Officer.
- c) "Complainant" – the party making a Complaint.
- d) "Complaint Officer" - means the Canadian Paralympic Committee, CEO, Executive Director, Corporate Services or CPC Safe Sport Officer, if such position exists, or another individual identified by board resolution as a Complaint Officer.
- e) "CPC" - is the Canadian Paralympic Committee.
- f) "Directors or Sanctions and Outcomes" means the Abuse-Free Sport program's individual who has full authority to impose sanctions on UCCMS Participants;
- g) "Individuals" – means an individuals engaged in activities with the CPC including athletes, coaches, team managers, officials, volunteers, suppliers, contractors, parents/guardians, directors, officers, members, member representatives and committee members of the CPC.
- h) "Maltreatment" – means psychological, physical, and sexual maltreatments as defined in the UCCMS.
- i) "OISC" – means the Office of the Sport Integrity Commissioner responsible for administering the UCCMS.
- j) "Prohibited Behaviors – means the prohibited behaviors as defined in the UCCMS.
- k) "Respondent" - the party alleged to have violated this policy in a Complaint.
- l) "Safeguarding Tribunal" means the SDRCC's Tribunal making decisions related to provisional measures and/or sanctions imposed by the Director of Sanctions and Outcomes and the findings of a violation by an investigator;
- m) "UCCMS" – means the Universal Code of Conduct to Prevent and Address Maltreatment in Sport administered by the OSIC.



- n) UCCMS Participants – means individuals or organizations deemed subject to the UCCMS as determined by the CPC from time to time.
- o) “Workplace Violence” means,
- i. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
 - ii. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
 - iii. A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.
- p) “Workplace Bullying and Harassment” means,
- i. Engaging in any inappropriate conduct or comment towards a worker in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome, or to cause that worker to be humiliated or intimidated;
 - ii. **Workplace bullying and harassment should not be confused with** legitimate, reasonable management actions that are part of the normal work function, including:
 - Measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or
 - Imposing discipline for workplace infractions
- q) “Workplace” means,
- i. Any place where business or work-related activities are conducted. This includes but is not limited to the CPC Offices, Paralympic Games and World Championships, work-related social functions, work assignments outside CPC Offices, work-related travel, work-related conferences or training sessions.
- r) “Writing” includes words written, printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible, audible or any form and includes writing instrument and paper, email, text message, social media and mobile application.

Purpose and Application:

8. Maltreatment or other Prohibited behaviors, including violent behaviour, bullying and harassment in the workplace are unacceptable. This policy applies to all employees of CPC and any Individuals accessing CPC's workplace for services. Everyone is expected to protect their own health and safety by complying with the law and safe work practices and procedures established and required by CPC.



9. Examples of Workplace Violence include but are not limited to:

- a) Maltreatments and other Prohibited Behaviors as defined under the UCCMS;
- b) Verbal threats to attack a worker;
- c) Sending to or leaving threatening notes or emails for a worker;
- d) Making threatening physical gestures to a worker;
- e) Wielding a weapon at work;
- f) Hitting, pinching or unwanted touching of a worker which is not accidental;
- g) Throwing an object at a worker;
- h) Blocking normal movement or physical interference of a worker, with or without the use of equipment;
- i) Sexual violence against a worker; or
- j) Any attempt to engage in the type of conduct outlined above.

10. Examples of Workplace Bullying and Harassment include but are not limited to:

- a) Repeated offensive or intimidating phone calls or emails;
- b) Inappropriate sexual touching, advances, suggestions or requests;
- c) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- d) Psychological abuse such as verbal aggression or insults, calling someone derogatory names, spreading malicious rumors;
- e) Vandalizing personal property;
- f) Discrimination (Note: Unlike the Ontario *Human Rights Code* (the "Code"), Workplace Harassment does not require any motivation/intent or connection to a prohibited ground of discrimination, such as, for example, race, ancestry, color, religion or disability);
- g) Intimidating words or conduct (offensive jokes or innuendos); or
- h) Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating or demeaning.

11. It is a violation of CPC's policy to engage in conduct as set out above, regardless of whether the conduct rises to the level of the defined conduct under the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009*.

12. Any person found to have engaged in acts of Maltreatment, violence, bullying or harassment against any other employee, worker, contractor, subcontractor, principal, customer, supplier, client or other third party during business hours, or at any CPC event or client event, will be subject to appropriate disciplinary action, including: warnings, reprimands, suspensions, discharge and/or **termination for cause**.

13. CPC pledges to investigate and deal with all incidents and complaints of workplace violence, bullying and harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible.



Right to Refuse Work Where Threat of Workplace Violence Exists

14. No employees should work in a situation in which they believe that **Workplace Violence** is likely to endanger themselves. A worker has the right to refuse work where a threat to **physical safety** exists as a result of a Workplace Violence situation, as described under this policy. This right does not extend to the right to refuse work in the case of **Workplace Harassment** in which there is no threat to physical safety.

No Reprisals

15. CPC will not in any way retaliate against an individual who makes a report of violation under this policy, nor tolerate any retaliation by any employee, worker, supervisor or executive member. Retaliation is a serious violation of this policy and must be reported immediately. Any person found to have retaliated against another individual for reporting offending conduct will be subject to serious disciplinary action, up to and including termination for cause.

Conspicuous Posting

16. This policy must be posted at a conspicuous place in the workplace per Section 32.0.1 of the *Occupational Health and Safety Act*.

Annual Review

17. CPC shall conduct an annual review of this policy and supporting program, and add to or amend it as reasonably required from time to time based upon its experience and evolution of the law under the amendments to the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009*.

Implementation

18. There is a workplace violence, bullying and harassment program that implements this policy. It includes measures and procedures to protect workers from workplace violence, bullying and harassment, a means of summoning immediate assistance, and a process for workers to report incidents or raise concerns. Everyone should refer to the supporting program for the specific procedures. In addition, the UCCMS and the OSIC process provide protection to employees subject to the UCCMS.

19. CPC will ensure that this policy and the supporting program are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence, bullying and harassment in the workplace.

20. Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.



MALTREATMENT, VIOLENCE, BULLYING AND HARASSMENT PROGRAM ELEMENTS

To provide all members of the Canadian Paralympic Committee (CPC) staff with a safe work environment, CPC is committed to take appropriate action(s) whenever possible to eliminate or minimize the risk or threat of Maltreatment, violence/harassment to all staff and visitors.

This process begins with an initial risk assessment of the workplace.

Risk Assessment

CPC must conduct a risk assessment in any workplace in which a risk of injury to workers from violence, bullying or harassment arising out of their employment may be present.

When conducting the risk assessments CPC should consider:

- The nature of interactions between workers and the public
- The nature of the work environment
- The attributes of workers/clients
- Past history of incidents of violence in the workplace and in similar operations

This could include but is not limited to:

- A work site walk-about with affected staff
- Selected interviews with workers
- A review of crime or incident reports

Once the assessment has been conducted, reviewed and/or updated, CPC, its employees and Individuals are required to follow the measures and procedures noted below which set out how to control the risk of Maltreatment, violence/harassment, summon for immediate assistance, report and investigate incidents and the potential consequences of same.

A: MEASURES AND PROCEDURES TO CONTROL THE RISK OF MALTREATMENT, VIOLENCE AND HARASSMENT:

All within the CPC organization have a responsibility for minimizing the risks of workplace Maltreatment, violence, bullying and harassment, the particulars of which are set out in the following paragraphs:

1. Board of Directors

- (a) Create, promote and maintain a safe workplace that is free from violence;
- (b) Provide training and ensure that this policy and procedure is accessible, available to, and supported by all staff; and
- (c) Review and monitor initial risk assessments and subsequent reviews.

2. Health and Safety Representative (or Committee)

- (a) Provide advice to employees concerned about a threat of or actual violent or harassment situation;



- (b) Promote, advance, support and ensure effective implementation of the policy;
- (c) Provide training on the policy and procedure to all workers;
- (d) Intervene immediately when threats or incidence of violence or harassment occur;
- (e) Prevent and terminate Maltreatment, harassment, violence or threats of violence by:
 - i. Communicating and supporting CPC's objective to provide and maintain a workplace free of violence;
 - ii. Not ignoring or condoning behaviour that is contrary to this policy and procedure;
 - iii. Taking all complaints seriously, conducting an initial assessment of the situation and reporting as required by this policy; and
 - iv. Not engaging in behaviour contrary to this policy.
- (f) Initiate the annual review of the workplace violence and harassment policy and recommend any changes to the Board as applicable.

3. Employees

- (a) Not to engage in any behaviours that may be considered threats or acts of Maltreatment, violence or harassment of any kind;
- (b) Report acts of Maltreatment, harassment, threats or actual incidents of violence immediately; and
- (c) Inform the Health and Safety Representative (or Committee) if they are at risk for domestic violence and assist the Committee in developing a safety plan.

B: MEASURES AND PROCEDURES FOR SUMMONING IMMEDIATE ASSISTANCE

In the event of an immediate threat to one's physical safety or that of someone else, one should seek a safe location and call 911 immediately. Once the call has been made, it must be reported to the Executive Director, Corporate Services at the CPC Head Office – 613-569-4333 extension 238 immediately thereafter.

The investigation of the incident will follow as soon as is practical after the appropriate emergency measures are taken.

C. MEASURES AND PROCEDURES FOR REPORTING INCIDENTS OF WORKPLACE MALTREATMENT, VIOLENCE AND HARASSMENT:

1. Duty to Report

If, in good faith, one believes that they, or any other employee or worker, has engaged in, or has been subject to Maltreatment, violence, bullying or harassment under this policy, including possible domestic violence, or one witnesses any kind of Maltreatment, violence, bullying or harassment under this policy, one **is required** to report all of the facts of the incident.

If, in good faith, management believes any other employee or worker, has engaged in, or has been subject to Maltreatment, violence, bullying or harassment under this policy, including possible domestic violence, or one witnesses any kind of violence, bullying or harassment under this policy,



they **are required** to report all of the facts of the incident and action must be taken as outlined under this policy.

2. Incident Reporting Procedure

If the reported incident is a Maltreatment or Prohibited Behavior as defined in the UCCMS involving an employee designated as a UCCMS Participant, the complaint shall be exclusively made to and administered by the OSIC and not through this procedure.

The following guidelines shall be followed in the reporting and receiving of a report with respect to an incident:

- a) The report shall be made immediately after one becomes aware of the incident;
- b) Reports of workplace, violence or harassment shall be made to the Executive Director, Corporate Services. Should circumstances require, one may also report such conduct to any Executive Director with whom one is comfortable discussing the matter;
- c) The report should be in writing and must include the names of the individuals involved, and detail dates, times, places and witnesses, insofar as they are known to the Complainant. This report shall be referred to as a "Complaint";
- d) Any other person receiving a verbal report shall make a complete written account of the reporting of the Complaint, and have it reviewed and signed by the informant for accuracy.
- e) Once a Complaint has been received, it shall be forwarded to a Complaint Officer who will conduct an impartial investigation of the incident; and
- f) Frivolous or vexatious complaints will be dealt with seriously and subject to disciplinary actions. However, there will be no consequences for reports made in good faith.

D. MEASURES AND PROCEDURES TO INVESTIGATE AND DEAL WITH INCIDENTS OR COMPLAINTS:

1. Process

All reported threats or incidents will be considered serious and will be investigated promptly with appropriate action taken as follows:

- a) The investigation process shall involve interviews of the complainant, the respondent and any witnesses named by either;
- b) The Complaint Officer shall maintain notes and records of all witness interviews. Witnesses will review the Complaint Officer's notes and make corrections immediately following the interview;
- c) All CPC employees are required to co-operate with the investigation process and are prohibited from discussing with each other the evidence conveyed or to be conveyed to the investigator during the investigation. Witnesses shall be interviewed individually and efforts made to ensure that witnesses do not discuss their evidence with each other in advance of being interviewed;



- d) During the investigation, the alleged victim will normally remain, during normal working hours, in a safe place that is as near as possible to his or her ordinary place of work so as to remain available to the investigator throughout the investigation. The informant, alleged victim, or others, may be relocated during an investigation or requested to work from home if necessary;
- e) All complaints shall be handled in a confidential manner to the extent possible and in accordance with CPC's legal obligations. Where CPC believes there to be an imminent danger to an employee, it may divulge such confidential information as is reasonably necessary;
- f) The Complaint Officer shall then compile a **Report of the Investigation** summarizing the allegations, steps taken in the investigation, evidence gathered and findings of the investigator. All reasonable efforts shall be made to ensure that this report is completed within 15 days following receipt of the Complaint.

2. Outcome/Consequences

Following the Investigation Report, CPC shall make a determination about whether offending conduct occurred, and communicate this finding to the Respondent and the Complainant.

Employees found to have perpetrated or threatened a UCCMS Maltreatment or Prohibited Behavior or an act of violence or harassment in the workplace may be subject to disciplinary action and/or termination. The action will be commensurate with the severity of the offence and will be made known to the victim.

Action may include any or all of the following:

- a) Reprimand
- b) Education/Training
- c) Apology Requirements
- d) Transfer
- e) Counseling
- f) Alternate Dispute Resolution ("ADR")
- g) Suspension with pay
- h) Suspension without pay
- i) Termination with cause
- j) Any other disciplinary sanctions imposed by the OSIC, the Director of Sanctions and Outcomes or the Safeguarding Tribunal

Similarly, deliberate false accusations are of an equally serious nature and will also result in disciplinary action up to and including termination of employment for cause.

The police will be notified in all instances of reported behaviour which constitutes criminal activity, or which following an investigation is believed to constitute criminal activity.



3. Complaints Against Third Parties

In the case of a report of a potential threat of violence, bullying or harassment by a third party, such as in the case of **domestic violence**, the identity of the third party and identifying features will be communicated to all employees, contractors, subcontractors and others who may need to be aware in order to attempt to protect the worker. While individual privacy will be respected to the extent possible, communication will be required as is necessary in order to address the threat.