

Sail Canada Harassment, Bullying & Discrimination Policy

1. Policy's objectives

- a. Sail Canada aims to provide a working and sporting environment where the dignity of the individual is respected, free from any form of harassment including sexual harassment, bullying and unlawful discrimination.
- b. Sail Canada recognizes that:
 - i. every Sail Canada employee, volunteer and Participant (as defined below), is entitled to a climate free of harassment including sexual harassment, bullying and unlawful discrimination;
 - ii. harassment or fear of harassment, including but not limited to sexual, verbal, physical, cyber harassment, bullying and unlawful discrimination can compromise the integrity of the victim and sporting relationships and endanger personal well-being and performance.
- c. Sail Canada will make every effort to ensure that no Sail Canada employee, volunteer or Participant is subjected to harassment, bullying or unlawful discrimination.
- d. Sail Canada will take such disciplinary action as it deems appropriate against any person under its direction or leadership that is bound by this Policy and who subjects any Sail Canada employee, volunteer or Participant to any form of harassment, bullying or unlawful discrimination.

2. Definitions

- a. For the purpose of this Policy:
 - i. "CEO" means Chief Executive Officer or his or her designate as appointed by Sail Canada from time to time;
 - ii. "Code of Conduct" means Sail Canada's Code of conduct as amended from time to time;
 - iii. "Complaint" means a Complaint that regarding an alleged violation of Sail Canada's Code of Conduct, Sail Canada's Harassment, Bullying and Discrimination Policy, Gender and Inclusivity Policy or any other policies created and approved from time to time by Sail Canada;
 - iv. "Complainant" means a person or organization filing a Complaint who is either the victim of the alleged misconduct, a witness of the alleged misconduct or a person to whom the alleged misconduct has been brought to his or her attention. Sail Canada may be the Complainant;
 - v. "Days" means days, irrespective of weekends or holidays;
 - vi. "Member" means a Sail Canada Member as defined in Sail Canada's bylaws;
 - vii. "Participants" or "Sail Canada Participants" are individuals who are participating in programs and activities directly under the auspices of Sail Canada including athletes, coaches, learning facilitators, instructors, officials, support persons, employees, contractors, volunteers, parents of Participants and those representing Sail Canada at any event;
 - viii. "Recognized Yacht or Sailing Club, School or Organization or Recognized Organizations" means a sailing or yacht club, school or organization that is a Member in good standing of Sail Canada or contracted by Sail Canada or a Member;

- ix. “Safe Sport Officer” means an independent third party appointed by Sail Canada to receive and assess, in full confidence, Complaints related to this Policy;
- x. “Sail Canada” means the body duly incorporated under the name Sail Canada / Voile Canada.

3. Application

- a. This Policy applies to all employees, volunteers and Participants of Sail Canada and any other person involved with Sail Canada’s programs, events, activities and business. It applies to harassment, bullying and unlawful discrimination which may occur during all Sail Canada’s programs, business, activities and events, regardless of location, or which may impact Sail Canada’s reputation, employees, volunteers or Participants .
- b. Situations of harassment, bullying or unlawful discrimination occurring at the Member or Recognized Organization’s level shall be dealt with in accordance with the Member or Recognized Organization’s policies. In absence of a Member or Recognized Organization’s harassment, buying and discrimination policy, Sail Canada may decide, at its own discretion, to manage the Complaint in accordance with its Harassment, Bullying and Discrimination Policy and Complaints Policy and Procedures.

4. Unlawful Discrimination

- a. Under this Policy, unlawful discrimination, includes but is not limited to, discrimination on the basis of race, colour, national place of origin, ancestry, sex (including pregnancy), religious beliefs, age, physical or mental disability, sexual orientation, gender identity or expression, family or marital status, or any other ground or characteristic protected under applicable provincial human rights legislations.

5. Harassment and bullying

- a. Harassment or bullying can generally be defined as unwelcomed comment or conduct, directed toward an individual or group of individuals, which is aggressive, offensive, insulting, intimidating, humiliating, malicious or degrading and which may incur in person, over the telephone, online or through the use of other devices.
- b. Workplace harassment, bullying or unlawful discrimination is defined as improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm.
- c. Types of behaviors which constitute harassment or bullying include, but are not limited to:
 - i. written or verbal abuse or threats including swearing;
 - ii. intimidating conduct or gestures;
 - iii. the display of visual material that is offensive or which one ought to know is offensive derogatory material; such as pornography, racist or other offensive material;
 - iv. unwelcome remarks, jokes, comments, innuendo or taunting about a person’s looks, body, attire, age, race, religion, sex or sexual orientation;
 - v. leering or other suggestive or obscene gestures;
 - vi. condescending, paternalistic or patronizing behavior which is intended to undermine self-esteem, diminish performance or adversely affect working conditions or sport

- environment;
 - vii. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
 - viii. unwanted and unwelcome physical contact including touching, petting, pinching or kissing
 - ix. unwelcome sexual flirtations, advances, requests for sexual favors or invitations whether indirect or explicit;
 - x. physical or sexual assault;
 - xi. vandalism of personal property;
 - xii. abuse of authority which undermines performance or threatens an individual's career;
 - xiii. racial, religious or ethnic slurs.
- b. For the purposes of this Policy, sexual misconduct or harassment, means any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a Sail Canada employee, volunteer or Participant without his or her consent. It includes any act targeting a Sail Canada employee, volunteer or Participant's sexuality, gender or gender expression, that is committed, threatened or attempted against him or her without his or her consent, and includes the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Misconduct also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual Misconduct can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, "hazing", or through a third party).

6. Confidentiality

- a. Sail Canada recognizes that it can be extremely difficult to come forward with a Complaint of harassment, bullying or unlawful discrimination and that it can also be devastating to be wrongly accused of such misconduct. Sail Canada recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential.
- b. Sail Canada will not disclose the existence of a Complaint or situation or harassment, bullying or unlawful discrimination, the name of the discriminated or harassed person or the alleged Respondent or the circumstances related to the situation to any person except where disclosure is necessary for the purpose of investigating and /or taking disciplinary action, or as required by law.

7. Complaint Procedure

- a. A person who experiences harassment, bullying or unlawful discrimination is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this Policy.
- b. If confronting the harasser is not possible, or if after confronting the harasser the harassment, bullying or unlawful discrimination continues, the Complainant may request a meeting with the next higher Sail Canada authority or official (in the case of discrimination) or the Sail Canada's Safe Sport Officer (in the case of harassment or bullying).



- c. An individual who believes that he or she has been the victim of harassment, bullying or unlawful discrimination has the right:
 - i. to file a complaint under Sail Canada's Complaints Policy and Procedures, without fear of embarrassment or retaliation; and
 - ii. to contact the appropriate provincial human rights commission or law enforcement authority directly, if desired.
- d. An individual who has been the victim of harassment or bullying is strongly encouraged to reach out to Sail Canada's Safe Sport Office

Review and Approval

This policy was approved by Sail Canada's Board of Directors on December 18, 2019

Sail Canada's Board of Directors may amend this policy at any time.

Responsibility for the administration and update of this Policy rests with the CEO.