

Community Centre Respectful Environment Policy

The Community Centre is responsible for providing members with a Respectful Environment free from discrimination, harassment, disruptive conflict and violence. This includes: *sexual harassment and harassment based on ancestry, race or ethnic or national origin, colour, religion, age, sex, marital status, family status, physical or mental disability and sexual orientation.*

Everyone has the responsibility for maintaining a Respectful Environment. Use discretion and recognize the sensitivities of others regardless of a person's status at the Centre.

Although disrespectful behaviour, conflict and harassment can be defined, in practice they can overlap. The following definitions, although not all-inclusive have been designed to accommodate the different types of concerns that may arise:

Disrespectful Behaviour is improper behaviour that is unwelcome and inappropriate. It may happen once or continue over time. It can include:

- *Rude comments and swearing as well as spreading unfounded or misinformed rumours that damage people's reputation.*
- *Actions that invade privacy or personal property or unwelcome gestures.*
- *Displays or distribution of printed or electronic material that offends.*

A **Disruptive Conflict** is defined as an ongoing dispute or a communication break-down between two or more individuals that impacts their ability to work productively and cooperatively in the Community Centre.

Harassment is any behaviour that demeans, humiliates or embarrasses a person, and that a respectful person should have known would be unwelcome. It may be a single incident or continue over time. It includes:

- Verbal abuse
- Actions such as touching or pushing
- Comments such as jokes and name calling
- Displays such as posters and cartoons
- Abuses of power such as threats or coercion

There shall be no discrimination or harassment as defined by the **Manitoba Human Rights Code** which includes the following characteristics: ancestry, race, ethnic or national origin, political belief, religion, family status, sexual orientation, source of income, and physical or mental disability.

Violence is defined as *a threat that may include but is not limited to any act, gesture or statement that may be interpreted as threatening or potentially violent. A violent act is one that causes or may cause physical harm to persons or damage to the property.* The "XXX Community Centre" is committed to providing an environment safe from threats and violence for all members. Any

member who engages in such acts will be subject to disciplinary action up to and including termination from club activities.

It is expected that all members, patrons, volunteers, and employees will contribute to their Respectful Environment.

THE PROCESS

Step 1: Resolving the Problem on Your Own

The person who objects to the unwelcome behaviour is encouraged to approach the other party directly and ask that the behaviour stop. If it does not stop, the person who objects should proceed to Step 2.

Step 2: Problem Solving

The person who objects to the unwelcome behaviour should discuss the matter with the President of the Community Centre or designate. The President should discuss the issues with the individuals and attempt to resolve the matter. This step provides an opportunity to resolve issues without formal documentation. If the matter cannot be resolved it proceeds to Step 3.

Step 3: Resolution of the Issue

The Board of Directors or designate will assess the circumstances surrounding the situation by obtaining information from the two parties involved. It is the responsibility of the Board to obtain facts about what occurred so that it can respond to the allegations and take corrective action. In accordance with the policies and the Manitoba Human Rights Code, the Board bears the responsibility of ensuring that there is no violation of the principles of a Respectful Environment and will resolve the situation.

RESPECTFUL WORKPLACE/NO HARASSMENT/NO DISCRIMINATION

All members of the Centre, all patrons, volunteers, and employees are entitled to a respectful environment, free from discrimination, intimidation, insult, ridicule and harassment.

DEFINITION

Harassment is about power – who has it; how it is used; and against whom they use it. It is a form of sexual and social control which encourages an atmosphere of fear and insecurity. We have a responsibility to others both in the sense of controlling ourselves and in recognizing the sensitivities of others. The abuse of power, which is what harassment is about, is not only the intentional misuse of others but also the inadvertent violation of others' sensibilities. Regardless of a person's status in the Centre, any complaints brought forth against said person will be investigated according to the policy set out in this memo.

Harassment is a form of discrimination which can damage a person's physical and mental health, undermine his/her performance and impact in a negative way on the work or business environment. Harassment is defined as any improper behaviour by one person that is directed at

and/or is offensive to any other person and which that person knew or ought reasonably to have known would be inappropriate or unwelcome. It comprises objectionable conduct, comment or display made on either a one time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment to any other person.

Some examples of harassment are:

1. Unnecessary physical contact such as touching, patting, pinching or punching
2. Physical assault
3. Verbal abuse or threats
4. Unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, sexuality, etc.
5. Displaying of pornographic, racist or other offensive or derogatory pictures, cartoons or pronged matter.

Harassment and discrimination can occur among any individuals at the Centre (e.g. Executive Member, Employee, Coach, Participant). Instances of harassment frequently overlap with issues of equal opportunity, abuse of power, racial bias, work performance, sexual discrimination, personality conflict, age discrimination or any combination thereof.

LEGAL FRAMEWORK

It has been clearly stated by the courts that an employer (in this case, the Community Centre) has a statutory responsibility to provide a safe and healthy work, business and recreational environment, free from harassment and discrimination. This includes sexual harassment as well as harassment based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, and sexual orientation.

Discriminatory practices, sexual harassment and some workplace conflicts are not only against the law, they are also extremely disruptive to the Community Centre. These behaviours contribute to lowered self-esteem, increased stress, physical and psychological strain. Sexual harassment is about the unsolicited and non-reciprocated behaviours; it is not a joke. It can devastate the victim(s), damage careers and create a poisoned work environment.

When sexual conduct, be it verbal, physical contact or display of sexually explicit materials is used in the workplace to bully, intimidate or any other negative and aggressive purposes, the behaviour constitutes sexual harassment. Whether or not the behaviour is judged to be harassment is not based on the intent of the person displaying the behaviour, but from the perspective of the victim(s) of the behaviour.

CONTRACTUAL COMMITMENTS

Harassment and Discrimination under the Manitoba Human Rights Code Part 119(1) and the Workplace Health and Safety Act 2 (2)A and 2 (2) B.

Harassment is under Part 10 of the Workplace Safety and Health Regulation.

The Community Centre prohibits discrimination and harassment as defined by the Manitoba Human rights Code. According to the code:

It is discriminatory practice to harass an individual on a prohibited ground of discrimination:

- a) In the provision of goods, services, facilities or accommodation routinely available to the general public;
- b) In the p[rovision of commercial premises or residential accommodation; or
- c) In the matters related to employment.

Discriminatory grounds, according to the Manitoba Human Rights Codes, are: race, national or ethnic origin, colour, religion, age, sex, marital status, family status, source of income, physical/mental disability, and sexual orientation.

Protection against harassment extends to incidents occurring at or away from the workplace, during or outside normal work hours, providing such acts occur within the course of employment, or the provision of goods, services, facilities or accommodation.

WHAT TO DO IF YOU FEEL YOU ARE THE TARGET OF DISCRIMINATION OR HARASSMENT IN THE WORKPLACE

If you feel you are being discriminated against or harassed in any way, you should immediately tell the alleged harasser to stop, indicating that you find the behaviour or comment inappropriate and unwelcome. If the matter resolves itself to your satisfaction at this point, then no further action is required. However, if you do not feel that it has been resolved or if you are concerned for your well-being, you should immediately report the incident, either verbally or in writing, to the appropriate person; i.e. President or specific convenor. However, failure to do so does not prevent you from taking any further steps. You are free to ask for assistance in this matter from your president. You should then document thoroughly the incident(s) including the date, time, location, names of witnesses and complete details for each event.

Upon receipt of any verbal or written complaint, the Community Centre president will attempt to resolve the issue through whatever means are deemed appropriate in the circumstances. All written notes, notes to file, etc. must be kept detailing whatever action has been taken, as the Centre is deemed legally responsible to know about any incident of discrimination or harassment as soon as those incidents are relayed to the appropriate persons and is therefore liable for any action or inaction. Investigations into complaints will be conducted as outlined below.

INVESTIGATIONS PROCESS

An investigator making formal inquiries into complaints of harassment and/or discrimination in the workplace will follow the process:

- The complainant will be asked to submit the complaint in writing. However, investigation may begin prior to the written complaint being received. The written complaint should indicate what the allegations are, i.e. what is the alleged offensive or discriminatory behaviour. The details should include the name(s) of the alleged harasser(s), time and place

of the offensive behaviour(s), witness (if any), action taken by the complainant (if any), and effect of the behaviour(s) on the complainant.

- The complainant will then be interviewed about the allegations and complaint and the investigator will ask whether or not he/she wants the investigator to speak to any witnesses. The witnesses should be in the position of being able to offer evidence regarding the allegations, rather than simply being “character” witnesses. The investigator will speak to any witnesses suggested.
- The respondent(s) is/are contacted to be advised of the complaint. The respondent(s) is/are given the opportunity to respond to the allegation in person and is asked whether there are any witnesses who should be interviewed.
- All witnesses are interviewed; it is preferable to take written statements, but if they are not taken, witnesses will be asked to initial notes the investigator has made of their evidence.
- Witnesses are advised that the disputants will be able to know what the witnesses have said about them and about the circumstances of the allegations.
- The complainant and the respondent(s) are interviewed again, and have the opportunity to respond to the comments made by the witnesses.
- After all the witnesses have been interviewed and after the complainant and the respondent(s) have had the opportunity to present their positions, an interim finding is developed. The interim finding is discussed with the complainant and respondent(s).
- The complainant and the respondent(s) have the opportunity to rebut the findings of the interim finding and to offer new, relevant information.
- Any rebuttal or new, relevant information is considered and a final report is prepared. If no rebuttal or new, relevant information is submitted then the interim finding is confirmed as the final report
- The final report is presented to the Centre’s Executive.

NOTE:

- The employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary to investigate the complaint or take corrective action with respect to the complaint, or required by law.
- A worker has the right to file a complaint with the Manitoba Human Rights Commission.
- The employer’s harassment prevention policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.