



Newfoundland and Labrador Athletics Association

NLAA Policy on Harassment

REVIEWED: December 2019

INTRODUCTION

NLAA, in an effort to provide a safe and harassment free environment within its activities and those of its members (individuals and clubs), has set out the following Policy on Harassment in order to clearly indicate its position on Harassment of All Types and initiatives to inform and educate its members. The policy provides for an informal, confidential and non threatening alternative to a formal registering of complaints as well as a formal process involving individuals designated by NLAA and possessing the training and appropriate background to investigate complaints.

NLAA LEGAL and ETHICAL DUTIES

1. NLAA has a legal responsibility to act in the best interests of its members.
2. NLAA has a legal responsibility to intervene if they know of matters within its operation which are contrary to the country's laws and the organizations by-laws, rules, policies and codes.
3. This is an extended responsibility which is subject to a legal test of reasonable conduct, meaning that the responsibility exists not just when the organization knows, but also ought reasonably to have known, of matters requiring action.
4. Specifically with regard to matters of abuse and harassment, NLAA is aware that there are circumstances when cases are completely outside the Association's jurisdiction and within the purview of the justice system. These are cases which involve persons who are not of the age of legal majority, or any other age specified by law. Even when the persons are of the specified age, when the notion of consent is often an issue, we must all be aware that the concept of informed consent is a legal one which NLAA realizes is defined by Canadian Law.
5. NLAA has a responsibility to ensure that all members are aware of the policy to a reasonable extent. This includes clear information on the steps which are taken when cases are reported.

KEY CONCEPTS in the NLAA POLICY

1. An Association where the participants may reasonably expect to be able to carry out their activities free from abuse and harassment.
2. That as a sport association it is important to have such policies, information and educational initiatives.
3. That all reports and allegations follow the process as contained in the Harassment Policy and are dealt with in the manner as set out.

POLICY OBJECTIVE

1. To establish NLAA as an organization in which all members, employees and volunteers may reasonably expect to participate free from harassment.
2. To provide an environment when members, employees and volunteers contribute to the Association's goals in the knowledge that their personal aspirations and dignity will be respected.
3. To create an awareness of the nature and types of harassment.

RESPONSIBILITIES

Members, employees and volunteers of NLAA are jointly responsible to free their sport/working environment of harassment by:

1. taking assertive action should they feel that they are being subjected to harassment.
2. fostering an environment free of harassment by attempting to stop incidents of harassment whether there is a complaint or not. Failure to take appropriate corrective action may be interpreted as condoning the prohibited behavior.

1. STATEMENT OF POLICY

1.1 Harassment of any kind will not be tolerated by NLAA.

1.2 NLAA is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities, prohibits discriminatory practices and is free from abuse and harassment.

1.3 NLAA is committed to the education of all of its members in the area of harassment and to providing information to the parents/guardians of its youth members on the policies, procedures and education initiatives on harassment.

1.4 This policy applies to all employees, directors, officers, volunteers, coaches, associates, officials, and athlete members of NLAA. NLAA encourages the prompt reporting of all incidents of harassment, regardless of who the offender may be.

1.5 For the purposes of this policy, sport and/or workplace harassment can occur in the following places:

1. at sporting events, competitions, and in training sessions;
2. at the office;
3. at sport/office-related social functions;
4. at the organization's business functions, such as meetings, conferences, training sessions, and workshops;
5. during sport/work-related travel;
6. through any form of communication device/system including but not limited to telephone, email, fax, postal service;
7. elsewhere if the person harassed is there as a result of sport/work-related responsibilities or a sport/work-related relationship.

1.6 Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the Newfoundland and Labrador Human Rights Commission, even when steps are being taken under this policy.

1.7 An investigation under this policy shall follow the process of natural justice, as described in this policy.

2. PREVENTION

2.1 NLAA is committed to the elimination of harassment through educational programs including information and training. Please refer to Appendix 1 for educational and informational programs that form part of this policy.

3. DEFINITIONS

3.1 Harassment: Improper behavior by any person towards another which a person knows or ought to know

would be unwelcome. This behavior includes comments, conduct or gestures which is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals or which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group, including, but not limited to:

1. written or verbal abuse or threats;
2. physical assault;
3. unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, religion, etc.;
4. displaying of sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic or religious graffiti;
5. practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
6. hazing or initiation rites;
7. leering or other suggestive or obscene gestures;
8. intimidation;
9. condescension, paternalism, or patronizing behavior which undermines self-respect or adversely affects performance or working conditions
10. conduct, comments, gestures or contact of a sexual nature that is likely to cause offense or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;
11. false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
12. sexual harassment, as further described in section 3.2

3.2 Sexual Harassment: One or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal conduct of a sexual nature:

1. when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;
2. when submission to such conduct is made either implicitly or explicitly a condition of employment/sport related activity;
3. when submission to or rejection of such conduct is used as a basis for any employment/sport decision (including, but not limited to, matters of promotion, raise in salary, job security, benefits affecting the employee, team selection);
4. when such conduct has the purpose or the effect of interfering with a person's work/sport performance or creating an intimidating, hostile or offensive work/sport environment.

For additional information please contact the NLAA Office at (709) 576-1303 or athletics@nlaa.ca.