



TENNIS NEW BRUNSWICK RESPECTFUL WORKPLACE POLICY SAFE SPORT

Effective Date: May 24, 2019

Approved by: Board of Tennis New Brunswick

This policy replaces the previously issued Harassment Policy

POLICY STATEMENT

Tennis New Brunswick is committed to providing a work environment that is respectful, professional, and free of bullying and harassment and unlawful discrimination for all personnel. All personnel at Tennis New Brunswick have the right to work in such an environment. Bullying and harassment and unlawful discrimination are neither acceptable nor tolerated at Tennis New Brunswick.

A. APPLICATION

This policy applies to communications and interactions between personnel, which for the purposes of this policy includes Tennis New Brunswick employees, students, interns, officials, self-employed independent contractors and members of the Board (together "Personnel"), or between Personnel and athletes, coaches, volunteers, vendors, members of the public, and others with whom Personnel interact in the course of their employment or contract.

This policy applies to Personnel while they are at the workplace or on work time, including at off-site work assignments; at employment or contract-related functions or events; when communicating by telephone or electronically; or in situations where there is a connection to the workplace or Tennis New Brunswick's business or operations. The policy also applies, at all times, to Personnel who are travelling with players (24 hours a day).

B. DEFINITION

1. Bullying and Harassment

In this policy, Bullying and Harassment is any inappropriate conduct or comment by a person (including Personnel) towards Personnel that the person knew or reasonably ought to have known would cause that individual to be humiliated or intimidated or otherwise constitutes a threat to the health or safety of the individual. The conduct or comment is not necessary from Personnel.

Examples of words or actions that might constitute Bullying and Harassment include, without limitation:

- a) verbal statements such as derogatory comments, slurs, innuendo or unwanted sexual invitations or comments;
- b) negative physical contact, such as assault, blocking or impeding of normal movement, or interference with work;
- c) inappropriate communication over e-mail or social media or by other electronic means; and

- d) a pattern of behaviour that humiliates, intimidates, offends or degrades the Personnel.

To constitute Bullying and Harassment, there must be:

- a) repeated conduct, comments, displays, actions or gestures with a lasting, harmful effect on the Personnel; or
- b) a single, serious improper or unacceptable interaction, incident, event or situation that has a lasting, harmful effect on the Personnel.

Bullying and Harassment can occur even where there is no intention to bully or harass.

2. Unlawful discrimination

Discrimination is improper or unacceptable conduct that is related or connected to a prohibited ground of discrimination in employment under the provincial human rights legislation ("Discrimination"). Prohibited grounds of discrimination may include race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, or conviction of a criminal or summary conviction offence that is unrelated to employment or intended employment.

Sexual harassment is a form of Discrimination. Workplace sexual harassment can involve unwelcome words or actions associated with sex, sexual orientation or gender identity or expression that are known or reasonably ought to be known to be offensive, embarrassing, humiliating or demeaning to Personnel. Such conduct includes, without limitation, unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature particularly when: (i) submission to the conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or (ii) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating a humiliating, intimidating, hostile or sexually offensive work environment.

3. Conduct that is **not** considered Bullying and Harassment or Discrimination

Not every unpleasant or negative interaction, incident, event or situation in the workplace is Bullying and Harassment or Discrimination.

Nothing in this policy restricts the legitimate and good faith exercise of supervisory or managerial rights and responsibilities, without limitation:

- a) giving advice;
- b) assigning, scheduling or changing work;
- c) performance appraisal;
- d) performance or behaviour correction;
- e) discipline or termination of employment for cause; and
- f) reasonable action taken by a supervisor or manager relating to the management and direction of Personnel and the workplace.

The following conduct is also **not** considered Bullying and Harassment or Discrimination within the scope of this policy:

- a) respectful discussion of different points of view;
- b) the freedom of individuals to choose with whom to socialize in activities not related to the workplace;

- c) interpersonal conflicts or relations unless humiliating, intimidating or threatening to health or safety; and
- d) different communication styles so long as those communication styles are within the reasonable limits of respectful workplace interactions.

C. REPORTING AND INVESTIGATING

1. General

Personnel are expected to report all alleged or suspected Bullying and Harassment or Discrimination to a supervisor, Human Resources or management personnel as soon as possible after experiencing or witnessing the interaction, incident, event or situation of concern.

All complaints of alleged or suspected Bullying and Harassment or Discrimination will be investigated by Tennis New Brunswick or its delegate (a delegate is a person or firm to whom TNB has delegated this responsibility as may be required in the circumstances). Tennis New Brunswick will promptly respond to all complaints received and action will be initiated within thirty (30) days.

Complaints of alleged or suspected Discrimination should be made in a timely fashion. To encourage timely and appropriate resolution, any complaint made more than six months after the interaction, incident, event or situation experienced or witnessed may not be accepted for response by Tennis New Brunswick if the situation is such that an appropriate investigation is no longer feasible.

2. Reporting process for Personnel

Personnel who believes that he or she has experienced Bullying and Harassment or Discrimination, or an individual who believes that he or she has witnessed Bullying and Harassment or Discrimination (the "Complainant"), should follow the below procedure:

- a) If possible, and the Complainant is comfortable doing so, he or she should calmly approach the alleged offender (the "Respondent") and inform the Respondent that his or her behaviour is offensive, unwelcome and contrary to Tennis New Brunswick's policy and ask that it immediately stop and not be repeated.
- b) If the Complainant is not comfortable approaching the Respondent or if the situation does not resolve, the Complainant should bring the matter to the attention of his or her supervisor or manager.
- c) Complainants can report alleged or suspected Bullying and Harassment or Discrimination verbally or in writing.

As soon as possible after a complaint is made, the Complainant will be asked to provide a full account, to the best of his or her ability, regarding the interaction, incident, event or situation in question. The account will generally be in writing (except in extraordinary circumstances) and should include:

- names of the parties involved;
- names of any witnesses;
- location, date and time of the alleged or suspected Bullying and Harassment or Discrimination;
- details about the interaction, incident, event or situation, including any

- photographs, documents, e-mails or other physical or electronic evidence; and
- anything further that is relevant and would assist in the investigation.

In the event that a Complainant does not proceed with a formal account, Tennis New Brunswick may still initiate an investigation if deemed necessary to ensure workplace health and safety and comply with any applicable statutory or legal obligation.

Any procedure outlined in and supporting this policy does not prevent a Complainant from filing a complaint or claim under human rights or occupational health and safety legislation or making a police report.

D. RESPONSE TO COMPLAINTS

Tennis New Brunswick will promptly respond to all complaints it receives and action will be initiated within thirty (30) days. Its response to complaints may range from facilitative intervention to a traditional investigation.

After receiving a complaint, in some cases, Tennis New Brunswick may take steps to address immediate concerns, such as safety, prior to coming to a determination on the merits of the complaint.

1. Facilitative intervention

Facilitative intervention may either be done internally by Tennis New Brunswick or by its delegate (a person or firm to whom TNB has delegated this responsibility as may be required in the circumstances). Facilitative intervention may include, without limitation:

- a) coaching the Complainant on how to approach the Respondent to pursue resolution;
- b) educating the Complainant and the Respondent about Tennis New Brunswick's policy;
- c) reinforcing behavioural guidelines and expectations with the Complainant and the Respondent; and
- d) pursuing and facilitating mediation between the Complainant and the Respondent.

2. Traditional investigation

If facilitative intervention is unsuccessful or not appropriate due to the nature of the complaint or the preferences of the Complainant and the Respondent, an investigation will be initiated as deemed necessary or appropriate by Tennis New Brunswick. The investigation may be conducted by Tennis New Brunswick or by its delegate (a delegate is a person or firm to whom TNB has delegated this responsibility as may be required in the circumstances).

Investigations will:

- a) be undertaken promptly and conducted diligently and in as thorough a manner as necessary in all the circumstances;
- b) be fair and impartial, providing both the Complainant and the Respondent with a reasonable opportunity to provide their account of events and respond to the other party's account;
- c) be sensitive to the interests of all parties involved; and
- d) maintain confidentiality to the extent practicable in the circumstances, recognizing that the Respondent will be informed in all cases of the identity of the Complainant

and the nature of the complaint.

Personnel are expected to cooperate with the investigator and provide full details, to the best of their ability, of the interaction, incident, event or situation they have experienced or witnessed.

E. CONFIDENTIALITY

To protect the interests of the Complainant, Respondent and witnesses, confidentiality shall be maintained throughout the complaint process to the extent permitted by the investigation and in accordance with applicable privacy legislation and other legal requirements.

All participants in the investigation are expected to keep confidential all discussions and interactions with the investigator and information and records related to the complaint. A failure to maintain confidentiality may result in disciplinary consequences.

Tennis New Brunswick will keep and retain investigation records in accordance with the applicable legislation. Records will be kept as long as the individual is an employee or on contract and as long as possible unless legislation requires their destruction. Such records will be stored in a confidential file maintained and accessed only by the Tennis New Brunswick Executive Director or his or her delegate. If a complaint is not substantiated, no documentation of the complaint will be placed on the personnel file of the Respondent, but records will be maintained so that repeat patterns can be highlighted

F. FOLLOW-UP AND CORRECTIVE OR DISCIPLINARY ACTION

If at any time during the investigation the complaint can be resolved to the satisfaction of the Complainant and in a manner acceptable to the Respondent and Tennis New Brunswick, the resolution will be documented, and a copy sent to the Complainant and the Respondent.

The Complainant and the Respondent will be notified of the findings and conclusions made as a result of the investigation. In appropriate circumstances, following legal advice, and at its discretion, Tennis New Brunswick may provide the Complainant, the Respondent and others with additional information relating to the investigation.

Personnel determined by Tennis New Brunswick to be responsible for Bullying and Harassment or Discrimination in violation of this policy will be subject to appropriate corrective or disciplinary action, up to and including termination of employment for cause, cancellation of contract or removal from the Board.

G. REQUEST FOR REVIEW

The Complainant or the Respondent may seek a review of the outcome of a Bullying and Harassment or Discrimination investigation by notifying the Executive Director or his or her delegate in writing within thirty (30) days of being notified of the conclusion of the investigation. The Complainant or the Respondent must provide specific reasons for seeking a review.

Tennis New Brunswick will only undertake a review where it appears that there is a legitimate concern about the investigation and its outcome.

H. FABRICATED, MALICIOUS, FRIVOLOUS OR VEXATIOUS COMPLAINT

A complaint of Bullying and Harassment or Discrimination is a serious matter. If Tennis New Brunswick determines that an individual has made a complaint that is fabricated, malicious, frivolous or vexatious, he or she will be subject to disciplinary action up to and including

termination of employment for cause, cancellation of contract or removal from the Board. Repeated unfounded complaints may in appropriate circumstances be considered fabricated, malicious, frivolous or vexatious and result in disciplinary action, up to and including dismissal from employment for cause, cancellation of contract or removal from the Board. Note that where a complaint is unsubstantiated or based on mistake, it will not necessarily be considered fabricated, malicious, frivolous or vexatious.

I. RETALIATION PROHIBITED

It is a violation of this policy to retaliate in any way against Personnel who has raised a good faith concern or made a bona fide report about Bullying and Harassment or Discrimination, or against a witness, investigator, decision maker or other person who has cooperated or participated in a Bullying and Harassment or Discrimination investigation. Any person who experiences such retaliation must immediately report their concern to the complaint investigator or Executive Director.

Disciplinary action will be taken against Personnel who engages in retaliatory conduct, up to and including termination of employment for cause, cancellation of contract or removal from the Board.

-- End of Policy --