

BRITANNIA YACHT CLUB

HARASSMENT POLICY AND GUIDELINES

INTRODUCTION

Britannia Yacht Club is committed to promoting an environment in which the terms and conditions of membership and employment are equitable and non discriminatory. Each member / employee has the right to be treated with dignity and respect, and to work and socialize in an environment free of any form of harassment. It is Britannia Yacht Club's intention to foster an environment free of harassment on the basis of race, ancestry, place of origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital / family status or an offense for which a pardon has been granted.

SUMMARY

The objective of Britannia Yacht Club's harassment Policy is to create an environment which is tolerant and accepting of differences. Diversity is a reality. Britannia Yacht Club includes men and women of many races, of varied ethnic origins, who hold different cultural values, observe many religious traditions and have a range of abilities. While we are all different, we hold one thing in common -Britannia Yacht Club I and its Values. We must all work together. Harassment is destructive. It is a barrier to equal opportunity. It not only affects individuals, it affects the Britannia Yacht Club as a whole.

Harassment is against the law.

Britannia Yacht Club does not tolerate harassment. Creating and maintaining a harassment-free environment is a responsibility shared by all members and employees.

Britannia Yacht Club's Harassment Policy is directed toward the protection of individuals from harassment at all times. This includes during the course of their work, recreation or social activities where contact between individuals might lead to repercussions adversely affecting working relationships.

The Board of Directors, Commodore, Committees, managers, and staff should lead through example and action. They must:

- know what harassment is and be able to recognize inappropriate behaviour
- act as a role model by treating all members fairly and equitably
- not engage in, allow, condone or ignore inappropriate behaviour
- communicate Britannia Yacht Club's commitment to a harassment-free environment
- respond appropriately to complaints of harassment

Prevention and intervention are key to ensuring all members of their right to an environment free of harassment.

Note: Education, counselling and intervention must play a part in the process of eradicating harassment. It is recommended that before proceeding to a formal complaint and resolution,

every effort should be made to solve problems by more informal means. Only where this proves to be unworkable or impossible should complaint handling and what follows begin.

I DEFINITION OF HARASSMENT

Harassment

Harassment means any improper behaviour by a person engaged in any paid or volunteer capacity, role or function with Britannia Yacht Club or otherwise under the jurisdiction of Britannia Yacht Club that is offensive to any other person or group of persons and which the person knew or ought reasonably to have known would be unwelcome.

Harassment can take many forms but generally involves conduct, comment or display which is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise causes offense, discomfort, personal humiliation or embarrassment to a person or group of persons. Harassment may include:

- written or verbal abuse or threats
- racial or ethnic slurs
- unwelcome remarks, jokes, innuendo, or taunting about a person's body, attire, age, marital status, ethnic or racial origin and religion
- sexual, racial, ethnic or religious graffiti
- practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
- unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation
- leering or other obscene or offensive gestures
- condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions
- physical conduct such as touching, kissing, patting and pinching
- physical assault

Without in any way limiting the foregoing, harassment includes' harassment on- the basis of race, ancestry, place or origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status, or an offense for which a pardon has been granted.

Sexual Harassment

There are generally three types of sexual harassment.

1) Unwelcome Sexual Behavior

This is the most prevalent form of sexual harassment. It includes:

- inappropriate sexual comments about a person's body or appearance
- use of inappropriate or derogatory sexual terms

- enquires or comments about an individual's sex life, sexual preferences, etc.
- sexual/sexist graffiti or any displaying of sexually offensive material or pictures
- spreading rumours about an individual's sex life, sexual preferences, etc.
- unwanted touching, patting or leering

2) Sexual Advance

This occurs when any person makes unwanted sexual advances or requests for sexual relations.

3) Reprisal

This occurs when any person in a position of authority threatens to use or uses that authority to retaliate against an individual who has rejected his or her sexual advance or unwelcome sexual behaviour. This would include removing an individual from a position because that individual refused a "proposition".

Racial Harassment

Racial slurs, jokes or name calling based on race, ancestry, place or origin, color, ethnic origin and creed (or religion) are the most common form of racial harassment. Examples include:

- use of terminology which reinforces stereotypes
- racial, ethnic or religious jokes
- use of racially derogatory nicknames
- making "fun" of individuals or discounting their abilities because of their racial or ethnic origin
- racial, ethnic or religious graffiti or the display of racist material

Racial harassment also includes racially motivated behaviour. For example: Individuals may be subjected to practical jokes because of their racial or ethnic background although the jokes themselves do not include a reference to race or ethnicity; as well individuals may be told to "go back to where they came from" or that they are "not welcome in Canada". Such behaviour constitutes racial harassment. Racial harassment can be both direct and indirect. The behaviour, including comments and/or conduct, can be acted out in the presence of the individual against whom it is targeted. Racial harassment can also occur when the targeted individual or individuals are not present. Racial slurs, jokes and name calling are inappropriate and illegal. Racial harassment can and does create stress, endangering an individual's health, morale and performance, arousing anger and frustration, creating an atmosphere which gives rise to other forms of discrimination, and undermines relations between individuals.

Poisoned work /Club Environment

The presence of annoying and distressing elements in the work' I Club environment can also constitute harassment.

A poisoned work/Club environment includes:

- Work/Club where the material that denigrates a person or group by virtue of race, ancestry, place of origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offense for which a pardon has been granted is openly displayed. (Sexually explicit posters and racial/racist cartoons for example.)
- Work/Club groups where the name calling that denigrates a person/group is part of the normal course of activities.

- Harassing behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
- A poisoned work/Club environment constitutes harassment, whether or not individuals complain.

Abuse of Authority

Harassment also includes abuse of authority which means a person's improper use of power and authority inherent in a position be it paid or volunteer to endanger or undermine another's job, position, or membership or participation, or in any way interfere with or influence the performance or advancement of any person engaged in any such function. This type of harassment includes such acts or misuses of power as intimidation, threats, blackmail or coercion.

II. TRAINING AND DISCIPLINE

Persons in authority have the responsibility not to harass any individual. Notwithstanding this, however, it is of vital importance that those in authority:

- communicate performance standards, selection criteria, rules and regulations to all participants
- be fair and consistent in taking corrective action and in applying discipline
- avoid favouritism
- use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms

III. PREVENTION AND INTERVENTION

Prevention and intervention are key to achieving a harassment-free work 1 Club environment.

Persons in authority must present a positive role model. Therefore:

- They must show that they take the issue seriously. They must communicate Britannia Yacht Club's objective to create and maintain a harassment-free environment.
- If they observe behaviour such as racial name calling, sexual or racist jokes, the display of sexually explicit, racist or other offensive or derogatory material, they must advise the offending individual(s) of its inappropriateness and take corrective action immediately without waiting for a complaint
- They should investigate if harassment is suspected or rumoured. Sudden changes in performance or attitude may indicate a problem. Individuals who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labelled a troublemaker or of reprisal.
- They should take all complaints of harassment seriously and respond appropriately in accordance with Britannia Yacht Club's harassment complaint and investigation procedures.

Persons in authority have a responsibility not to allow, condone or ignore harassment. If they know, or it can be shown that they should reasonably have known, that harassment was occurring and they failed to take corrective action, they may be considered party to the harassment and subject to the same complaint and disciplinary processes and procedures as the harasser.

IV COMPLAINT HANDLING

The overall objective of Britannia Yacht Club's Harassment Policy is to create and maintain a harassment-free work / Club environment. To achieve this, individuals to whom this Harassment Policy applies who experience harassment must be encouraged to take action. They must have the confidence that Britannia Yacht Club will support them in taking complaints seriously and responding in a sensitive, effective and timely manner.

Reporting Incidents of Harassment

Harassment rarely ceases on its own. Silence and inaction are too often interpreted as acceptance or consent resulting in continued harassment. Those who are victimized by or aware of harassment have a responsibility to report it.

In some cases, harassment is "unintentional" and can be stopped by informing the harasser(s) that the behaviour is offensive.

However, for many individuals, confronting the harasser(s) on their own is not an option. They would feel uncomfortable, or might place themselves in a threatening or dangerous situation. They must be reassured of the existence of an effective procedure.

Prior to proceeding to a formal complaint procedure, an attempt should be made to solve the problem through discussion or other means that might be appropriate under the circumstances. Only if a situation remains unresolvable should the following procedures be used.

Complaint Procedure

If confronting the alleged harasser(s) is not possible or after doing so the harassment continues, the harassed individual should immediately report the incident(s) to the Commodore.

If this avenue is either unavailable or inappropriate, complaints may be made directly to the Club Manager or Commodore.

Guidelines for Responding To a Complaint of Harassment

STEP ONE: Receiving a Complaint

Once a complaint is reported, immediate action will be taken as follows: The person receiving the complaint must;

- understand and be sensitive to the impact of harassment on the victim. The experience can be and often is intimidating, demoralizing and threatening.
- reassure the complainant, advising that Britannia Yacht Club does not tolerate harassment and will do everything within its power to ensure a harassment-free work / Club environment.
- ask the individual to provide details of the incident or incidents, including dates, time, locations, description of action, account of dialogue, the name of the harasser(s), and any witnesses or names of other individuals who may also have been harassed. Has any action been taken? Has the harasser been confronted or has the harassment been previously reported?
- carefully document the complaint and review the details with the complainant to ensure accuracy. Attach any documentation or other supporting material.
- if applicable, immediately forward all documentation to the Commodore or his / her delegate.

It is the responsibility of the Commodore, Club Manager or his / her delegate to ensure that an investigation is undertaken. A tribunal, consisting of one or more persons who are members of

Britannia Yacht Club, will be appointed by the Commodore (or his / her delegate). The documented complaint must be forwarded to the chair of the tribunal.

The tribunal shall investigate the complaint and determine whether or not harassment took place and, if so the nature and particulars of the harassment. The tribunal shall also report whether disciplinary measures are warranted having regard to all the circumstances of the case.

STEP TWO: Complaint Investigation

ALL COMPLAINTS OF HARASSMENT MUST BE INVESTIGATED IN AN EXPEDITED, THOROUGH AND UNBIASED MANNER. IN DEALING WITH BOTH THE COMPLAINANT AND THE RESPONDENT IT IS IMPORTANT TO BE OBJECTIVE. COLLECT ALL OF THE FACTS BEFORE DRAWING CONCLUSIONS.

The tribunal should first review the facts with the complainant to verify accuracy. Additional information will be documented. During this interview, any questions the complainant may have regarding the investigation process will be answered.

If the complainant has named an alleged harasser or harassers, the first step in the investigation process is to inform the alleged harasser(s) (or respondent) of the complaint. If more than one individual has been named, separate interviews will be conducted. The tribunal will:

- advise the alleged harasser(s) of the complaint
- explain that Britannia Yacht Club is committed to providing a harassment-free work / Club environment and does not tolerate inappropriate behaviour
- advise the respondent of the investigation procedure and what steps will be taken next
- document the response to the complaint. Review the details of the statement in order to ensure accuracy and ask the respondent to sign the response.

In order to determine whether or not the incident(s) took place and who was involved, it may be necessary for the tribunal to interview any witness named by either the complainant or the respondent. If there is more than one witness, they will be interviewed individually. The tribunal will:

- advise the witness that a complaint has been received and that he or she was named as a witness
- inform the witnesses of Britannia Yacht Club's Harassment Policy and assure the individual that Britannia Yacht Club will use its best efforts to ensure that they will be protected from any reprisal which could result from participation in the investigation
- document the statements of the witnesses and review them to ensure accuracy

If there are no witnesses named, it may be necessary for the tribunal to interview other individuals involved to determine if they witnessed this or similar incidents or if they have experienced harassment. Again, individuals will be advised of Britannia Yacht Club's Policy on Harassment, and assured of freedom from reprisal. The interview(s) will be documented.

Before concluding the investigation the tribunal will consider the following:

- did the harassment occur? If it didn't, is there reason to proceed against the claimant? In either event was there one incident or a series of incidents?

- what was the nature of the harassment? Did it constitute an infraction of the Canadian Human Rights Act? Do not consider factors unrelated to the complaint. . .
- did the alleged harasser(s) admit to or deny the behaviour?
- if the alleged harasser(s) admitted to the behaviour was there an indication of a willingness to change?
- has anyone else experienced similar harassment?
- is this the first complaint against the alleged harasser(s) or have there been previous complaints? Describe the nature of previous complaints.

The tribunal will advise the Commodore or his / her delegate of its finding and if requested by the Commodore or his / her delegate may be required to further investigate or consider the matter to clarify its findings.

A copy of the tribunal report shall be provided to the complainant and the person against whom the harassment complaint was made.

STEP THREE: Complaint Resolution

The intent of Britannia Yacht Club's Harassment Policy is to provide all individuals to whom the Harassment Policy applies with a harassment-free environment. This can be accomplished through prevention and effective complaint resolution. In resolving the complainant the first step is to determine whether or not harassment occurred and if it did then the goal is to eliminate the harassment. In many cases the first incident of harassment is unintentional and the harasser(s) is unaware that the behaviour is inappropriate and offensive. Resolution in these cases can be accomplished through education.

Therefore in cases where the tribunal is of the opinion that this would be an appropriate way of resolving the matter it shall:

- inform the harasser(s) that the behaviour is inappropriate, in contravention of the Britannia Yacht Club Policy and the Canadian Human Rights Act and must cease
- ask for an apology from the harasser(s) and, if agreeable to the claimant, arrange a face to face meeting between the parties to effect the resolution. If a face to face meeting is not possible a written apology will be obtained.
- advise both the complainant and the respondent(s) that a recurrence of the behaviour will result in the need for corrective action
- document the situation

The last two points are critical as they lay the necessary groundwork for progressive discipline should the harassment continue.

The tribunal shall then submit its report to the Commodore or his / her delegate advising that the matter has been resolved and how it was resolved. If the person who committed the harassment refuse to co-operate in the resolution of the harassment as just described above, the tribunal shall include this fact in its report to the Commodore or his / her delegate.

The Commodore or his / her delegate, as appropriate, may in his / her discretion, subject to the By-laws of Britannia Yacht Club, discipline the person who committed the harassment. Disciplinary action may include termination of the offender's employment, Britannia Yacht Club membership, or other association or involvement with Britannia Yacht Club.

The Commodore and his / her delegate shall advise the tribunal of his/her disposition with respect to discipline.

Should any disciplinary action that the Commodore believes is appropriate requires a resolution to be passed by the Board of Directors of Britannia Yacht Club the Commodore shall take such action as is appropriate to have the matter placed before the Board for its consideration.

STEP FOUR: Follow-up

Follow-up is a critical component of effective complaint resolution. The purpose of following up with the complaint is 1) to ensure that the harassment has stopped, 2) to ensure that there are no instances of reprisal and 3) to ensure the complainant of ongoing support. In resolving a complaint, set the stage for follow-up. The tribunal will:

- inform the complainant that action has been taken to correct the situation. The complainant may request details but the release of such information may not be appropriate. The intent of Britannia Yacht Club's Policy on Harassment is to eliminate harassment. In other words - corrective not punitive.
- advise the complainant to immediately report a further incident and any incident of reprisal
- determine a follow-up plan with the complainant. Carry out the follow-up and document the follow-up interviews

Ideally the tribunal may want to follow up on a frequent basis, extending that period over time In most cases, follow-up should occur periodically over a minimum 6 month period from the date of the resolution.

V DISCIPLINE

Harassment is a serious offense and it is also a serious offense to falsely accuse someone of harassment. In both cases, resolution may require that appropriate disciplinary action be taken. The tribunal must have found that there was harassment. The disciplinary action taken must also be appropriate in the circumstance such as: a verbal reprimand, a written apology or withdrawal of Club privileges.

The Commodore or his/her delegate when deciding what disciplinary action is appropriate shall consider the following factors:

- the nature of the harassment -verbal or physical
- the degree of aggressiveness
- the ongoing nature of the harassment. The number of incidents and for the time period of the harassment's
- the nature of the relationship between the complainant and the harasser.
- disciplinary action for previous similar incidents

The Commodore and his / her delegate, as appropriate, should afford the complainant and the person against whom the harassment complaint was made an opportunity to be heard on the question of the appropriate disciplinary action before taking any disciplinary action.

NOTE: In particularly extreme cases where assault or threatened assault has occurred, the complainant's safety must be of paramount importance. It may be appropriate to suspend the

alleged harasser(s) from duty or membership pending the results of the investigation. As well it may be necessary to contact the police.

The Commodore and his / her delegate shall have the right to suspend from duty or membership in appropriate cases.

VI APPEALS

Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be proceed to the chairperson of the case review panel within 14 days of the complainant or respondent receiving the panel's report.

Permissible grounds for an appeal are:

- the panel did not follow the procedures laid out in this policy
- members of the panel were influence by bias: or
- the panel reached a decision which was grossly unfair or unreasonable.

In the event that a notice of appeal is filed, the Britannia Yacht Club Commodore and the Board of Directors shall together appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.

The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment officer and the case review panel, and the notice of appeal. Within ten days of its appointment, the appeal body shall present its findings in a report to the Commodore and Board of Directors. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.

A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.

The decision of the appeal body shall be final.

VII RIGHTSAND RESPONSIBILITIES OF THE COMPLAINANT

Individuals who report incidents of Harassment through Britannia Yacht Club's complaint procedure have a right to:

- freedom from reprisal or retaliation for having filed a complaint
- have their complaint taken seriously and reported to the Commodore or where applicable to his / her delegate
- be informed of the investigation process and told who will conduct the investigation, who will be involved for advised of their complaint and why
- be represented and accompanied by the individual to whom they reported the complaint or by a representative of their choice at any meeting concerning their complaint which they are required to attend
- be interviewed in private

- a fair and unbiased investigation of their complaint which does not take into consideration factors unrelated to the complaint
- ongoing contact and periodic updates throughout the investigation process be informed of other avenues for complaint open to them
- know that details of their complaint will be kept confidential
- have their complaint resolved as quickly as possible

Individuals who report incidents of harassment have the responsibility to:

- provide clear and accurate details of the incident(s) being reported including exactly what was said or done, the date, time, location, name of harasser(s) and names of witnesses or potential witnesses
- cooperate fully in the investigation of the complaint

VIII RIGHTS AND RESPONSIBILITIES OF THE RESPONDENT

Individuals accused of harassment have a right to:

- be informed as soon as reasonably possible that a complaint has been filed against them
- be informed of the allegations and be given an opportunity to respond to them
- be accompanied by a representative of their choice at meetings concerning the complaint which they are required or entitled to attend
- seek advice/information from the Board of Directors regarding Britannia Yacht Club's Harassment Policy complaint procedure.
- seek legal advice or assistance, recognizing that they are responsible for any cost incurred
- fair and equitable treatment
- be advised of the results of the investigation and the action taken to resolve the complaint
- lodge an appeal to the Board of Directors if dissatisfied with the action to resolve the complaint
- Individuals who are accused of harassment have the responsibility to:
- fully cooperate in the investigation of the complaint
- change any behavior that violates Britannia Yacht Club's Harassment Policy

IX DOCUMENTATION AND RECORD KEEPING

The following are the guidelines for documentation and record keeping.

Complaint Documentation

The following documentation is required:

- details of the complaint as described in this Policy
- the response of the alleged harasser(s)
- sworn statements of any witnesses or other individuals interviewed in connection with the complaint
- summary report of the investigation with results and conclusions
- actions taken to resolve the complaint, including any disciplinary documentation
- follow-up interviews with the complainant

upon completion of the investigation and resolution process all documentation will be forwarded to the Board of Directors.

Documentation must be marked "STRICTLY CONFIDENTIAL". Envelopes should be sealed and marked "TO BE OPENED BY ADDRESSEE ONLY".

Copies should be strictly limited. Every effort must be made to ensure appropriate confidentiality. All documentation will be kept in a locked filing cabinet with restricted access.

The Board of Directors will impress upon clerical staff handling documentation that it is strictly confidential and make known the expectations of them. All information and documentation pertaining to harassment complaints will remain confidential subject to the requirements to conduct the investigation and resolve the complaint or to discuss information or give evidence according to the law (e.g. Provincial or Canadian Human Rights Commission proceedings, legal court action, Freedom of Information and Personal Privacy legislation).

APPROVAL AND REVIEW

This policy approved by the Britannia Yacht Club Board of Directors

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Dated this _____ day of _____, 1999 at the City of Ottawa.

This policy shall be reviewed by the Commodore and Board of Directors on an annual basis.

Other Options for Proceeding with a Complaint

Individuals who experience harassment are encouraged to use the complaint procedure established by Britannia Yacht Club's Harassment Policy. However there are other options which may include:

complaint to a provincial Human Rights Commission
Complaint to the Canadian Human Rights Commission
Complaints under the Criminal Code. Sexual and other forms of assault are covered under the Criminal Code of Canada. Sexual assault is a serious criminal offense and should be reported to the Police. In such instances, the Police can be asked to lay criminal charges or the individual can proceed independently with a justice of the peace
Civil Litigation. Individuals may choose to contact a lawyer to discuss legal rights and/or civil action. Individuals who retain the services of a lawyer are responsible for their legal expenses.

APPENDIX

SEXUAL ASSAULT is a Criminal Code of Canada (C.C.C.) offense. It can be defined as any unwanted act of a sexual nature imposed by one person upon another. This would include unwanted touching, kissing and holding as well as forced sexual relations.

There are three levels or degrees of sexual assault:

- (1) Sexual Assault: Section 271 C.C.C.
- (2) Sexual assault with a weapon, threats to a third party or causing bodily harm: Section 272 C.C.C.
- (3) Aggravated sexual assault: Section 273 C.C.C.

Other C.C.C. Sexual Offenses

Sexual Interference: Section 151 C.C.C.

Invitation to Sexual Touching: Section 152 C.C.C.

Sexual Exploitation: Section 153 C.C.C.