



**The Recreation Association**

**Member Policy**

**Relating to Harassment,  
Discrimination, Violence or  
Breach of the RA Code of Ethics**

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**September 1, 2010**



# RA

## **MEMBER POLICY RELATING TO HARASSMENT, DISCRIMINATION, VIOLENCE OR BREACH OF THE RA CODE OF ETHICS**

### **Intent**

The Recreation Association (RA) has adopted this policy to protect the rights and privileges of its members, guests, employees, contractors and visitors.

The RA strictly prohibits Harassment, Discrimination, Violence and disrespect of the RA Code of Ethics and will address any inappropriate behaviour.

### **Policy**

1. The RA is committed to providing a Harassment, Discrimination, Violence free environment for its members, guests and staff.
2. The RA will not tolerate any form of Harassment, Discrimination or Violence and will take all reasonable steps to prevent it. Its Code of Ethics (appendix A) must be respected by all.
3. The RA will thoroughly investigate any complaint. In any proven instance of Harassment or Violence, disciplinary action will be taken. This may include warnings, suspension or cancellation of membership; in cases involving criminal activity, the appropriate authorities will be advised.
4. The RA will make this policy known to all members, including new members and staff.
5. It is the responsibility of all members to comply with the Code of Ethics as well as all applicable legislation relating to Harassment, Discrimination and Violence.
6. Harassment and Discrimination are prohibited by the Ontario Human Rights Code and the Canadian Human Rights Act.
7. The Ontario Human Rights Code states that every person has the right to equal treatment with respect to services, goods and facilities, without Discrimination because of race, ancestry, place of origin, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
8. Freedom from Harassment, Discrimination and Violence is a fundamental human right in Ontario.

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## Prevention

- The RA will take all reasonable steps to prevent Harassment, Discrimination and Violence from occurring on RA premises.
- The RA will ensure that all staff members are provided with Harassment, Discrimination and anti-Violence training.
- The RA will investigate all reported incidents of Harassment, Discrimination, Violence or serious breach of its Code of Ethics and resolve the case where possible.
- For the RA, the General Manager or designate is the Officer in Charge of Harassment, Discrimination and Violence Prevention as well as the administration and enforcement of this policy.
- A copy of this policy will be posted in a readily accessible location for reference by members and staff and on the website.

## Definitions

The following will assist members and staff in the identification of Harassment, Violence and Discrimination.

1. **Discrimination** – An occurrence where a person is treated less favorably or fairly than another person or group of people in the same or similar circumstances because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.
2. **Harassment** – Any interaction between individuals that can be characterized as unwelcome, humiliating, offensive, intimidating, bullying or violent. The RA rejects and entirely disapproves of all Harassment based on the grounds of: race (i.e. color, ethnicity, origin, nationality, and descent), sex, marital status, age, sexual orientation, gender history, religious beliefs, political convictions, disability, or medical condition. Such acts include but are not limited to:
  - Profane language and inappropriate comments or gestures;
  - Inappropriate physical conduct;
  - Creating an intimidating or offensive environment; or
  - Creating a degrading, humiliating, or hostile environment.

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3. **Sexual Harassment** – Any interaction between individuals, regardless of gender, that can be characterized as unwelcome sexual advances or misconduct. This includes, but is not limited to:
  - Requests for sexual favours;
  - Verbal conduct of a sexual nature;
  - Physical conduct of a sexual nature;
  - Submission to sexual favours or conduct implied as a condition of inclusion, employment or membership;
  - Implying that rejection of sexual advances will affect decisions regarding that individual;
  - Creating a sexually intimidating or offensive environment; or a sexually degrading, humiliating, or hostile environment;
  - Offensive sexual comments, abuse or innuendo about how someone talks, dresses or acts;
  - Jokes or gestures of a sexual nature;
  - Material or offensive pictures that are displayed publicly, circulated, put on someone's space or belongings;
  - Staring or leering in a sexual manner;
  - Telephone calls or e-mail of a sexual nature;
  - Sexual assault (a criminal offence).
4. **Violence** - The exercise, attempt or threat to exercise physical force that causes or could cause physical injury, such as hitting, punching, slapping, kicking, or sexual assault. Violence could cover acts of physical aggression, such as deliberate destruction or damage to RA property.
5. **Code Of Ethics** - The RA's Code of Ethics is attached in Appendix A.
6. **Appropriate Authority** – Any delegated employee who has the authority to make decisions regarding members and employees, Discrimination claims, and resulting actions. At the RA, the Appropriate Authority is the General Manager or designate.
7. **Complainant** – A person who brings forward a complaint under the policy.
8. **Complaint** - A formal written complaint brought by a complainant in accordance with this policy.
9. **Respondent** – The person who is alleged to have exhibited conduct that is the subject of a complaint.
10. **Retaliatory Acts** – Any retaliation, retribution, or reprisal by a respondent against any complainant who reports an incident of alleged Harassment, Discrimination, or Violence against any member or employee who testifies or otherwise participates in an investigation or hearing relating to a complaint.

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## **Reporting Harassment, Discrimination, Violence or Breach of the Code of Ethics**

1. Do not ignore Harassment, Discrimination, Violence or other inappropriate behaviour thinking it will go away. The person exhibiting the offending behavior is not likely to change their behaviour without intervention; to ignore the behaviour may be interpreted as condoning it.
2. Where you are comfortable in doing so, ask the person to stop, or make it clear that the behaviour is offensive or unwelcome. It is anticipated that the majority of issues will be resolved this way.
3. If uncomfortable dealing with the behaviour, speak to a Club Executive, a Director of the appropriate Service Group or the RA General Manager as soon as possible after the incident or incidents have occurred. Try not to get involved if Violence is occurring. Call for RA or Police assistance.
4. While there may be the need to tell a trusted friend, be careful. Accusations of Harassment, Discrimination or Violence can harm the reputation of those involved and could, ultimately, lead to an action of defamation or other consequences.
5. Any complaint of Harassment, Discrimination or Violence will be treated on a confidential basis and the RA expects the same confidentiality to be extended to the party against whom the complaint is being made, in order to preserve the dignity of all those involved.
6. If the complaint is against a Board Member or the General Manager, the RA President must be consulted.
7. Document as many details as possible with respect to the incident.

## **Filing a Formal Complaint**

1. If a person harasses or discriminates against you, is violent, or engages in prohibited conduct, the appropriate action is to tell them to stop. If they do not stop, speak to a Club Executive, an RA Staff Director or the General Manager.
2. If you believe there has been Harassment, Discrimination or an act of Violence unresolved, you may lodge a formal complaint by speaking to a Club Executive, a Service Group, Director or the General Manager and fill out the form specifically designed for such circumstances. (Appendix B)
3. The Officer in charge of Harassment and Discrimination Prevention, will make a full and impartial investigation of the matter, and will take the appropriate action. This may include recommendations for disciplinary action against the offending party. The complainant and respondent will be informed.
4. Whatever action the RA decides to take, grievances relating to Harassment, Discrimination, Violence or serious breach of the Code of Ethics will be dealt with sympathetically, impartially, in a timely manner, and with discretion.

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## Investigations

After receiving a written complaint, the General Manager or designate may decide that the allegations do not constitute Discrimination, Harassment or Violence even if the allegations are true. For example: the incident might be something that is irritating to the complainant but does not amount to Harassment. In such cases, an investigation may not be warranted.

The RA seeks to resolve complaints as expediently as possible. Investigations will be opened and the parties informed of what action will follow within 5 working days of the filing of a complaint.

Guidelines on how to conduct an investigation are available, along with a checklist for those involved in running the investigation. These are available upon request through the General Manager's office.

Ultimately, it is the General Manager or designate who is responsible for:

- Determining the veracity of the complaint;
- Determining whether or not a reported complaint is indeed Harassment, Discrimination, Violence or a serious breach of the RA Code of Ethics;
- Arranging for mediation where necessary and possible;
- Delivering where possible and appropriate an oral warning first, to be followed by a written warning as required;
- Resolving the dispute, with the agreement of both parties, where necessary;
- Administering corrective actions, but referring to the Board of Directors in cases of formal suspension. Temporary suspensions may be made immediately by the General Manager pending the next Board meeting;
- Advising the subject of any possible disciplinary action and the process for appealing; and
- Administering disciplinary actions if allegations were knowingly falsely made.

**NOTE** (Should the complaint be about the General Manager, or any member of the Board of Directors, the President of the RA will preside)

Wherever and whenever investigations are conducted, this Policy asserts that complainants and respondents have specific rights. These rights include, but are not limited to:

- Receiving oral and or written notice of the substance of the complaint;
- Presenting relevant information to the General Manager;
- Receiving a copy of the report at the conclusion of the investigation (where permitted by law);
- Right of Appeal;

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- Right to apply for reinstatement if membership has been suspended or terminated;
- Right to maximum possible respect of private information.

At the conclusion of an investigation, the investigator will prepare a written report which will include a statement of findings and a determination of whether this Policy has been violated. The report will be presented for review to law enforcement officials or legal counsel, as necessary. The Board of Directors will review the decisions as required.

## **Resolve the complaint:**

- Apologize for the incident (if appropriate).
- The severity, frequency and pervasiveness of the conduct should be taken into consideration when imposing corrective action or discipline. There are several disciplinary options available, including:
  - oral and written warning and reprimand;
  - probation;
  - suspension of membership (Club &/or RA);
  - termination of membership (temporary by the General Manager; permanent by the Board of Directors);
  - filing of charges with the police.

**Note:** Lengths of time for suspension of membership may vary according to the severity of the actions of the respondent. This is a matter for the General Manager's judgment but all suspensions are to be confirmed by the Board of Directors.

## **Report Handling Procedures**

The General Manager will advise the Complainant and the Respondent of the resolution of any investigation conducted under this Policy. A copy of the investigative findings will be provided in writing to the Complainant and the Respondent.

The General Manager will prepare an annual report to the Board summarizing inter-alia the number and type of disciplinary actions taken.

In all cases, the RA will retain the findings report for a minimum of 6 years or for as long as any administrative or legal action arising out of the complaint is pending.



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## **Confidentiality**

All records and subsequent investigations necessary to permit an effective investigation are considered confidential and will not be disclosed to anyone not directly involved except to the extent required by law.

The RA will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondents are treated fairly and respectfully. The RA will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

## **Assurance Against Retaliation**

This Policy encourages members, employees and guests to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding Harassment, Discrimination and Violence complaints as well as those alleging serious breaches of the RA Code of Ethics. Retaliation against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against any witness providing information is also strictly prohibited. Acts of Retaliation include (but are not limited to) interference, coercion, threats, and restraint.

This Policy may not be used to bring fraudulent, frivolous or malicious complaints against members, visitors, contractors or employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.

## **Right To Appeal Or To Obtain A Reinstatement**

Any member whose membership has been revoked or suspended may contact the General Manager and request an appeal or a reinstatement. If additional information is available, it should be communicated. The General Manager will initiate a process and proceed according to circumstances. The Board of Directors will be consulted and help with the determination of the process and results. The Board's decision would be final in this case.



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## Member's Code of Ethics

The Recreation Association of the Public Service of Canada is an Association of members of similar ideals who:

- Respect people and property
- Support the activities to the maximum degree possible
- Strive to achieve safe and honourable participation
- Take pride in the RA and exhibit sportsmanship
- Participate to have fun and be fit

The Association is committed to providing an environment that is free of violence and harassment for all members, visitors and employees.



**THE RECREATION ASSOCIATION**  
**VIOLENCE, HARASSMENT, DISCRIMINATION**  
**& BREACH OF ETHICS**  
**INCIDENT REPORT FORM**  
**- CONFIDENTIAL -**

**DATE:** \_\_\_\_\_

**IDENTIFICATION:**

Name of Complainant: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Please check all that apply to you:

Victim

Witness

Other: (please specify)

Date of Alleged Incident(s) \_\_\_\_\_

Name(s) of Alleged Respondant(s) \_\_\_\_\_

Name(s) of Alleged Complainant(s) \_\_\_\_\_

**DESCRIPTION OF INCIDENT:**

Type of Incident(s) (Check all that apply):

Violence  Harassment

Breach of Ethics  Racial/Ethnic Harassment

Sexual Harassment

Other (please specify) \_\_\_\_\_

If Yes, please provide details, if known:

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Were the police or other law enforcement authorities contacted?

Yes  No

Please provide a description of the incident(s) in question:

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Desired outcome:

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Please provide the names and contact information, if known, of any additional witnesses:

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**SIGNATURES:**

Signature of Complainant: \_\_\_\_\_

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

**ACTION TAKEN:**

(for HR use only)

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INFORMATION IS CONFIDENTIAL "PROTECTED WHEN COMPLETED"