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BCSA Bullying & Harassment Policy

BCSA Board, Approved on September 6th, 2018.

PURPOSE

The purpose of this policy is to affirm BC Sailing Association's commitment to an environment in which all individuals are treated with respect and dignity. The BCSA prohibits and will not tolerate bullying, discrimination or harassment, including sexual harassment. BCSA will make every reasonable effort to ensure that employees, contractors, volunteers, coaches, athletes, parents and any individual providing a service on behalf of BCSA or participating as a member of BCSA or at any event at which BCSA is involved are not subjected to discrimination or harassment, including sexual harassment.

1. POLICY

The British Columbia Sailing Association is committed to fostering a harassment-free environment for employees, contractors, volunteers, coaches, athletes, parents and any individual providing a service on behalf of BCSA where all individuals are treated with respect and dignity. The Canadian Human Rights Act protects many of these individuals from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned Conviction.

Harassment at British Columbia Sailing Association is not tolerated. All Participants of BCSA which includes members, employees, board members, committee members, athletes, coaches, officials, contractors, volunteers, and parents, (the "Participants of BCSA") who are found to have harassed another individual may be subject to disciplinary action. This includes any Representative of BCSA who interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause Harm.

2. DEFINITIONS:

2.1. Location: Harassment can occur in any location, where there are Participants of

BCSA or at any location or event hosted or sponsored by BCSA whether in this jurisdiction or another. (the “BCSA Location”) Harassment as defined by this policy which occurs outside the BCSA Location and which negatively affects relationships may also be subject to investigation.

2.2. Harassment: “Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.” Harassment may also relate to a form of discrimination as set out in the British Columbia Human Rights Code, but it does not have to. Harassment may be either intentionally or unintentionally directed at an individual. However, the fact that the behaviour is unintentional does not mean that it is not harassment. It is not intent that counts it is the result.

2.3. Bullying: A form of aggression where there is a power imbalance; the person doing the bullying has power over the person being victimized.

2.4. Prohibited Grounds: As named in the British Columbia Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital or family status, or disability.

Types and Examples of Harassment

2.5 Sexual Harassment is unwelcome conduct of a sexual nature that detrimentally affects the Participants of BCSA leads to adverse consequences for the victims of the harassment. (“Sexual Harassment”) Sexual Harassment can be directed at persons of either gender, examples include:

i. Unwelcome Behaviour:

This is the most common form of sexual harassment and examples include:

- unwelcome physical contact such as touching, kissing, patting, or brushing up against a person;
- suggestive staring or other obscene or offensive gestures;
- physical assault;
- display of pornographic materials, including graffiti;
- unwelcome remarks, jokes, or taunting about a person’s body, dress, or sex;
- enquiries or comments about a person’s sex life, sexual preferences, etc.

ii. Sexual Advances:

This second type of sexual harassment occurs when a person in a position of power or authority makes unwanted sexual advances or requests for sexual Relations.

iii. Reprisal:

Sexual harassment also happens when a person is in a position of power or authority threatens to retaliate against an employee/athlete/volunteer who has rejected his or her sexual advances.

2.6 Racial or ethnic harassment: Racial slurs and harassment and racial jokes are a form of discrimination that violate the British Columbia Human Rights Code. The term “race” includes all race-related grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship and creed. Examples of this type of harassment include:

- Unwelcome remarks, jokes, innuendoes, or taunting about a person’s racial or ethnic background, colour, place of birth, citizenship or ancestry;
- Racist, ethnic or religious graffiti or the display of racist material;
- Practical jokes based on racial, ethnic or religious grounds which cause awkwardness or embarrassment;
- Refusal to work or converse with an employee because of his or her racial or ethnic background;
- Use of racially derogatory nicknames.

2.7 Poisoned Environment for Participants of BCSA:

Conduct or comments that violate the prohibited grounds named in the British Columbia Human Rights Code but which are not directed at a specific individual can nonetheless create a degrading or offensive “poisoned” work environment and may therefore be considered a form of harassment. Examples Include:

- Display of material which degrades or denigrates a person or group on the grounds of gender, race, ethnic origin, disability, or sexual orientation;

- Patronizing behaviour, language or terminology, which reinforces stereotypes and undermines other workers' self-respect or adversely affects the performance and environment for Participants of BCSA.

Types and Examples of Bullying

2.8 Physical Bullying:

Using physical force or aggression against another person (e.g., hitting, hazing or initiation practices, vandalizing personal belongings)

2.9 Verbal Bullying:

Using words to verbally attack someone (e.g., name-calling, verbal aggression or insults)

2.10 Social/relational Bullying:

Trying to hurt someone through excluding them, spreading rumours or ignoring them (e.g., gossiping)

2.11 Cyberbullying: using electronic media to threaten, embarrass, intimidate, or exclude someone, or to damage their reputation (e.g., sending threatening text messages).

3. Participants of BCSA must:

3.1 Not engage in the bullying and harassment of other Participants of BCSA;

3.2 Report if bullying and harassment is observed or experienced; and

3.3 Apply and comply with the BCSA's policies and procedures on bullying and Harassment.

4. Application

This policy statement applies to all BCSA Participants. It applies to interpersonal and electronic communications, such as email, text or any other social media application.

5. REPORTING PROCEDURES

1. How to report

BCSA Participants can report incidents or complaints of association related bullying and any form of harassment verbally or in writing. Written complaints may be sent to the BC Sailing Association, in confidence by email to rick@bcsailing.bc.ca or by

letter to 195-3820 Cessna Drive, Richmond, BC V7B 0A2. All correspondence should be marked confidential and sent to the Executive Director using Bullying and Harassment Complaint form attached as Appendix A. ("Appendix A"). An oral complaint may be made to BC Sailing via telephone at 604-333-3628. WorkSafeBC

also accepts complaints via their web page <https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>) or by phone (1.888.621.7233 toll free).

2. When to report

Incidents or complaints should be reported as soon as practicable after experiencing or witnessing an incident. This allows the incident to be investigated and addressed Promptly.

3. What to include in a report

Provide as much information as possible in the report, such as dates, the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

4. Annual review

These reporting procedures will be reviewed on an annual basis. All BCSA Participants will be provided with a copy.

6. INVESTIGATION PROCEDURES

1. How and when investigations will be conducted

Most investigations at BC Sailing will be conducted internally. In complex or sensitive situations, an external investigator may be hired. Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the Circumstances;
- be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations;
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the complainant,

respondent, and any witnesses; and

- incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process

2. What will be included?

Investigations will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then BC Sailing will not investigate any further, and will determine what corrective action to take, if necessary.

The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects. An investigation form is attached (Appendix A).

3. Roles and responsibilities

The Executive Director of BC Sailing, is responsible for ensuring BCSA investigative procedures are followed. BCSA Participants are required to cooperate with investigators and provide any details of incidents they have experienced or Witnessed.

For internal investigations, the Executive Director or, when a conflict of interest exists, the President will conduct investigations and provide a written report to the Directors of BC Sailing.

4. Follow-Up

The alleged bully and alleged target will be advised of the investigation findings by the Executive Director. The Executive Director, following an investigation, will review and revise the BCSA investigative procedures to prevent any future bullying and harassment incidents. Appropriate corrective actions will be taken within a reasonable time frame, these include a variety of options including discipline, sanction, dismissal or recommendation that the BCSA Representative seek medical assistance if appropriate.

In appropriate circumstances, workers may be referred to the employee assistance program or be encouraged to seek medical advice.

5. Record-keeping requirements

BC Sailing Association expects that BCSA Participants will keep written accounts of incidents to submit with any complaints. BC Sailing Association will keep a written record of investigations, including the findings.

Courtesy of the ViaSport and WorkSafeBC

ANNEX A INVESTIGATION FORM

When investigating bullying and harassment complaints or incidents this form can be used. It can be adapted to meet the needs of individual situations. Additional resources and an explanation of BC Sailing legal duties can be found at www.worksafebc.com/bullying/.

Name of complainant

Name of respondent/alleged bully

Date: Location

Name of investigator:

Person interviewed Other people involved
(e.g., alleged bully, witnesses)

Description of the situation
(dates, words, actions, etc.) and
impact (e.g., humiliated,
intimidated)

Based on the investigation, did workplace bullying and harassment occur?

Yes No

Reason(s) for this conclusion