



<b>Object:</b> Respect of Individuals and Harassment Prevention Policy	<b>Number:</b> POL_RH_02
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*This policy replaces the CIVILITY AND AGAINST DISCRIMINATION AND HARASSMENT AT WORK POLICY, which was amended on December 4, 2016*

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**Note :** The use of the masculine gender includes the feminine and is employed solely to facilitate reading.

## **1. OBJECTIVES**

Through this policy, INS Québec wishes to maintain an environment free from all forms of harassment and to ensure the respect, safety and dignity of all persons.

## **2. SCOPE OF APPLICATION**

This policy applies to all staff of the organization and is as applicable to the relations between co-workers as to those between employees and their superiors. It also applies to relations between staff and third parties, including clients (coaches and athletes), suppliers and partners of INS Québec. Finally, it applies, with the necessary adaptations, to all members of INS Québec, as defined in the general regulations of the organization, as well as to any person taking part in activities involving these members.

This policy does not limit the authority of INS Québec and its directors with respect to day-to-day management, including discipline, application and compliance with policies, staff performance evaluations, the application of administrative or disciplinary measures, work organization or division of labour, termination and dismissal.

## **3. DEFINITIONS**

Any insistent or annoying behaviour cannot necessarily be qualified as harassment. Certain persons have the responsibility of representing management and must demand, sometimes insistently, on performing certain tasks in the interest of the organization. The normal exercise of management rights ("managerial right"), even if it entails inconveniences to a person, cannot automatically be equated to harassment.

Harassment may be based on discrimination grounds prohibited by the Charter of Human Rights and Freedoms, be of physical, psychological or sexual nature.

### **3.1 *Harassment by grounds prohibited by Charter***

Harassment related to one of the grounds covered by the Charter of Rights and Freedoms is based on race, colour, sex, pregnancy, sexual orientation, marital status, age, religion, political convictions, language, ethnic or national origin, social condition, disability or the use of any means to palliate a handicap.

### **3.2 *Physical or psychological harassment***

Vexatious conduct (hurtful) that manifests itself either by repeated behaviours, words, or gestures that are hostile or unwanted. It is a conduct that undermines the dignity or the psychological or physical integrity of a person and that leads to a harmful work environment for the person. A single serious conduct can also constitute psychological harassment if the conduct carries such a violation and produces a continuous harmful effect for the person.

### **3.3 *Sexual Harassment***

Unwelcome conduct or behaviour with a sexual connotation that is likely to violate the dignity or the physical or psychological integrity of a person or likely to result in unfavourable working conditions. This includes any gesture or behaviour or words that may be offensive, humiliating or perceived by an employee or any other person as imposing conditions of a sexual nature to the maintenance of his or her employment or to obtaining any possibility of training, promotion or collaboration. Both women and men may be victims of sexual harassment and the harasser may be of the same sex or the opposite sex of the victim.

## **4. GENERAL PRINCIPLES**

- 4.1** This policy reflects the values of INS Québec and is consistent with several applicable legislation, including the Charter of Human Rights and Freedoms, the Occupational Health and Safety Act, The Act respecting Labour Standards and the Civil Code of Québec (see article 9).
- 4.2** INS Québec aims to provide and maintain an environment free of all forms of harassment in order to protect the physical and psychological integrity of the persons who work therein or who attend its facilities and use its services and ensures that they are treated with respect and dignity.
- 4.3** For this purpose, the organization recognizes that it must take reasonable means to prevent any form of harassment, namely through awareness, information and training of the persons working therein, the clientele (coaches and athletes) partners and suppliers who use the services or attend INS Québec facilities.
- 4.4** The organization undertakes to consider each complaint and to put in place reasonable measures to ensure that these complaints are processed in a prompt, confidential and impartial manner.
- 4.5** The organization undertakes to provide the necessary support to victims of harassment of a complaint, denunciation, and assistance and support mechanism for those who seek recourse.
- 4.6** The organization encourages anyone to report a situation that involves harassment of the persons covered by this policy.
- 4.7** Anyone wishing to report a harassment situation may do so confidentially.
- 4.8** All information relating to a complaint or a denunciation will be treated as confidential, unless disclosure is necessary for the processing the complaint or

denunciation, the investigation that may result from the disclosure or the implementation of corrective measures.

**4.9** The organization reserves the right to inform, where appropriate, the competent authorities in the case of situations that constitute a penal or criminal offence.

**4.10** In addition, as a recognized organization working in the field of sports<sup>1</sup> INS Québec is committed to paying particular attention to the protection of minors by providing them with a safe environment for practising their sports activities.

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 INS Québec**

INS Québec must ensure the application and compliance of this policy. For this purpose, it ensures to:

- a) Adopt the current policy and any further updates;
- b) Consider and process each complaint or denunciation promptly, confidentially and impartially;
- c) Designate a person responsible for processing complaints and denunciations;
- d) Conduct or have conducted, if necessary, an investigation to obtain all relevant information following the receipt of a complaint;
- e) Fully collaborate in the investigation process by ensuring the availability of the parties concerned, in the event where the investigation is carried out by an external party;
- f) Determine and authorize, following an investigation and assessment of the situation, the measures or sanctions to be implemented at the individual or organizational level.
- g) Based on the recommendations of the report, the board of directors will ensure, where applicable, to:
  - i. Meet with the victim or complainant to inform them of the measures to be implemented;
  - ii. Meet with the person whose conduct is being investigated in order to inform him of the measures to be taken and to ensure that a firm commitment to respect the recommendations on his behalf is received;
  - iii. Perform the necessary follow-ups concerning the implementation of the recommended measures and the resolution of the situation.

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<sup>1</sup> Ministère de l'éducation et de l'enseignement supérieur (MÉES)

## **5.2 The vice-presidency administration**

The Vice Presidency is responsible for applying and updating this policy. For this purpose, it ensures to:

- a) Disseminate the policy to the employees, members and partners of INS Québec and inform them of its objectives and methods of application;
- b) Have the declaration of commitment signed by the employees of INS Québec as well as the official representatives of the sports or athletes with whom INS Québec has signed service delivery agreements;
- h) Respond to questions regarding the application of this policy and mechanisms related to the receipt and processing of complaints and denunciations;
- c) Inform the board of directors regarding the receipt of a complaint or a denunciation;
- d) Collaborate with the person designated responsible throughout the investigation process and monitor the effectiveness of the measures taken and the resolution of the problematic situation.

## **5.3 Designated person responsible for processing a complaint or a denunciation:**

The designated person(s) must:

- a) Ensure their impartiality at all stages of the processing of the complaint or the denunciation;
- b) Receive and analyze submitted complaints or denunciations;
- c) Meet with the persons involved to obtain the information necessary to process the complaint;
- d) When necessary, set up a committee, whose composition will be determined according to the situation, as well as an administrative investigation process to obtain information that could not be obtained otherwise;
- e) Write and submit to the board of directors, following its administrative investigation, a report including the recommendations to be implemented to correct the problematic situation;
- f) When necessary, act as an intermediary between the INS Québec board of directors and the complainant
- g) Have the board of directors approve the recommendations to be implemented or the disciplinary measures to be taken.

## **5.4 Managers<sup>2</sup> of INS Québec**

Each manager must ensure the compliance with the policy. For this purpose, he must:

- a) Raise the awareness of the employees under his supervision of their individual

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<sup>2</sup> The term manager represents any person in a position of hierarchical supervision of employees. As such, this term may include the positions of CEO, VP, director, manager and supervisor.

responsibility to make their workplace free from harassment;

- b) Identify any risk factors, preferably with the collaboration of the employees;
- c) In collaboration with the vice-presidency administration, decide on measures to implement in order to prevent such identified at-risk situations result in harassment situations and perform follow-ups.

#### **5.5 Employees and members of the INS Québec**

Employees and members of the INS Québec (including federations, coaches and athletes) of the INS Québec, must:

- a) Adhere to the values of respect of the persons stated<sup>3</sup> in this policy;
- b) Contribute by their conduct to make the workplace free of any form of harassment;
- c) Respect the persons with whom they interact in the course of their work;
- d) Participate in the consultation mechanisms put in place by the organization to prevent harassment;
- e) Denounce any situation that contravenes this policy;
- f) Collaborate in the processing of complaints and in the implementation of measures;
- g) Respect the confidentiality of the complaint process and only communicate with the person designated by the organization for the processing of a complaint;

#### **5.6 Sports officials<sup>4</sup> working with INS Québec**

Representatives of a sport, coaches or athletes with whom INS Québec has signed service agreements must:

- a) adhere to the values of respect of the aforementioned persons in this policy;
- b) Collaborate with INS Québec in disseminating this policy to the coaches, stakeholders and athletes they represent;
- c) Take the necessary actions with coaches, players or athletes involved in situations that contravene this policy;
- d) Denounce any situation that contravenes this policy.

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<sup>3</sup> Refer to the aforementioned General Principles.

<sup>4</sup> This designation covers any training group, National Sport Organization (NSO), Provincial Sport Organization (PSO).

## **5.7 Partners of INS Québec**

Partners of INS Québec include organizations (suppliers and service providers) or persons (visitors, volunteers) who collaborate with INS Québec. For this purpose, INS Québec hopes that its partners will undertake to:

- a) Contribute, through their conduct and collaboration with the employees and clients of INS Québec, to make the workplace free of any form of harassment.
- b) Respect the people with whom they interact as part of their activities at INS Québec;
- c) Denounce situations deemed unacceptable.

## **6. COMPLAINTS AND DENUNCIATIONS**

A complaint or a denunciation must be done in writing and signed. It may be filed in person, sent by mail on a confidential basis or by email to one of the following representatives:

- a) The person(s) designated by INS Québec  
Communicate by e-mail via the following address: [Respect-INS@sportaide.ca](mailto:Respect-INS@sportaide.ca).  
When necessary, a mailing address may be provided or a meeting will be arranged.
- b) The INS Québec vice-presidency administration  
[Respect-VP@insquebec.org](mailto:Respect-VP@insquebec.org)
- c) The INS Québec board of directors  
Communicate by email via the following address: [Respect-CA@insquebec.org](mailto:Respect-CA@insquebec.org).  
When necessary, a mailing address may be provided or a meeting will be arranged.

The complaint or denunciation must include a description of the alleged situation, indicate the details of the incident(s) and the name of any person involved and any witness, where appropriate. The statement must be dated and signed by the complainant or the whistle blower. All complaints received will be processed diligently, confidentially and impartially. A transmission guide is available in Appendix 2 of this policy.

## **7. INVESTIGATION PROCESS**

Upon receipt of an official complaint or denunciation, INS Québec will begin the investigation process provided for in this policy. No person directly or indirectly related to the complainant, the whistle blower or the person under investigation can act as the person responsible for an investigation.

The designated official or the person responsible for an investigation acts as a neutral party. His role is to gather information and act as a liaison to the board of directors until a



decision is made on the measures to be implemented as a result of the complaint or denunciation, in accordance with this policy.

Before initiating an investigation process, the designated official must determine whether:

- a) The complaint or the denunciation consists of a criminal violation or a minor. Where appropriate, he must inform the competent authorities;
- b) The behaviour under investigation involves a client or a partner of INS Québec. If necessary, he must refer the complaint to the person or agency concerned.

## **8. POLICY APPLICATION AND UPDATE**

This policy comes into effect as of September 2017. Any update or revision of this policy must be approved by the board of directors.

The vice-presidency administration is responsible for its application.

## **9. REFERENCES**

### Quebec Charter of Human Rights and Freedoms

The Charter of human rights and freedoms stipulates that every human being possesses intrinsic rights and freedoms including the right of equality and dignity.

“1. Every human being has a right to life, and to personal security, inviolability and freedom. “

“4. Every person has a right to the safeguard of his dignity, honour and reputation. “

“10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.”

“46. Every person who works has a right, in accordance with the law, to fair and reasonable conditions of employment which have proper regard for his health, safety and physical well-being. “

“46.1 Every person has a right to live in a healthful environment in which biodiversity is preserved, to the extent and according to the standards provided by law. “

### Occupational Health and Safety Act

The Occupation Health and Safety Act stipulates, among other things, that:

“9. Every worker has a right to working conditions that have proper regard for his health, safety and physical well-being. “

*The Act respecting Labour Standards*

The Act respecting Labour Standards stipulates among other things that:

“81.19 Every employee has a right to a work environment free from psychological harassment. Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it. “

*The Civil Code of Québec*

The Civil Code of Québec stipulates among other things that:

« 2087 The employer is bound not only to allow the performance of the work agreed upon and to pay the remuneration fixed, but also to take any measures consistent with the nature of the work to protect the health, safety and dignity of the employee.

## APPENDIX 1

### Guide to the transmission of complaints and denunciations

The INS Québec will process all complaints and denunciations in a confidential, impartial and diligent manner. The complaint or denunciation must include a description of the alleged situation, indicate the details of the incident(s) and the name of any person involved and any witness, where appropriate. Your contact information is needed as this information may help to obtain the details to determine if there has been a violation of the INS Québec policy on the respect for persons and the prevention of harassment and to process the situation, where applicable. In the event of the receipt of a complaint or denunciation that does not contain your contact information, INS Québec will also provide all the care and diligence necessary, but it is possible that its processing will be made difficult because of a lack of information and that the INS's ability to act be limited.

#### **Procedure to follow:**

Please provide as much detail as possible concerning the complaint or the denunciation.

1. Please describe the nature of the situation. Attach sufficient information to ensure the understanding of the alleged violation to the policy.
2. Please provide details regarding the place and date (p. ex., events, specific place, service, etc.) and the manner in how you determined the situation.
3. Please provide the full name, title and role of each person you believe is involved in the violation of this policy.
4. Please indicate how many times this incident occurred, where applicable.
5. Please indicate the duration of the incident or the frequency of the incidents, where applicable.
6. Please date your document and include your name as well as an email address and phone number to reach you.

*Your identity will be kept confidential as far as possible as specified in the policy.*

7. You may submit your complaint or denunciation document in person, by mail or by email to one of the following representatives:
  - a) The person(s) designated by INS Québec  
Communicate by e-mail via the following address: [Respect-INS@sportaide.ca](mailto:Respect-INS@sportaide.ca).  
When necessary, a mailing address may be provided or a meeting will be arranged.
  - b) The INS Québec vice-presidency administration  
[Respect-VP@insquebec.org](mailto:Respect-VP@insquebec.org)
  - c) The INS Québec board of directors  
Communicate by email via the following address: [Respect-CA@insquebec.org](mailto:Respect-CA@insquebec.org).  
When necessary, a mailing address may be provided or a meeting will be arranged.