Workplace Harassment Policy

The management of Royal York Football Club (RYFC) is committed to providing a work environment in which all individuals are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace such as but not limited to customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners. Everyone in the workplace must be dedicated to preventing workplace harassment. Managers, supervisors, workers, clients and customers are expected to uphold this policy, and will be held accountable by the employer.

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace -- a comment or conduct that is known or ought reasonably to be known to be unwelcome such us but not limited to: spreading malicious rumors, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief). Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, but it does not have to.

Definition of discriminatory harassment under Ontario Human Rights Code:

Directing mind employee: This refers to managers, decision-makers and supervisors in an organization who function, or are seen to function, as representatives of an organization. Even non-supervisors may be considered to be part of the “directing mind” if they have *de facto* supervisory authority or have significant responsibility for guiding employees and other workers.

Discrimination: Means any form of unequal treatment based on a Code ground that results in disadvantage, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. It may be obvious, or it may occur in very subtle ways. Discrimination needs only to be one factor among many factors in a decision or action for a finding of discrimination to be made.

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Discrimination because of association: Discrimination or harassment because of a person's association, relationship or dealings with a person protected by the *Code*. It includes actions taken against a person who has objected to discriminatory comments aimed at another group.

Harassment: means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this *Policy*. Harassment during employment can happen based on any of the grounds of discrimination. Personal harassment, such as workplace bullying, which is not based on a *Code* ground, is also covered under this *Policy*.

Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to an individual's race, sex, disability, sexual orientation, creed, age, or any other ground
- Showing or circulating offensive pictures, graffiti or materials, whether in print form or using e-mail or other electronic means
- Singling out an individual for humiliating or demeaning "teasing" or jokes because they are a member of a protected group
- Comments ridiculing an individual because of characteristics, dress, etc. that are related to a ground of discrimination.

Even if a person does not clearly object to harassing behaviour, or if they appear to go along with it, do not assume they have agreed to this behaviour. It could still be considered harassment.

Hate activity: comments or actions against a person or group motivated by bias, prejudice or hate based on race, ancestry, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, marital status, family status, sexual orientation or any other similar factor. It includes, but is not limited to, hate crime, hate propaganda, advocating genocide, telephone/electronic communications promoting hate, and the display of hate through any notice, sign, symbol or emblem.

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Organizational responsibility and vicarious liability: Under section 46.3(1) of the *Code*, a corporation, trade union or occupational association, unincorporated association, or employers' organization will be held responsible for discrimination, including acts or omissions, committed by employees or agents during their employment. In other words, an organization is responsible for discrimination that occurs through the acts of its employees or agents, done in the normal course of employment, whether or not it had any knowledge of, participation in, or control over these actions.

Poisoned environment: negative, hostile or unpleasant workplace or an unequal work environment due to comments or conduct that tend to demean a group identified by one or more prohibited grounds under the *Human Rights Code*, even if not directed at a specific individual. A poisoned work environment may result from a serious and single event, remark or action.

Sexual harassment: A course of comment or conduct based on an individual's sex or gender that is known or ought reasonably to be known to be unwelcome. Gender-based harassment is a subset of sexual harassment. It refers to behaviour that polices and reinforces traditional heterosexual gender norms. Forms of sexual and gender-based harassment could include:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalistic comment or conduct based on gender, which undermines a person's self-respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client

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- Rough and vulgar humor or language related to gender
- Display of sexually offensive pictures, graffiti or other materials, including through electronic means
- Demands for dates or sexual favours.

Sexual Solicitation and reprisal: Sexually related solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient, where this is known or ought reasonably to be known to be unwelcome. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also prohibited.

Systemic or institutional discrimination: Consists of patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and that create or perpetuate a position of relative disadvantage for persons protected by the *Code*. They appear neutral on the surface, but have an exclusionary impact on persons identified by a *Code ground*. They can also overlap with types of discrimination that are not neutral, such as prejudice and stereotypes. Systemic discrimination may be identified by looking at:

- Discrepancies in numerical data
- Policies, practices and decision-making processes
- Organizational culture

Effective efforts to address systemic discrimination usually target changes to policies, practices, decision-making processes and organizational culture by gathering relevant data and using multi-faceted organizational change interventions.

Workplace restoration: promoting and/or restoring positive and respectful workplace relationships following a complaint of discrimination or harassment.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. This is the case even if there are sometimes unpleasant consequences for a worker. Examples could include changes in work assignments, scheduling, job assessment and evaluation, workplace inspections, implementation of

dress codes and disciplinary action. Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

Workers are encouraged to report any incidents of workplace harassment to the Club Director by submitting Serious Occurrence Report Form. RYFC emphasizes there will be no negative consequences for reports made in good faith.

Club Director and management will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a fair and timely manner while respecting workers' privacy as much as possible. Club Director and managment will take a necessary action depending on the circumstances (i.e. warn and take disciplinary action against the offender, employee or a client, or report the incident to the police).

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal on a matter related to Ontario's *Human Rights Code* within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

The workplace violence policy should be consulted whenever there are concerns about violence in the workplace.

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