

**POLICY FOR FIRST SERVICE TENNIS MANAGEMENT INC./EGLINTON  
FLATS WINTER TENNIS CLUB  
ON DISCRIMINATION, HARASSMENT, ABUSE AND BULLYING**

**Note:** For simplicity, this Policy uses the term “Complainant” to refer to a person who experiences, or alleges to have experienced, harassment. The term “Respondent” refers to the person against whom a complaint is made.

## **1. POLICY STATEMENT**

First Service Tennis Management Inc. (“**First Service**”) and Eglinton Flats Winter Tennis Club (“**Eglinton Flats**”), collectively “**First Service/Eglinton Flats**”, are committed to providing opportunities for every individual involved in the sport of tennis to enjoy the benefits of this involvement— whether related to recreation, social interaction, physical fitness, competition, volunteerism, or employment. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory, harassing, abusive or bullying practices. Harassment, in its various forms, can interfere with the achievement of this objective.

Harassment is a form of discrimination; the Ontario Human Rights Code states that prohibited grounds of discrimination are those that are based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or handicap. Harassment, discrimination, bullying and abuse (referred to below as “prohibited behaviours”) are offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada’s *Criminal Code*.

**1.1** First Service/Eglinton Flats has adopted this Policy (the “**Policy**”) to make it clear that these prohibited behaviours will not be tolerated. Members or Staff found to have engaged in such conduct may be disciplined and/or suspended to the full extent of this policy and the law.

**1.2** First Service/Eglinton Flats is committed to the education of all its Staff (as defined below) and to providing information to all of its Members (as defined below) and Staff regarding this policy.

**1.3** This policy applies to all staff, employees, directors, officers, administrators, volunteers, instructors, coaches, officials, and members of First Service/Eglinton Flats, as well as all those identified in Section 3 of this Policy. Every member, staff and coach of First Service/Eglinton Flats shall avoid and shall discourage others’ expressions or displays of prejudice, bigotry, sexual comments or racial slurs. Even the appearance of bigotry or prejudice can damage mutual respect between students, instructors, members, management and staff.

**1.4** For the purposes of this policy, sport and/or workplace harassment can occur in the following places: a) during day-to-day club matches both on and off the courts, lessons, clinics, in the waiting areas and parking lots of the Club, at sporting events, competitions, and in training sessions; b) at the office; c) at sport related social functions; d) at the business functions of First Service/Eglinton Flats and its Member clubs, such as meetings, conferences, training sessions and workshops; e) during sport related travel; and f) through any form of communication device/system including but not limited to telephone, email, fax, websites, and postal service..

**1.5** Notwithstanding this policy, every person who experiences prohibited behaviours continues to have the right to seek assistance from the police, their provincial child protection authority, civil courts, and their provincial human rights bodies, even when steps are being taken under this policy.

**1.6** The name and contact information of the Officer (as defined below) must be included in this policy, and the First Service/Eglinton Flats website, and kept current. Reference to this policy must be included in the membership application. A copy of the policy will be on the club website. The policy must be posted on the bulletin board at the front desk. Copies will be made available at the front desk.

## **2. OBJECTIVES OF THIS POLICY**

**2.1** To prevent harassment, discrimination, bullying and abuse within Eglinton Flats on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, sex, gender, sexual orientation, age, marital status, family status, ability or religious affiliation;

**2.2** To prevent bullying and abusive conduct at Eglinton Flats;

**2.3** To alert all Staff and Members of First Service/Eglinton Flats to the fact that harassment, discrimination, bullying and abuse is an offence under the law;

**2.4** To alert all Staff and Members of First Service/Eglinton Flats to the fact that they are protected under the law from harassment, discrimination, bullying and abuse; and

**2.5** To establish the types of behaviour that shall be considered contrary to this Policy.

## **3. DEFINITIONS**

**3.1** Member: refers to any entity approved for Membership (person, group of

persons organized and associated for the purpose of tennis and registered as a Member) with First Service/Eglinton Flats, or, in the case of a minor, to the Responsible Adult, as defined below.

**3.2 Staff:** refers to all individuals engaged by First Service/Eglinton Flats, including, but not limited to coaches; contractors; officials; volunteers; team managers; club administrators, Board Members; Committee Members, Directors and Officers; and employees of First Service/Eglinton Flats.

**3.3 Complainant:** refers to a person who experiences, or alleges to have experienced, any conduct prohibited by the Policy.

**3.4 Respondent:** refers to the alleged perpetrator of the action(s) which the Complainant states constitutes conduct prohibited by the Policy.

**3.5 Responsible Adult:** Where the Complainant or the Respondent is a minor, a parent, guardian, or other adult of the minor's choice, who may speak on behalf of the minor Complainant or minor Respondent.

**3.6 Sexual and Gender Harassment:** Sexual and gender harassment and abuse in sport stem from power relations and abuses of power. Sexual harassment refers to behaviour towards an individual or group that involves sexualised verbal, non-verbal or physical behaviour, whether intended or unintended, legal or illegal, that is based upon an abuse of power and trust and that is considered by the complainant to be unwelcome, and includes:

- sexually oriented comments jokes, lewd comments or sexual innuendoes, taunts about body, dress, marital situation or sexuality; ridiculing of performance;
- intimidating sexual remarks, propositions, invitations or familiarity;
- domination of meetings, court use, play space or equipment;
- condescending or patronising behaviour undermining self-respect or work/sport performance; and/or
- unwanted physical contact.

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

- when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;
- when submission to such conduct is made either implicitly or explicitly a condition of employment/access to sport related benefits/sport related activity;
- when submission to or rejection of such conduct is used as a basis for any employment for staff or sport decision/benefits for members/tennis players/tennis coaches (including, but not limited to, matters of promotion, raise in salary, job security, benefits affecting the employee, student/tennis

- player or team selection, lesson/tennis player favouritism, threat of retaliation to a tennis player by a coach); and/or
- when such conduct has the purpose or the effect of interfering with a person's work/tennis performance/experience or creating an intimidating, hostile or offensive work/tennis environment.

**3.7 Sexual Abuse:** Sexual abuse is when a person is used by another for his or her own sexual stimulation or gratification.

**3.8 Racism:** Examples of Racism include but are not limited to:

- interpersonal behaviour such as name calling, derogatory remarks, gestures and physical attack;
- racial bias in First Service/Eglinton Flats or tennis related decisions such as student/tennis player selection, team selection, court access, program access, and participation in activities and decisions related to tennis issues;
- racial bias in team selection, program and court access for members, administrative decisions, assignments, promotion, holidays, leave, salary increases;
- stereotyping language which universalizes experience and ignores the differences between people and cultures; and/or discriminatory language which denotes a stereotyped view of a subject.

**3.9** For the purposes of this policy, retaliation against an individual for having filed a complaint under this policy, or for having participated in any procedure under this policy, or for having been associated with a person who filed a complaint or participated in any procedure under this policy, will be treated as harassment, and will not be tolerated.

**3.10** For clarity, disciplinary or other measures taken by the Club following an investigation, or measures taken against a member for failure to cooperate in an investigation, are not considered retaliation by the Club.

#### **4. RESPONSIBILITIES OF FIRST SERVICE/EGLINTON FLATS**

**4.1 Officer:** An individual or individuals designated by First Service/Eglinton Flats possessing the appropriate background and training in the implementation of this policy. The Officer should be trained by existing, resigning or outgoing officers. In designating the Officer, the President will ensure that the Officer, by virtue of their responsibilities, has sufficient objectivity and neutrality to carry out the following functions:

- communicating the process for investigating and resolving harassment complaints;
- dealing with situations of prohibited behaviour immediately upon becoming aware of them, whether or not a harassment complaint has been filed; and

- ensuring situations of prohibited behaviour are dealt with in a sensitive and confidential manner.

First Service/Eglinton Flats shall appoint and put into place an Officer and a Complaints Procedure within 60 days after the implementation of this Policy.

**4.2** First Service/Eglinton Flats and the Head Tennis Professional are responsible for communicating that the prohibited behaviours are unacceptable practices and are incompatible with the standards of Eglinton Flats, as well as being a violation of the law, by posting this policy in accordance with section 1.6 of this policy.

**4.3** FSTM is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- ensuring the policy and procedures are followed;
- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure the policy meets the needs of the Club.

**4.4** Members and Staff are jointly responsible to free their sport/working environment of harassment by taking assertive action should they feel that they or someone else are being subjected to harassment. First Service/Eglinton Flats Head Tennis Professional, Staff and Members are responsible for:

- fostering a supportive sport environment/work place that is respectful and free of all forms of harassment, discrimination, bullying and/or abuse;
- reporting prohibited behaviour to the First Service/Eglinton Flats Officer; and
- cooperating with investigations and confidentiality related to the investigation process.

**4.5** Investigation Report: The written record of an investigation, completed by the Officer, including but not limited to, a summary of details, determination of harassment, and recommended disciplinary action if harassment is found.

## **5. COMPLAINTS PROCEDURE**

**5.1** The Complainant is encouraged to make it known to the Respondent that the behaviour is unwelcome, offensive, and/or contrary to this policy.

**5.2** If confronting the Respondent is not possible, or if after confronting the Respondent the conduct continues, the Complainant should seek the advice of the First Service/Eglinton Flats Officer. The name and contact information of the Officer is: Owen Pellew at (905) 763-7810 and [opellew@eglintonflats.com](mailto:opellew@eglintonflats.com). The Officer may simply conduct an initial consultation and offer initial advice to a

Complainant in a one-on-one context, or, if the Complainant prefers, may proceed directly to a meeting.

**5.3** If the Complainant wishes, a meeting should be held between the Officer and the Complainant. At this meeting, the Officer shall inform the Complainant of:

- the options of pursuing an informal resolution of the complaint;
- the right to make a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
- the availability of counseling and other resources;
- the confidentiality provisions of this policy;
- the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process; and/or
- other avenues of recourse, including contacting the Ontario Tennis Association, Tennis Professionals Association, and Tennis Canada, the right to file a complaint with the Human Rights Tribunal of Ontario or, file a civil lawsuit where appropriate, to contact the police where the conduct may be an offense pursuant to the Criminal Code.

**5.4** Following the initial meeting between the Complainant and the Officer, any of the following steps may be taken:

1. If the Complainant and the Officer agree that the conduct does not constitute harassment, discrimination, bullying and/or abuse, or if the Complainant does not wish to proceed further, the Officer will take no further action but a written record of the mutual resolution will be recorded and kept on file;
2. If the Complainant wishes to proceed informally, the Officer shall proceed to take appropriate steps, after inquiring as to the Complainant's preferences, and will make every reasonable effort to protect the identity of the Complainant;
3. If the Complainant wishes to proceed formally, the Officer may, if the Complainant wishes, obtain from the Complainant a statement in writing, outlining the details of the incident(s) and the names of any witnesses. The Officer shall then prepare a preliminary written report, outlining the details of the incident(s). After this, the following steps shall be taken:
  - I. The Officer will meet with the Respondent with a view to obtaining the Respondent's version of events;
  - II. The Officer may also meet with the Respondent to ensure the Respondent understands why the conduct was offensive, and to obtain an apology and an assurance that the prohibited conduct will not be repeated.

**5.5** After meeting with the Complainant and the Respondent, and after giving the Complainant the opportunity to respond to the Respondent's version of events, the Officer will prepare a report (the "**Investigation Report**"). The Investigation Report will take into account both the Complainant's and Respondent's versions of events, whether the Respondent had been involved in previous harassment, discrimination, bullying and/or abuse incidents, and whether the Respondent retaliated against the Complainant, as well as other factors the Officer deems reasonable.

**5.6** On completion of the Investigation Report, the Officer shall forward a copy of the Investigation Report to the Complainant, the Respondent, and the President of First Service/Eglinton Flats.

**5.7** If the Investigation Report determines that the Respondent has engaged in conduct constituting prohibited behaviour, the President shall order such disciplinary action to be taken against the Respondent as it determines to be appropriate under the circumstances. Said disciplinary action may include, but is not limited to:

- a verbal apology witnessed by the President;
- a written apology;
- a letter of reprimand from First Service/Eglinton Flats;
- referral to counseling;
- removal of certain privileges of membership/access to tournament play/suspension from teams or employment;
- demotion or pay cut;
- temporary suspension with or without pay;
- termination of employment or contract;
- expulsion from Membership; and/or
- a combination of the above actions.

## **6.0 COACH/PLAYER SEXUAL RELATIONSHIPS**

First Service/Eglinton Flats recognizes that the coach/tennis player relationship can give rise to power imbalances. In the interests of risk management and the avoidance of harmful effects on all concerned, First Service/Eglinton Flats will address concerns as necessary where a sexual relationship takes place between coach and player.

## **7.0 CONFIDENTIALITY**

First Service/Eglinton Flats will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. First Service/Eglinton Flats will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. First Service/Eglinton Flats will provide assistance to any employee/staff member/coach or member of the club who is the victim of violence or harassment as defined in this Policy.

### **8.0 DUTY TO REPORT**

Harassment, abuse and neglect are community problems requiring urgent attention. First Service/Eglinton Flats, The Head Tennis Professional and Coaching Staff is committed to help reduce and prevent the harassment of members, staff, and participants. First Service realizes that persons working closely with children and youth must have a special awareness of abusive situations.

Those involved with First Service/Eglinton Flats in providing training and competitive opportunities for participants understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence may result in charges and fines under the law.