



Discrimination and Harassment Policy Approved June 2016

PURPOSE

The Freestyle Canada (“FC”) is committed to building and preserving an environment free of discrimination and harassment for all persons engaged in any paid (“**Employee**”) or volunteer capacity with the FC (“**Affiliate**”) or otherwise under the jurisdiction of the FC including without limitation (hereinafter collectively referred to as “**Employees and Affiliates**”):

- a) all athletes participating, or forming part of, any team participating in ski competitions over which FC has jurisdiction;
- b) all persons working with those teams or athletes, including coaches, medical and paramedical personnel, and other support persons;
- c) FC employees and persons under contract with the FC; and
- d) FC directors, members and volunteers;

FC is committed to providing a workplace free of discrimination and harassment for all stakeholders in which discrimination and harassment will not be tolerated. This policy applies in the “**Workplace**”, which for the purpose of this policy, is defined as any place where Employees and Affiliates are engaged in work for the employee’s employer or participating in sanctioned activities related to the FC.

The purpose of this policy is to ensure that:

- The FC and all Employees and Affiliates understand that everyone has a responsibility to report any factors that may contribute to discrimination and/or harassment and that all incidents of discrimination and/or harassment must be reported.
- The FC and all Employees and Affiliates understand that disciplinary action will be taken against those who commit or contribute to discrimination and/or harassment. This disciplinary action may include the termination of employment with cause and/or a permanent ban from the FC.
- Those who are subject to discrimination and/or harassment understand there are procedures for recourse and that assistance and counselling are available.

JURISDICTION

This policy applies to activities and workplace that are under the jurisdiction of the National Sport Organization (“NSO”) and excludes the activities and workplaces under the jurisdiction of the Provincial / Territorial Sport Organizations (“PTSO”) and affiliated clubs.

PTSOs and Clubs will be required to adopt and implement a policy similar to this FC policy that will cover the workplace and activities under the jurisdiction of the PTSOs and Clubs.

POLICY

FC is committed to building and preserving a positive working environment for its Employees and Affiliates. In pursuit of this goal, FC does not condone and will not tolerate acts of discrimination, harassment and/or related retaliation against or by any employee or affiliate. As such, this Policy:

- Provides general definitions for discrimination, harassment and retaliation;
- Bans and prohibits discrimination, harassment and related retaliation; and
- Sets forth procedures for employees and affiliated to follow when they feel a policy violation has occurred.

It is also a violation of FC's Discrimination and Harassment Policy for anyone to knowingly make a false complaint of discrimination or harassment or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment or lifetime ban from the organization.

Definitions

1. Appropriate Authority – Any delegated employee or representative who has the authority to make final decisions regarding employee or affiliate harassment and discrimination claims, and resulting actions. At FC, the Appropriate Authority is the CEO, his/her delegate or the ethics commissioner. The Appropriate Authority is expected to be impartial in any complaint process in which they are involved
 - a. The ethics commissioner is currently Sport Law and Strategy Group.
2. Complainant – A person who is or has been subjected to the alleged discrimination or harassment.
3. Respondent – Someone whose alleged conduct is the subject of a complaint.
4. Discrimination – Discrimination means treating people differently, negatively or adversely because of their race, religion, age, sex, etc. As used in certain human rights laws, discrimination means making a distinction between certain individuals or groups based on one of the prohibited grounds of discrimination. The FC recognizes the following as prohibited grounds for discrimination, please note this is not an exhaustive list:
 - a. Race
 - b. Colour
 - c. Ancestry
 - d. Creed (religion)
 - e. Place of Origin
 - f. Ethnic Origin
 - g. Citizenship
 - h. Sex (including pregnancy, gender identity)
 - i. Sexual Orientation
 - j. Pardoned criminal conviction
 - k. Age
 - l. Marital Status
 - m. Family Status
 - n. Disability (physical or mental)
 - o. Receipt of Public Assistance
5. Harassment – Harassment is any improper conduct by an individual, that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. Harassment comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the applicable provincial human rights legislation.
6. Additional Context: Location and Respondent – Any harassment or discrimination that arises throughout the course of employment or FC activities, or is related to employment with FC in any way, is covered under this policy. This includes discrimination and/or harassment that occurs outside of working hours or the workplace as well as discrimination and/or harassment committed by a third party with whom you are in contact for work-related activities.

7. Retaliatory Acts – Any retaliation, retribution, or reprisal by a Respondent against any Complainant who reports an incident of alleged discrimination or harassment, or against any witness or employee who testifies or otherwise participates in an investigation relating to the allegation of discrimination or harassment. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.
8. Sexual Harassment – Sexual harassment means any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee or affiliate or that might, on reasonable grounds, be perceived by that employee or affiliate as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. Throughout this policy, references to “harassment” shall also include sexual harassment.

Report Obligations – Employees and/or Contractors

Employees or Affiliates who believe they are victims of discrimination or harassment through the course of their involvement with FC are advised to first respond to the alleged harasser directly, by objecting and by requesting that the unwelcome behavior stop immediately. If this approach is impossible or unsuccessful, FC must be made aware of all alleged acts of discrimination or harassment or retaliation in order to take the appropriate action.

Individuals who believe they have been subject to or have witnessed acts of discrimination or harassment or retaliation should report the events to the CEO or the ethics commissioner within 24 hours. The CEO will initiate an investigation immediately.

Confidentiality

All records of discrimination or harassment reports and subsequent investigations are considered confidential and will not be disclosed to anyone not involved in the investigation or resolution of the complaint except to the extent required by law.

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

Retaliation and Bad Faith Complaints

Retaliation by the Respondent, or anyone acting on behalf of the Respondent, 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 about a discrimination or harassment report, is also strictly prohibited and will result in appropriate disciplinary action.

This Policy will not be used to bring fraudulent or malicious complaints against 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.

Procedures for Handling Complaints

Once the Complainant lodges a complaint with the Appropriate Authority, a discussion with the Complainant will take place that shall be kept confidential, to the extent allowed by law and by this Policy. During this discussion, this Policy will be explained and made available to the Complainant. If the Complainant wishes to proceed formally with his or her complaint, the Complainant must provide a written statement regarding the alleged discrimination or harassment.

I. Informal Procedures

If desired, the Complainant may attempt to resolve the matter directly with the Respondent. The Complainant must report the resolution, or lack thereof, to the Appropriate Authority.

The Appropriate Authority may notify the Respondent of the complaint. The Appropriate Authority may then implement whatever steps are necessary to create an informal resolution that is acceptable to the Complainant and the Respondent.

If an informal resolution of the complaint is achieved the Appropriate Authority will record the occurrence of the complaint and the informal resolution achieved.

II. Formal Procedures

In the case of formal complaints, the Respondent shall be provided with the Complainant's written statement and shall have five (5) working days to respond, in writing, to the allegation(s). The Respondent's statement, must answer – with specific responses – to each complaint, either admitting, denying, or explaining the allegation(s) against them. The Respondent must sign his or her statement.

III. Investigation

If the complaint is unresolved by informal procedures or if the complainant opts to pursue formal procedures, the Appropriate Authority will launch an investigation by notifying all involved parties. The Investigator may be external to FC and will be impartial and act fairly in conducting the investigation.

Wherever and whenever investigations are conducted, Complainants and Respondents have certain rights. These rights include, but are not limited to:

- Receiving written notice of the allegations.
- Presenting relevant information to the Investigator.
- Receiving a copy of the report at the conclusion of the investigation.

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

IV. Decision

The Appropriate Authority reviews all relevant information and decides what action to take. He or she will then inform the parties in writing of the outcome of the investigation and ensure that corrective and/or disciplinary measures are taken, if warranted.

V. Timelines

Complainants are always encouraged to address their concerns immediately after an alleged incident of discrimination or harassment. If the Complainant is unable to resolve their concerns directly with the respondent and the complaint is not resolved by way of informal procedures, the Complainant should provide a written statement as soon as possible. Nevertheless, FC is aware that such timely response may not always be practical.

FC seeks to resolve discrimination or harassment complaints as expediently as possible. Investigations shall be conducted and the appropriate actions taken no longer than 60 days following the receipt of the Complainant's written statement.

Records

Records of all formal and informal resolutions will be kept by the Directors of FC, except where otherwise stated in this Policy. The records will be available to managerial employees, in the following circumstances:

1. When determining an appropriate disciplinary action for subsequent discrimination or harassment complaints.
2. When a Respondent is a candidate for a promotion to a supervisory position.
3. When a complaint against retaliatory action is made.
4. When a decision or resolution is reviewed.

Any records concerning employees will be maintained in accordance with all applicable privacy laws and regulations. Both the Complainant and the Respondent are eligible to obtain copies of their own statements made throughout the course of the discrimination or harassment remediation process.

Policy Requirements Specific to Sexual Harassment

1. Every employee or affiliate is entitled to an environment free of sexual harassment;
2. FC will make every reasonable effort to ensure that no employee or affiliate is subjected to sexual harassment;
3. FC will take such disciplinary measures as it deems appropriate against any person under FC's direction who subject any employee or affiliate to sexual harassment;
4. Complaints of sexual harassment may be brought to FC's attention in the manner outlined above;
5. Employees have the right to file a complaint under the applicable provincial human rights legislation if the harassment is based on one of the prohibited grounds of discrimination.

ENFORCEMENT

Violation of any part of this policy may result in disciplinary action, up to and including the termination of employment with cause or a lifetime ban from the organization.

CONTACT

For further information please contact the CEO or the ethics commissioner:

- Peter Judge, CEO
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- Sport Law and Strategy Group
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