

14. HARASSMENT

- 14.01 The BCLA is committed to promoting a sport environment in which the terms and conditions of participation are equitable and non-discriminatory. Every participant has the right to be treated with dignity and respect and to work, train and compete in a milieu conducive to productivity, self-development and performance advancement based upon individual interest and ability. The BCLA will foster a sport environment free of harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offence for which a pardon has been granted.
- 14.02 Harassment means any behaviour by a person engaged in any paid or volunteer capacity, role, or function with the BCLA that is offensive to any person or group of people and which the individual knew or ought to have known would be unwelcome.
- 14.02.1 Harassment may be intentional or unintentional and can take many forms, but generally involves conduct, comment, or display which is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading, or otherwise causes offence, discomfort, or personal humiliation or embarrassment to a person or group of people.
- 14.03 The following types of harassment are intolerable, whether or not individuals complain:
- 14.03.1 **Abuse:** Abuse can be physical, emotional or sexual.
- (i) **Physical Abuse** - using physical force or actions that result, or could result, in injury.
- (ii) **Emotional Abuse** - a pattern of hurting an individual's feelings to the point of damaging their self-respect. It includes verbal attacks on the individuals, insults, humiliation or rejection.
- (ii) **Sexual Abuse** - using an individual for sexual stimulation or gratification unless, in the case of an adult, that individual consents.
- 14.03.2 **Harassment:** Any behaviour that satisfies one or more of the following definitions of Harassment.
- (i) **Personal Harassment:** Behaviour, including communications, conduct or gesture, which:
- (a) is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals (including a statement with respect to a Prohibited Ground or otherwise); and
- (b) would be considered by a reasonable person to create an intimidating, humiliating or uncomfortable work or sport-related environment.
- (ii) **Sexual Harassment:** Behaviour involving unwelcome sexual advances, requests for sexual favours or other communication (verbal or written) or physical conduct of a sexual nature when:
- (a) such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group; or
- (b) submission to such conduct is made, implicitly or explicitly, a condition of employment or participation in a sport-related activity; or
- (c) submission to or rejection of such conduct is used as a basis for any employment or sport-related decision; or
- (d) such conduct has the purpose or the effect of interfering with a person's work or sport performance or of creating an intimidating, hostile or offensive work or sport environment.
- (iii) **(a) Bullying:** Bullying involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed under human rights legislation. It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets (most commonly occurs between children under the age of twelve but may also constitute behaviours between youth or

between adults. Bullying is similar to harassment but the behaviours are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying.).

The actual issue of bullying is not addressed by the law, except when the behaviour does become a criminal issue (i.e., extortion, physical assault, etc.). Bullying can be broken down into four types:

- Physical (hit or kick victims; take/damage personal property)
- Verbal (name calling; insults; constant teasing)
- Relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person)
- Cyber-Bullying

The following is a non exhaustive list of tactics used by bullies to control their targets:

1. Unwarranted yelling and screaming directed at the target
2. Continually criticizing the target's abilities
3. Blaming the target of the bullying for mistakes
4. Making unreasonable demands related to performance
5. Repeated insults or put downs of the target
6. Repeated threats to remove or restrict opportunities or privileges
7. Denying or discounting the targets accomplishment
8. Threats of and actual physical violence

(b) Cyber-Bullying: Cyber-Bullying is the use of communication devices and electronic information to include but not limited to, e-mail messages, text messaging, instant messaging, cell phone communications, internet chat rooms, internet blogs, internet postings, video recording and defamatory websites, that:

1. Deliberately threatens, harasses, intimidates an individual or group of individuals; or
2. Places an individual in reasonable fear of harm to that individual or damage to the individual's property; or
3. Has the effect of substantially interfering with a person's work or sport performance or of creating an intimidating, hostile or offensive work or sport environment.

(iv) **Retaliation:** Acts of Retaliation: Types of behaviour that may constitute Harassment include, but are not limited to:

- (a) written or verbal abuse or threats;
- (b) physical assault
- (c) using any instrument in an aggressive and/or threatening manner (i.e., as a weapon)
- (d) unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, or religion;
- (e) displaying of racist or other offensive or derogatory material, racial, ethnic or religious graffiti;
- (f) practical jokes, hazing or initiation rites which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
- (g) obscene gestures;
- (h) intimidation;
- (i) behaviour which undermines self-respect or adversely affects performance or working conditions;
- (j) false accusations of Harassment motivated by malice or mischief, and meant to cause other harm.

14.03.3 **Retaliation:** Any action taken against an individual in retaliation for:

- (i) having initiated this policy on behalf of himself/herself or another individual;

- (ii) having participated or co-operated in any investigation under this policy; or
- (iii) having associated with anyone who has invoked this policy or participated in an investigation.

- 14.03.4 **Prohibited Ground:** The BC Human Rights Code provides that no person shall discriminate against another person with respect to, amongst other things, employment, publications, accommodation, service, and facilities on any of the following grounds (the “Prohibited Grounds”): race, marital status, sex, colour, conviction for an offence, age, ancestry unrelated to employment, sexual orientation, place of origin, physical disability, political belief, mental disability, family status, religion.
- 14.03.5 **Reasonable Person Standard:** In relation to a determination of Harassment under this policy, an assessment of responsibility that takes into account not only what the Complainant and Respondent actually experienced, knew, or understood about one another or the situation, but also what a reasonable person in each of their circumstances would or ought to have experienced, known, or understood.
- 14.03.6 **Responsible Adult:** Where the Complainant or the Respondent is a minor (under 19), or otherwise unable to speak for himself or herself, a parent, guardian, or other adult of the person's choice who may speak on behalf of the Complainant or Respondent.
- 14.04 It is the overall objective of the BCLA Policy on Harassment to create and maintain a work and sport environment free from harassment. Individuals who experience harassment are encouraged to take the appropriate actions to put an end to the harassment and seek adequate redress.
- 14.04.1 Harassment which is unintentional may be stopped by informing the harasser(s) that the behaviour is offensive. If the behaviour continues, the individual should file a complaint in the manner described in the BCLA Complaint Review Procedure.
- 14.04.2 If an individual feels uncomfortable or threatened about confronting the harasser(s) on their own, a complaint should be filed directly in accordance with the BCLA Complaint Review Procedure.
- 14.04.3 The BCLA takes any complaint seriously, and will investigate and respond in a sensitive, effective and timely manner.
- 14.04.4 The BCLA believes that harassment is a serious offence. It is also a serious offence to falsely accuse someone of harassment.
- 14.04.5 If the results of the investigation find that there has been harassment or that there has been an intentional false accusation of harassment, appropriate disciplinary action will be taken in accordance with the BCLA Discipline Policy.