



Anti-Harassment Policy

All revisions are noted with **BOLD** text.
Revised November 20, 2014

1. OUR COMMITMENT TO A SAFE AND RESPECTFUL WORK ENVIRONMENT.

- 1.1 **Ontario Hockey Federation** fully supports the entitlement of all employees to work in an environment which respects the dignity and basic human rights of all individuals. We are therefore committed to providing a safe and respectful work environment for all staff and customers. No one whether a manager, an employee, a contractor, or a member of the public, has to put up with harassment at the **Ontario Hockey Federation**, for any reason, at any time. Likewise, no one has the right to harass anyone else, at work or in any situation related to employment.
- 1.2 **Ontario Hockey Federation's** goal is to maintain a friendly, cooperative and business-like environment for all of its employees. Each and every employee has the right to work free from any kind of harassment. Our employees are responsible to treat each other with respect, speak up when harassment occurs and report it to the appropriate person. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.
- 1.3 Under Ontario's Occupational Health and Safety Act and the Canadian Human Rights Act employees who have been subjected to harassment have the right to seek redress. The development of this policy includes procedures, which will provide guidance on what to do if you experience harassment at work, or if you, as a manager or an employee, become aware of a harassing situation. All inquiries or complaints related to this policy shall be handled confidentially and shall be treated seriously and objectively, whether they are made informally or formally. In order to provide assistance and guidance towards the prevention or resolution of such issues, we have assigned a Workplace Coordinator with respect to Workplace Harassment and Violence. We undertake to act on all complaints to ensure that they are resolved quickly, confidentially, and fairly.
- 1.4 We will discipline anyone who, following a thorough investigation has been found to have harassed a person or group of people. We will discipline managers who do not act properly to end harassment. At the **Ontario Hockey Federation** we will not tolerate any form of harassment.
- 1.5 The Workplace Coordinator will monitor and evaluate all harassment-related reports on an ongoing basis and will submit annual program reports to senior management.

2. DEALING WITH HARASSMENT PROCEDURES

- 2.1 The **Ontario Hockey Federation** has assigned **INSERT NAME** to act as Workplace Coordinator with respect to Workplace Harassment and Violence.
- 2.2 IF YOU ARE BEING HARASSED
 - 2.2.1 "**Workplace harassment**" is defined in Bill 168 as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome".
 - 2.2.2 The following steps (Appendix A) will serve to provide you with guidance, as to what to do, if you or someone else is being harassed. This section will also explain exactly what you can expect from the complaint process, what the possible remedies and penalties for harassment are, how to appeal, and how to give feedback on the policy to the **Ontario Hockey Federation**.
 - 2.2.3 If you are the complainant, you have the right:
 - 2.2.3.1 To file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;
 - 2.2.3.2 To have a person of your choice accompany you during the process;

- 2.2.3.3. To make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith;
- 2.2.3.4. To be informed about the progress of your complaint;
- 2.2.3.5. To be informed of the type of corrective measures that will result from the complaint; and
- 2.2.3.6. To receive fair treatment.

2.3 IF YOU ARE ACCUSED OF HARASSMENT

2.3.1 The following steps (Appendix B) will serve to provide you with guidance, as to what to do, if you are accused of harassment.

2.3.2 If you are the individual accused of harassment, you have the right:

- 2.3.2.1. To be informed of the complaint;
- 2.3.2.2. To be given a written statement of the official allegations, and to respond to them;
- 2.3.2.3. To have a person of your choice accompany you during the process;
- 2.3.2.4. To be informed about the progress of the complaint; and
- 2.3.2.5. To receive fair treatment.

2.4 OTHER EMPLOYEES

2.4.1 All employees are expected to cooperate in the investigation of complaints and efforts to resolve them. Employees should be mindful of the sensitivities of the parties and should keep any information related to complaints confidential.

2.5 THE INVESTIGATION AND SUBSEQUENT ACTION

2.5.1 Written report

2.5.1.1. The investigator will submit a written report to the Workplace Coordinator (or your area manager of the **Ontario Hockey Federation**, if the Workplace Coordinator is a party to the complaint, such as its investigation). The Investigator will decide whether, on a balance of probabilities, there is enough evidence to conclude that harassment occurred. The Investigator will also identify all possibilities for resolving the situation, and will recommend one or more courses of action. If harassment has occurred, Senior Management, in consultation with the Workplace Coordinator, will review the recommendations provided by the Investigator and will decide what remedies will be provided to the victim, the disciplinary action to be imposed on the harasser; and whether the people in question can continue in their current work areas.

2.5.2 Decision

2.5.2.1. Within one week after the Investigator has handed in the report, the immediate Supervisor of the person who filed the complaint, will provide him/her with the following information: *any remedies he/she will receive, details of the disciplinary action to be imposed on the harasser, and work-related changes*. Corrective action, discipline, remedies, and changes in work will be instituted within one week of the people involved being informed of the decision.

2.5.2.2. Any disciplinary action will be imposed on the harasser by his/her immediate Supervisor.

2.5.3 Separation Of The Complainant And Alleged Harasser

2.5.3.1. If the complainant and the alleged harasser are in a subordinate/supervisor relationship, the Workplace Coordinator may recommend that one or both of them be assigned to a different work area during mediation or investigation. Co-workers may also be separated during an investigation, if necessary.

2.6 REMEDIES FOR THE VICTIM

2.6.1 The **Ontario Hockey Federation** will make every reasonable effort to remedy the effects of the harassment. A person who has been harassed may receive one or more of the following remedies, depending on the severity of the harassment and what he or she lost because of it:

2.6.1.1. An oral or written apology from the harasser and the **Ontario Hockey Federation**;

2.6.1.2. Lost wages;

2.6.1.3. A job or promotion that was denied;

2.6.1.4. Compensation for any lost employment benefits, such as sick leave;

2.6.1.5. Compensation for hurt feelings; and/or

2.6.1.6. A commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

2.6.2 No record of the complaint, investigation or decision will go in the employee's personnel file, if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

2.7 CORRECTIVE ACTION FOR HARASSERS

2.7.1 Someone who has harassed another person will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

2.7.1.1. A written reprimand;

2.7.1.2. A suspension, with or without pay;

2.7.1.3. A transfer, if it is not reasonable for the people involved to continue working together

2.7.1.4. A demotion; or

2.7.1.5. Dismissal.

2.7.2 In most cases, the harasser will also be required to attend an anti-harassment training session.

2.7.3 If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. When the investigation reveals harassment occurred, the incident and the discipline which is imposed on the harasser will be recorded in the harasser's file.

2.8 UNSUBSTANTIATED COMPLAINTS

2.8.1 If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the accused harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record in her or his file.

2.9 COMPLAINTS MADE IN BAD FAITH

2.9.1 In the rare event that the complaint was made in bad faith—in other words, the person making it had absolutely no basis and deliberately and maliciously filed the complaint—that person will be disciplined and a record of the incident will be put in her or his file.

2.9.2 Penalties for someone who complains in bad faith will be the same as for a case of harassment (see Corrective Action for Harassers) and will depend on the seriousness of the situation. Compensation for the person falsely accused may include steps to restore any lost reputation, and any of the remedies that would be available in a case of harassment (see Remedies for the Victim).

2.10 CONFIDENTIALITY

2.10.1 The **Ontario Hockey Federation** will not disclose a complainant's or alleged harasser's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. Managers involved in a complaint are reminded to keep all information confidential, except in the above circumstances.

2.11 RETALIATION

2.11.1 Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will themselves be considered guilty of harassment and penalized accordingly. The possible penalties are the same as those assessed against harassers.

2.12 APPEALS

2.12.1 A person directly involved in a complaint may appeal to the Workplace Coordinator (or the individual, to whom the Workplace Coordinator reports to, in his/her regular position, if the Workplace Coordinator is a party to the complaint, such as its investigation) within a week after learning of the decision. If the Workplace Coordinator (or his/her superior) believes there is sufficient reason to re-investigate or to change the penalty, compensation, or work assignment, he or she may make the decision to re-investigate and/or recommend changes within one week.

2.13 OTHER OPTIONS

2.13.1 OUTSIDE ORGANIZATIONS

2.13.1.1. An unresolved harassment complaint is no different than an unresolved safety complaint. In the event the complainant is not satisfied with the response from the **Ontario Hockey Federation** in the handling of his/her complaint, he/she has the right to report the incident to the Ministry of Labour.

2.13.1.2. In the event the harassment was because of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, pardoned conviction, or sexual orientation, the complainant may file a complaint with the Canadian Human Rights Commission. Information on filing a complaint can

be obtained by phoning the Commission's toll free number 1-888-214-1090. The *Criminal Code* protects people from physical and sexual assault.

2.14 MONITORING

- 2.14.1 The **Ontario Hockey Federation** will monitor this policy and make adjustments where necessary. We will review it after the first six months, after the first year, and annually from then on. If you have any concerns with the policy, please bring them to the attention of the Workplace Coordinator. Your comments are always welcome. There is no place for harassment in a workplace that strives for equality and respect for all its members. The **Ontario Hockey Federation** has committed itself to that goal, and we will do our utmost to achieve it.

3. UNDERSTANDING HARASSMENT

3.1 What Is Meant By “Harassment”?

- 3.1.1 **“Workplace harassment”** is defined in Bill 168 as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome".
- 3.1.2 *Harassment* is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name-calling), or displays (e.g. posters, cartoons). It may be a single incident or continue over time. **Ontario’s Occupational Health and Safety Act** protects employees and people receiving goods or services from this type of disrespectful behaviour, also known as "personal" harassment.
- 3.1.3 **The Canadian Human Rights Act** also provides protection from harassment, when it is related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation. **It does not extend to “personal” harassment.**

3.2 What is meant by “Abuse Of Authority”?

- 3.2.1 Abuse of authority occurs when a person uses authority unreasonably to interfere with an employee or the employee's job. It includes humiliation, intimidation, threats, and coercion. It does not include normal managerial activities, such as counselling, performance appraisals, and discipline, as long as these are not being done in a discriminatory manner.

3.3 Should Be Common Sense

- 3.3.1 If the person who is accused of harassment should have known that the behaviour was unwelcome, he or she may be considered responsible, even for unintentional harassment. If an employer or manager knew or should have known that an inappropriate situation existed, and did nothing about it, the courts may impose penalties on that organization or person.

3.4 Examples Of Harassment As Covered By Ontario’s Occupational Health And Safety Act:

- 3.4.1 Harassment is any action that makes a colleague, employee, or client feel degraded, humiliated, or embarrassed. It includes, but is not limited to, jokes, comments, insults, touching, pinching, leering, posters, cartoons, e-mail, and telephone calls. It includes conditions of employment that are degrading or humiliating. Some examples of harassment include:

- 3.4.1.1 Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing or other personal characteristics;
- 3.4.1.2 Written or verbal abuse or threats;

- 3.4.1.3. Practical jokes that embarrass or insult someone;
 - 3.4.1.4. Leering (suggestive staring) or other offensive gestures;
 - 3.4.1.5. Patronizing or condescending behaviour;
 - 3.4.1.6. Humiliating an employee in front of co-workers;
 - 3.4.1.7. Abuse of authority that undermines someone's performance or threatens her or his career;
 - 3.4.1.8. Vandalism of personal property; and,
 - 3.4.1.9. Threats and/or Physical assault.*
- 3.4.2 As mentioned on page1, if any of the above examples are related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation, the incident falls under the jurisdiction of **The Canadian Human Rights Act**.
- 3.4.3 "Threats" and/or "Physical Assault" are not only examples of Workplace Harassment but also potential cases of Workplace Violence". Please see our Policy and procedures regarding Workplace Violence. These procedures are posted and a copy is available from your direct supervisor.

4. EMPLOYEES' RIGHTS AND RESPONSIBILITIES

- 4.1 Specific information about how to handle an informal or formal harassment complaint, or what to do if there has been no complaint, is in the ***"Dealing with Harassment Procedures"***.
- 4.2 This section will serve to explain to our employees how they can expect to be treated at work, and what employees' responsibilities are toward co-workers, supervisors, and the public.
- 4.3 Respect Others
- 4.3.1 Each employee has the right to be treated fairly and respectfully in the workplace. Each employee also has the responsibility to treat co-workers and customers in a way that respects individual differences. No matter what your position, or that of the people with whom you interact at work, showing mutual respect and consideration will make work easier for all of us. If you have doubts about whether a joke, comment, or other behaviour will embarrass, humiliate, degrade, or otherwise bother someone, then don't say or do it.
- 4.4 Speak Up
- 4.4.1 If someone behaves in a way that offends, harms, humiliates, or degrades you, do not put up with it. First, if you feel that you can speak to that person, do so. Let them know how you feel. Tell them the behaviour is inappropriate. If they continue the behaviour, or if you do not feel you can speak directly to the person, you have several options, from speaking to your supervisor to filing a formal complaint. For more details, see the ***"Dealing with Harassment Procedures"***.
- 4.5 Report Harassment
- 4.5.1 If you observe a co-worker or other person behaving in a way that seems to be embarrassing or harassing someone else, you can and should speak up. You can let them know in a respectful way that you think the behaviour is inappropriate. If you think someone is being harassed, you can let them know you support them in ending the situation. Depending on the circumstances, you may want to say something as the behaviour is happening, or you may decide to speak privately with either of the people involved. You can also speak to a manager or to the Workplace

Coordinator (A recently created position with respect to Workplace Harassment and Violence), although you may want to check first with the person whom you believe is being harassed. They may want to deal with it themselves.

- 4.5.2 All staff have a responsibility to co-operate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process, must keep this information confidential, except as is necessary to deal effectively with the complaint. These are serious issues, and people's privacy must be respected. Even once a complaint is resolved, confidentiality and respect are important.

5. MANAGEMENT RESPONSIBILITIES

- 5.1 Specific information about how to handle an informal or formal harassment complaint, or what to do if there has been no complaint, is in the ***"Dealing with Harassment Procedures"***.
- 5.2 For Supervisors and/or Managers, and for the ***Ontario Hockey Federation*** as an entity, this section contains an outline of how we should conduct ourselves in relation to employment, and how to handle cases of harassment.
- 5.3 Each manager and supervisor is responsible for fostering a safe working environment, free of harassment. Managers must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint. Courts may impose penalties on the employer and the manager, even if neither of them was actually involved in or aware of the harassment but should have known about it. A manager that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.
- 5.4 The newly appointed position of Workplace Coordinator in respect to Workplace Harassment and Violence will be responsible for the following, as related to Harassment:
- 5.4.1 Receive reports of any alleged harassment;
- 5.4.2 Investigate or arrange for the investigation of any reported harassment;
- 5.4.3 Report results of the investigation to senior management;
- 5.4.4 Provide training to all employees of the ***Ontario Hockey Federation*** regarding our related policies and procedures;
- 5.4.5 Provide assistance to employee/s complaining of harassment in dealing with and attempting to resolve the circumstances, using an informal approach;
- 5.4.6 Provide assistance to employee/s complaining of harassment in pursuing a formal complaint.
- 5.5 Put A Stop To Harassment
- 5.5.1 The ***Ontario Hockey Federation*** has full responsibility for making sure our work environment is free from harassment. If you become aware of harassment in your work area, or elsewhere in the company, you must do everything you can to stop it, whether or not a complaint has been made. Not knowing is not an excuse. If a reasonable person should have known that harassment was going on, you will still be held responsible if you let the situation continue. Staff members who ignore harassment will not only face legal responsibility, but will be disciplined by the ***Ontario Hockey Federation***.
- 5.6 Be Aware

5.6.1 Being aware of the following things can help alert you to problem situations:

- 5.6.1.1. An unexplained change in an employee's performance;
- 5.6.1.2. Someone suddenly taking more sick leave;
- 5.6.1.3. An employee isolating her or himself, seeming distracted, not participating in office socializing;
- 5.6.1.4. Rumours; or,
- 5.6.1.5. Awkwardness or discomfort between two or more employees.

5.7 Listen To Employees

5.7.1 If something doesn't seem right, talk to the employee you are concerned about. Often, having someone listen to them can help a person talk about a problem. Of course, we encourage managers to be sensitive to employees' rights and dignity, and to keep these discussions and any ensuing discussions confidential, except as is absolutely necessary to deal effectively with the complaint.

6. RESPONSIBILITIES OF THE ONTARIO HOCKEY FEDERATION

- 6.1 As an employer, the *Ontario Hockey Federation* also has a responsibility to be aware of what is happening in the workplace.
- 6.2 As *Executive Director*, I have issued an anti-harassment policy and supporting procedures. They reflect the *Ontario Hockey Federation's* commitment and promise to treat all incidents of harassment seriously. I undertake to ensure that the *Ontario Hockey Federation* acts on all complaints and that they are resolved quickly, confidentially, and fairly. Anyone who has been found guilty of having harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment and/or given evidence in harassment investigations, will be subject to discipline. I will discipline staff who do not act properly to end harassment.
- 6.3 At the *Ontario Hockey Federation*, we will not tolerate any form of harassment.

7. APPENDIX A

Responsibility	Step	Procedure
Employee who believes is being harassed	1.	<p>SPEAK UP</p> <p>If at all possible, tell the person harassing you to stop. Let them know that you are embarrassed, humiliated, demeaned, or otherwise bothered by what they are doing or saying. Often, a person may not be aware that her or his behaviour is bothersome, and will change the behaviour once they realize this.</p> <p>If behaviour does not change proceed with Step 2.</p>
Employee who believes is being harassed	2.	<p>MAKE NOTES</p> <p>You may wish to write them a letter or you could speak to the person directly.</p> <ol style="list-style-type: none"> If you write a letter, date it and keep a copy. If you speak to them, you may want to tell a trusted friend what you have done and why. <p>In either case, make a note of what the bothersome behaviour was, the date it happened, how you felt, what you did about it, and who else was present, if there were witnesses.</p>
Employee who believes is being harassed	3.	<p>Ideally, the harassment will stop and you should feel satisfied that you acted appropriately, according to the Ontario Hockey Federation Policy. You may have also educated the other person to realize that such behaviour is offensive, preventing a recurrence.</p>
Employee who believes is being harassed	4.	<p>If the harassment does not stop, continue to keep notes. These will be useful later, if an investigation is required. Proceed with Step 5</p>
Employee who believes is being harassed	5.	<p>At this point you have two options:</p> <ol style="list-style-type: none"> Proceed with an informal approach, or Proceed with a Formal Complaint <p>You are encouraged to pursue the informal approach. If you choose the informal approach continue with Step 6.</p> <p>In the event you choose to pursue a formal complaint, go directly to Step 10.</p>
INFORMAL APPROACH {PLEASE SEE STEP 3 OF IMPLEMENTATION INSTRUCTIONS}		
Employee who believes is being harassed	6.	<p>Speak to your supervisor/manager or Workplace Coordinator</p> <p>It may be that communicating directly with the person will not be enough, or that you feel unable to deal with her or him directly. In that case, you can speak to your supervisor, another manager, or the Workplace Coordinator.</p>

Employee who believes is being harassed	7.	Provide the person you speak to with details of what happened. You may ask the Supervisor, Manager or Workplace Coordinator to help you write a letter or to speak to the harasser on your behalf.
Supervisor, Manager or Workplace Coordinator	8.	Ensure employee being harassed understands the policy and any other options the employee has (such as Mediation – go to Step 9 , file a Formal Complaint.
	9.	<p>MEDIATION</p> <p>If the circumstances permit it, mediation can come before a formal investigation. Mediation is a process by which a neutral third party helps the people involved in the complaint reach a solution which is acceptable to both parties. If you (the complainant) want to work toward a mediated settlement, the Ontario Hockey Federation Workplace Coordinator, will appoint a qualified mediator, from within the organization or from outside it (who is acceptable to both parties) is not otherwise involved in the complaint, and who will not be asked to represent the company at any stage of any proceedings related to the complaint.</p> <p>However, either party has the right to refuse mediation. You (the complainant) are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable for any reason. If someone suggests mediation but you (the complainant) are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does occur, each person has the right to be accompanied and assisted during the sessions by someone with whom they feel comfortable.</p>
FORMAL COMPLAINTS		
	10.	<p>If the informal route for resolving a harassing situation does not succeed or is not appropriate, the Ontario Hockey Federation supports its employees in filing a formal complaint. It will be investigated, by the Workplace Coordinator or another specially trained person from within the organization or a consultant.</p> <p>This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to co-operate in the investigation.</p> <p>You (the complainant) will need to be prepared to supply the following information to the investigator:</p> <ul style="list-style-type: none"> • Your (the complainant's) name and position; • The name and position of the alleged harasser; • Details of what happened; • Dates, times, and how often these things occurred; • Where they happened; and,

		<ul style="list-style-type: none">• The names of any witnesses.
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8. APPENDIX B

Responsibility	Step	Procedure
INFORMAL COMPLAINTS		
Employee who is being accused of harassment	1.	<p>LISTEN</p> <p>In the event someone complains to you informally about your behaviour, take a good look at it. It may be that without intending to, you have spoken or acted in a way that has offended, humiliated, or degraded another person or group of people. It is your responsibility to change your behaviour if it is harassing or offensive to others. You may also want to consider apologizing. If you feel your behaviour or words were appropriate or are being exaggerated, proceed with Step 2.</p>
Employee who is being accused of harassment	2.	<p>If you and the person who is complaining to you are unable to resolve the situation, you can turn to the Workplace Coordinator for advice and/or to request Mediation.</p> <p>In that event keep written notes of any conversation you have where someone suggests you have harassed them or another person. Record the conversation and the date it happened, how you felt, and what you did, if anything. Also make notes of your version of the alleged harassment, the date it occurred, and who else was present, if there were any witnesses</p>
	3.	<p>MEDIATION</p> <p>If someone has accused you of harassment, and you have not been able to resolve the situation with that person informally, mediation is a possible next step. Mediation may make a formal complaint unnecessary. You can ask for mediation; or you may agree if it is suggested to you. You do not have to agree, however, if you think that you are being pressured into something that does not feel right to you.</p> <p>If you (the alleged harasser) want to work toward a mediated settlement, the Workplace Coordinator of the Ontario Hockey Federation, or your area manager (if the Workplace Coordinator is a party to the complaint) will appoint a qualified mediator, from within the organization or from outside it, who is acceptable to both parties. If mediation does become part of the informal process, each person has the right to be accompanied and assisted during the sessions by someone of their choosing.</p>
FORMAL COMPLAINTS		
	4.	<p>If someone files a formal complaint about your behaviour, you will have to participate in the investigation. You can ask the Workplace Coordinator for advice. You will be expected to co-operate and give your perspective on what happened. In the event the investigation shows that you did harass another person or group of people, you will be expected to change your behaviour and depending on the circumstances, you may be subject to disciplinary action.</p>

9. APPENDIX C: FAQ HARASSMENT – RELATED INFORMATION FOR EMPLOYEES

- 9.1 Is Harassment Just A Matter Of Opinion?
- 9.1.1 No. Because of variances in life experiences, different people may have different perceptions of what harassment is, but we can still develop some common understandings. Any unwelcome behaviour that demeans, humiliates, or offends a person, or puts sexual conditions on a person's job, is harassment.
- 9.2 How Does Harassment, As Defined By Bill 168 Differ From The Type Of Harassment Prohibited By The Canadian Human Rights Act?
- 9.2.1 The Canadian Human Rights Act is specific to the type of harassment, based on 11 prohibited grounds: race, national or ethnic origin, colour, religion, sex, sexual orientation, age, marital status, family status, physical or mental disability and pardoned criminal convictions.
- 9.2.2 The intent of Bill 168 is to prohibit the type of harassment, which is not addressed by the Canadian Human Rights Act. The Bill 168 definition focuses on harassment, which may be considered as “psychological” or “personal” harassment and may not be necessarily linked to any of the 11 grounds listed above. It may include workplace behaviours that are quite common, such as yelling, swearing and shunning. When the harassment is not related to any of the 11 prohibited grounds, as listed above, it falls under the jurisdiction of the Ministry of Labour.
- 9.2.3 Personal harassment is difficult to define. Personal harassment is sometimes known as bullying. Most people who experience personal harassment know that they are not being treated fairly, but do not see the harassment as linked to gender, race, disability, sexual orientation or other human rights ground. For example, if someone is called a stupid idiot, this is not covered by human rights legislation, but it is harassment. It is personal harassment. Personal harassment is abusive, inappropriate behaviour that is nasty, but not discriminatory.
- 9.2.4 Examples:
- 9.2.4.1 Threats, coercion, insults or putdowns
- 9.2.4.2 Actual or threatened physical assault*
- 9.2.4.3 Verbal assault, taunting, ostracizing, or exclusion
- 9.2.4.4 Malicious gestures or actions
- 9.2.5 “Threats” and/or “Physical Assault” are not only examples of Workplace Harassment but also potential cases of Workplace Violence”. Please see our Policy and procedures regarding Workplace Violence.
- 9.3 What If Everyone Else In The Workplace Is Comfortable With The Behaviour?
- 9.3.1 People react to behaviour in different ways. A person may think her or his conduct is welcome or innocuous, when in fact the recipient dislikes it, but is going along with it to avoid a confrontation. This can happen especially where there is a difference in age, racial or cultural background, seniority, level of authority, or personal power between those concerned. Sometimes people feel they have to join in to avoid being ostracized, victimized, or teased by their peers. However, if you are uncomfortable with this behaviour, you have the right to file a complaint and follow the steps outlined in our policy.
- 9.4 How Does A Person Know What Behaviour Is Unwelcome?

- 9.4.1 Sometimes a person can say something that is obviously offending or humiliating. Other times, we have to be aware of non-verbal messages and clues. If someone looks embarrassed or hurt, turns away, leaves the room, or avoids another, chances are they do not welcome certain behaviour.
- 9.4.2 The courts have created the 'reasonable person' rule; in other words, we assume that a reasonable person would know that certain types of behaviour are unwelcome. For example, a reasonable person would know that asking for sexual favours, and threatening someone's job if they do not comply, is unacceptable. In cases like this, the courts may presume the behaviour was unwelcome, even if the complainant has never said "no" or "stop," and seemed to go along with the situation.
- 9.5 What If My Employer Doesn't Know Harassment Is Taking Place?
- 9.5.1 Only employers can really prevent harassment in the workplace. So the ultimate responsibility rests with them. The law says that even an employer who didn't actually know about the harassment is still responsible, if he or she should have known it was occurring. If an employer can show that he or she took all reasonable steps to prevent and deal with harassment, the legal and financial consequences may well be less severe.
- 9.6 Can It Be Harassment If It Only Happened Once?
- 9.6.1 Yes. Frequently, harassment is a series of incidents. However, even something that only happens once can be harassment; if it was unwelcome to the person it was directed at.
- 9.7 What If The Harassment Takes Place Outside The Workplace, Or After Regular Work Hours?
- 9.7.1 Any place or time that people are gathered for work-related reasons are still considered part of the 'workplace'. This includes business travel, conferences, telephone calls, company social gatherings, and job interviews. Harassment is not permitted in any of these situations, and employers are responsible for dealing with it in these circumstances.
- 9.8 What If I Didn't Mean To Harm Or Offend Anyone?
- 9.8.1 Even the best intended comment or action may be harassing, if it is unwelcome or offensive to another person. Harassment is not about a person's intent. It is about how the behaviour affects the victim. You may only have intended to be funny, for example; but if someone else is humiliated by what you did or said, you may have harassed them without meaning to.
- 9.9 Case Study: The Victim's Perception
- 9.9.1 An employee alleged that he was harassed by jokes, and being called ridiculous names from his supervisors and colleagues. Some of the witnesses claimed that although such jokes or comments were made, they were made in a spirit of fun between friends, and that no offense was meant. The Court found that the intention of the person making the comments is irrelevant: "the issue is the perception of the individual who is victimized."
- 9.9.2 The fact that the victim did not object to the comments and even participated in the "joking" was raised as a defence. The Court held that this did not mean that the victim had consented to the ridiculous comments, jokes and names or make this behaviour acceptable. According to the testimony of an expert witness, people may go along with activities "that they find objectionable and demeaning because they feel powerless to stop it and as an ego defence mechanism"...it is "a form of coping."
- 9.10 What If Someone At Work Tries To Retaliate Against a Complainant?

- 9.10.1 Employers are legally required to protect their employees from retaliation. Retaliation against anyone involved in a complaint will not be tolerated, and will have serious consequences. Generally, the penalties for retaliation are the same as for the original harassment, and may be even more severe.
- 9.11 What If An Employer Doesn't Deal Properly With A Problem Of Harassment?
- 9.11.1 An employee who feels her or his concerns have not been properly addressed has the right to contact the Ministry of Labour and/or appropriate Human Rights Commission. If an outside agency determines that harassment has taken place, the employer may face financial or other consequences: giving an apology, compensating the complainant for lost wages and injury to self-respect, or human rights training, for example. The exact remedy will depend on the complaint.
- 9.12 Please see our “Dealing with Harassment Procedures” for guidance as to what to do in the event you are harassed or accused of harassment or you are a Supervisor/Manager dealing with a harassment complaint
- 9.13 Additional information and/or clarification may be obtained from the Ontario Hockey Federation through the assigned Ontario Hockey Federation Workplace Coordinator with respect to Workplace Harassment and Violence.