

# Canadian Ski Instructors' Alliance (CSIA) Workplace Harassment Policy

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# Canadian Ski Instructors' Alliance (CSIA) Workplace Harassment Policy

## I. Introduction

1. The Canadian Ski Instructors' Alliance ("CSIA") is committed to providing a safe work and learning environment in which all workers are treated with respect and dignity. As a national organization in Canada, the CSIA values and supports diversity and inclusion, and is committed to fostering a sense of belonging and equal opportunity for those individuals associated with CSIA.
2. The purpose of the Workplace Harassment Policy (the "Policy") is to provide a mechanism for workers to respond to and report conduct that may constitute harassment. Preventing harassment in the workplace is everyone's business; everyone has a duty to help ensure that there is a climate of trust and mutual respect within CSIA. Workers are encouraged to bring forward information or report about existing or potential concerns.
3. CSIA will address incidents of harassment with seriousness and sensitivity. Any violation of this Policy may result in discipline, termination, or other sanctions, appropriate to the circumstances and the individual's relationship to CSIA.
4. CSIA is committed to maintaining the privacy and confidentiality of information obtained about an incident or complaint of workplace harassment, including individual identifying information, unless disclosing such information is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.
5. Anyone can contact the [Ombuds Office](#) for confidential advice and information about this Policy and how to report workplace harassment.

## II. Application

### *Who policy applies to*

6. This Policy applies to "workers", which includes, any person who performs work or supplies services to the CSIA. More specifically, this policy applies to supervisors, managers, contractors, course conductors and/or other employees, and volunteers within the CSIA working and training environments.

### *When and where the Policy applies*

7. The Policy will be enforced on CSIA premises and where activities related to the business of CSIA take place, including online. These include, but are not limited to:
  - (a) Programs and activities within offices and other CSIA property.
  - (b) Events associated with CSIA and including outside activities; or

- (c) Work situations outside of CSIA-operated premises, including external work assignments, work-related conferences, and training sessions.
- 8. The Policy applies in any aspect of employment, including, but not limited to, recruitment, promotion, receipt of benefits, dismissal, layoff, performance evaluation, and working conditions.
- 9. The person who reports harassment and the person alleged to have engaged in workplace harassment are referred to in this Policy as the “Parties”.

### **III. Principles**

- 10. Workers are entitled to an environment free of workplace harassment and workplace sexual harassment (in this Policy, referred together as “workplace harassment” or “harassment”). When a person is harassed in the workplace, they suffer but so do their colleagues, the team, and the organization.
- 11. CSIA will treat any report of harassment as a serious matter and respond to all reports or incidents of workplace harassment in a fair, respectful, and timely manner. Nothing in this Policy requires a victim of workplace harassment to ask the harasser to stop the behaviour prior to speaking up about or reporting workplace harassment.

#### *Definitions*

- 12. **Workplace Harassment** is engaging in a course of inappropriate or vexatious comment or conduct in a workplace that is known or ought reasonably to be known to be unwelcome, or any inappropriate conduct, comment, display, action or gesture by a person that:
  - (a) Is based on race, ancestry, place of origin, colour, ethnic origin, citizenship, nationality, creed, religion, religious beliefs, sexual orientation, gender, gender identity, gender expression, age, record of offences, marital status, family status, economic status, source of income, physical disability, mental disability, physical size or weight, physical appearance, political belief, political association or political activity or any other prohibited ground of discrimination under applicable law and human rights legislation, or
  - (b) adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated, or
  - (c) constitutes a threat to the health or safety of the worker.
- 13. **Workplace Sexual Harassment** is:
  - (a) Engaging in a course of inappropriate or vexatious comment or conduct in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

- (b) Making a sexual solicitation or advance where the person making the solicitation or advance is able to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Applicable legislation, whether human rights or employment standards, also expressly prohibits harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.
14. While harassment is usually based on an ongoing pattern of conduct, in some instances a single incident can be sufficiently serious to constitute harassment.
15. Harassment can also be psychological in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, which affect the worker's dignity or psychological or physical integrity and which results in a harmful work environment. A single serious incidence of such behaviour that has a lasting harmful effect on a worker may also constitute psychological harassment.

***Examples of behaviours that will normally be considered workplace harassment include:***

*Bullying or aggressive behaviour in the workplace, including making rude, degrading or offensive remarks, discrediting a person, spreading rumours, ridiculing a person, humiliating a person, calling into question their convictions or their private life, or shouting abuse.*

*Sexual or racial harassment or harassing someone based on any ground prohibited by human rights legislation.*

*Refusing to speak to or work with someone or treating that person differently based on any ground prohibited by human rights legislation.*

***Examples of behaviours that will normally NOT be considered workplace harassment include:***

*Reasonable action taken by the employer relating to the management and direction of workers or the workplace.*

*The normal exercise of supervisory responsibilities, including scheduling, training, evaluation, counseling, and appropriate workplace disciplinary action when warranted.*

*Physical and verbal interactions that are part of normal ski instruction that may, without proper communication, create unintended discomfort or embarrassment, and which may even be experienced as harassment in some circumstances.*

## **IV. Roles & Responsibilities**

### ***Duties of management.***

16. CSIA management will:

- (a) Provide all workers with information about how to disclose and/or report workplace harassment and post this Policy on the CSIA website and in any physical office spaces.
- (b) Ensure that incidents and complaints of workplace harassment are appropriately investigated, and where harassment has been substantiated, appropriate corrective action is taken; and
- (c) As appropriate and regarding privacy interests, inform the worker who has allegedly experienced workplace harassment and the alleged harasser, if they are a worker of CSIA, of the results of the investigation and of any corrective action that has been taken or that will be taken because of the investigation

### *Duties of Workers.*

17. All workers are expected to:
- (a) Treat everyone in the workplace with dignity and in a manner that is respectful and free of intimidation and harassment.
  - (b) Make changes to their own behaviour where they become aware that there is a potential for such behaviour to harm, intimidate, threaten or cause offence to others.
  - (c) Support others who might be victims of workplace harassment, including preserving evidence related to instances of alleged workplace harassment, documenting dates, times and the names of any witnesses.
  - (d) Intervene and report instances of inappropriate behaviour on the part of others which could amount to harassment, regardless of whether that behaviour originates from one's supervisor or co-workers, family members, or a member of the public; and
  - (e) Cooperate fully with any workplace harassment investigation.

## **V. Disclosure & Support**

18. Any worker who has experienced, is aware of, or has cause to be concerned about, workplace harassment may choose to share information with their manager, a supervisor, or another CSIA staff member ("Disclosure"). Specifically:
- (a) For program delivery related activities – workers may contact their program manager or the next level of authority; and
  - (b) For staff positions – workers may contact their immediate supervisors or the next level of authority.
19. Disclosure and reporting are separate actions that workers can choose to take. Disclosure provides an opportunity for the worker to share and receive information without judgement or initiation of a formal process. Any worker who has made a Disclosure has autonomy in

decision-making, in particular with respect to whether to make a formal report, except as outlined below. Reporting (outlined below) is the sharing of information with the intention of initiating a formal review by CSIA, which may result in sanctions.

20. Following a Disclosure, the manager, supervisor, or other CSIA staff member will provide support as follows:
  - (a) Make sure the worker is aware of this Policy and the right to make a formal written complaint, the reporting process, resolution options (formal and informal), the type of information to include in a formal report, and time limits.
  - (b) Advise the worker of the availability of counselling, medical assistance, and other support services, including any supports available to workers.
  - (c) If requested, review with the worker their concerns in relation to definitions included the policy.
  - (d) Review other avenues for pursuing concerns, including with the occupational health and safety or human rights organizations in the worker's province of employment, or, where appropriate, the police.
21. No further action will be taken by the manager, supervisor, or CSIA staff member, following a disclosure unless they are concerned about future risk to the health and safety of the worker or any other individual, or the incidents involve a minor (under the age of 18), in which case they will advise the worker that they are bringing the matter to the attention of CSIA management for review.
22. Workers, managers, supervisors and CSIA staff members, may contact the [Ombuds Office](#) to confidentially discuss this Policy, formal reporting, and options for informal resolution, including mediation and facilitated discussion between Parties.

## **VI. Informal Resolution**

23. If a worker decides that they do not wish to proceed with a formal report, they can still explore informal resolution options to clarify communication and interactions with the other person(s) involved and request assistance from the Ombuds or their manager, supervisor, or another CSIA staff member.
24. If the Parties agree to an informal resolution process, if a resolution is reached between the Parties and satisfactory to the individual who brought forward the concerns, the matter may conclude without further investigation.
25. CSIA nonetheless has the discretion under this Policy to proceed with a formal investigation and to take whatever action is appropriate in the circumstances.

## VII. Reporting Workplace Harassment

26. Any worker who has experienced, is aware of, or has cause to be concerned about, workplace harassment may choose to report the incident(s) to CSIA ("Report").
27. Reports can be made either verbally or in writing to the CSIA Complaints Officer. Reports should be made as soon as reasonably possible given the circumstances of the incident. Reports made verbally will be documented in writing by CSIA. The following information should be included in the Report, if available:
  - (a) What happened, including all relevant and available information, details about behaviours, dates, and times.
  - (b) Who is involved (names and roles, if known), as well as anyone else who may have been impacted by the actions or inactions.
  - (c) How this has impacted you.
28. The CSIA Complaints Officer will refer to and follow the formal complaints process outlined in the **CSIA Resolution Process**. CSIA has the discretion to determine whether to investigate an allegation of workplace harassment internally, or to arrange for an independent investigation of the complaint.
29. **Withdrawal.** After making a Report of workplace harassment, a worker may withdraw from any further action in connection with the complaint at any stage, although CSIA may continue to investigate and act, if appropriate.

### *Time Limits*

30. CSIA has a twelve (12) month time frame for the filing of a Report under this Policy. Unless otherwise prescribed by law, CSIA will have no obligation to review a complaint when facts upon which the complaint is based occurred more than twelve (12) months prior to the date the complaint is filed. CSIA may, in its sole and absolute discretion, choose to review such complaints under this Policy.

## VIII. Investigation Process

31. In addition to any processes set out in the **CSIA Resolution Process**, individual(s) responsible for investigating a Report of workplace harassment will:
  - (a) Receive a copy of the Report and any other documentation provided by the Parties.
  - (b) Make reasonable efforts to interview both Parties and provide them with an opportunity to respond to the information provided by the other Party.
  - (c) Interview all witnesses and any individuals having information pertaining to the harassment.

- (d) Make findings of fact and recommendations based on the best available information.

## **IX. Decisions**

32. CSIA management will review the Investigation Report and seek such clarification as may be required to make a finding of whether workplace harassment has been proven on a balance of probabilities, and prepare action items resulting from the investigation, including the imposition of changes within the workplace, administrative measures, or sanctions.
33. **Documenting decisions:** Where CSIA makes a finding that workplace harassment has occurred, a copy of the complaint and the outcome of the investigation, including any action to be taken, will be filed in the personnel file of the worker who was the subject of the finding (if applicable). CSIA may determine it is reasonable and appropriate to only file a summary of the decision and sanction, and not the investigation report. All documents generated under these procedures must be marked "PRIVATE AND CONFIDENTIAL" and be stored securely by the CSIA. Where the complaint is not upheld, a record of the complaint and the investigation report will be kept by CSIA, with nothing in the worker personnel file.
34. **No reprisal.** No disciplinary action or reprisal will be made against any worker who acts in good faith and exercises their rights under this Policy and under the law, even if the complaint turns out to be false, impossible to verify, or if the behaviour complained about is not found to constitute harassment.
35. **False information.** Any worker found to have intentionally made a false complaint or interfered with the investigation may also be subject to mandatory training, changes to their duties or responsibilities or discipline, or other penalties that are appropriate in view of the individual's relationship to the CSIA.
36. **No appeal.** There is no appeal or request for reconsideration mechanism under this Policy. If anyone is dissatisfied with the outcome of the investigation and/or decision of CSIA, they can pursue complaint processes through the relevant provincial or regional human rights and occupational health and safety organizations.

## **X. Sanctions**

37. In addition to the **CSIA Sanctions**, if there is a finding that workplace harassment occurred, one or more of the following sanctions may be imposed:
- (a) Mandatory training or participation in a program to address inappropriate behaviours.
  - (b) Restriction of authority or changes to duties, or terms and conditions on maintaining employment.
  - (c) Transfer or change in job assignment, including demotion, with or without changes in remuneration or benefits.



- (d) Suspension - with or without pay.
  - (e) Termination of employment - with or without just cause; and
  - (f) Any other action CSIA deems appropriate in the circumstances and based on remedies available under law or applicable legislation.
38. **Other remedies.** Whether or not there has been a finding that workplace harassment occurred, CSIA may implement organization-wide remedies to address the underlying concerns, including but not limited to:
- (a) Specific training or workshops for all workers, for example about their rights and responsibilities.
  - (b) Application of informal strategies to restore a positive working environment, including mediation or other restorative measures; and/or
  - (c) Changes to the workplace, work location, work schedules, or other work arrangements.