



Dealing With Harassment Procedures

Effective July 23, 2010

1. WORKPLACE COORDINATOR

- 1.1 The *Ontario Hockey Federation* has assigned *Sue Campbell* to act as Workplace Coordinator with respect to Workplace Harassment and Violence.

2. IF YOU ARE BEING HARASSED

- 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 The following steps 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*.
- 2.3 If you are the complainant, you have the right:
 - 2.3.1 To file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal
 - 2.3.2 To have a person of your choice accompany you during the process

- 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
- 2.3.4 To be informed about the progress of your complaint
- 2.3.5 To be informed of the type of corrective measures that will result from the complaint
- 2.3.6 To receive fair treatment

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> <ul style="list-style-type: none"> a. If you write a letter, date it and keep a copy. b. 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> <ul style="list-style-type: none"> a. Proceed with an informal approach, or b. 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</p>

		directly to Step 10 .
INFORMAL APPROACH {PLEASE SEE STEP 3 OF IMPLEMENTATION INSTRUCTIONS}		
Employee who believes is being harassed	6.	Speak to your supervisor/manager or Workplace Coordinator 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. <i>(Coordinator- Risk Management and Insurance)</i> .
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.	MEDIATION 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 <i>Ontario Hockey Federation</i> 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. 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.
FORMAL COMPLAINTS		
	10.	If the informal route for resolving a harassing situation does not succeed or is not appropriate, the <i>Ontario Hockey Federation</i> supports its employees in filing a formal complaint. It will be

		<p>investigated, by Coordinator- Risk Management and Insurance 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, • The names of any witnesses.
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3. IF YOU ARE ACCUSED OF HARASSMENT

- 3.1 The following steps will serve to provide you with guidance, as to what to do, if you are accused of harassment.
- 3.1.1 If you are the individual accused of harassment, you have the right:
- 3.1.1.1. To be informed of the complaint
 - 3.1.1.2. To be given a written statement of the official allegations, and to respond to them
 - 3.1.1.3. To have a person of your choice accompany you during the process
 - 3.1.1.4. To be informed about the progress of the complaint
 - 3.1.1.5. To receive fair treatment

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</p>

		behaviour or words were appropriate or are being exaggerated, proceed with Step 2.
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>

Responsibility	Step	Procedure
	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>
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4. OTHER EMPLOYEES

- 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.

5. THE INVESTIGATION AND SUBSEQUENT ACTION

- 5.1 Written report
 - 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.
- 5.2 Decision
 - 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.
 - 5.2.2 Any disciplinary action will be imposed on the harasser by his/her immediate Supervisor.
 - 5.2.3 Separation Of The Complainant And Alleged Harasser
 - 5.2.4 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.

6. REMEDIES FOR THE VICTIM

- 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:
 - 6.1.1 An oral or written apology from the harasser and the **Ontario Hockey Federation;**
 - 6.1.2 Lost wages;
 - 6.1.3 A job or promotion that was denied;
 - 6.1.4 Compensation for any lost employment benefits, such as sick leave;
 - 6.1.5 Compensation for hurt feelings; and/or
 - 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.

- 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.

7. CORRECTIVE ACTION FOR HARASSERS

- 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:
- 7.1.1 A written reprimand;
 - 7.1.2 A suspension, with or without pay;
 - 7.1.3 A transfer, if it is not reasonable for the people involved to continue working together
 - 7.1.4 A demotion; or
 - 7.1.5 Dismissal.
 - 7.1.6 In most cases, the harasser will also be required to attend an anti-harassment training session.
- 7.2 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.

8. UNSUBSTANTIATED COMPLAINTS

- 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.

9. COMPLAINTS MADE IN BAD FAITH

- 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.
- 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).

10. CONFIDENTIALITY

- 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.

11. RETALIATION

- 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.

12. APPEALS

- 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.

13. OTHER OPTIONS

13.1 OUTSIDE ORGANIZATIONS

- 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.
- 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.

14. MONITORING

- 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.