

QUEBEC MARITIMES JUNIOR HOCKEY LEAGUE

Policy for the Prevention and the Treatment of Harassment and Violence



1. PREAMBLE

Policy for the Prevention and Treatment of Harassment and Violence	
Adoption Date	September, 2001
Review dates	n/a

The present policy for the prevention and treatment of harassment and violence (hereinafter referred to as the “Policy”) applies to employees of the Quebec Maritimes junior hockey league (hereinafter referred to as the “QMJHL”), but also to players, officials¹ and all other “people associated with the QMJHL.”²

It is essential for the QMJHL that each of its teams adhere to the values and principles contained in this Policy to ensure an environment free of harassment, discrimination and violence for its own employees, players, officials, and other people associated with the QMJHL. To this end, the QMJHL requires each of its teams to adopt a Policy for the Prevention and Treatment of Harassment and Violence in the QMJHL context.

For New Brunswick and Prince Edward Island teams, please refer to Appendix D.

Although each team is responsible for adopting and applying its own policy for the prevention and treatment of harassment and violence, the Policy provides a procedure to support teams that wish to do so, in the treatment of reports and complaints they receive.

Furthermore, considering the role that the QMJHL plays with respect to players and officials, it is the Commissioner office responsibility to deal with any complaint or report involving a QMJHL player or official, both as a plaintiff and a respondent. To this effect, it is imperative that the Commissioner office be informed, without delay, by the league’s teams, of any complaint or report involving a QMJHL player or official, whether as a victim or as a respondent. The Commissioner's office shall also be informed of any complaint or report involving a team employee whose situation could have a negative impact on the players even if they are not directly concerned. The information in question must therefore be communicated, without delay, to one of the Individuals in charge of this Policy, as defined in section “3. Definitions” and identified in Appendix A of this document.

2. OBJECTIVES

The Policy has been adopted to provide QMJHL and teams employees, players, officials,

¹ Notwithstanding the above, all situations of harassment or violence involving a QMJHL player and occurring during a QMJHL game remain subject to QMJHL disciplinary rules and are dealt with at a first level by QMJHL officials and at a second level by the Director of Player Safety.

² The term " People associated with the QMJHL " is defined in section 3. Definitions.

and other people associated with the QMJHL with an environment free of harassment, discrimination, and violence.

The purpose of the Policy is to confirm the QMJHL's commitment to prevent and put an end to any situation of psychological, sexual and/or discriminatory harassment, and any form of violence, within its organization.

It also aims to establish the principles of intervention that will be applied when a complaint of harassment and/or violence is filed or when a situation of harassment and/or violence is reported to the Commissioner office.³

3. DEFINITIONS

Individuals in charge: The people designated by the QMJHL to see to the promotion and application of the Policy. These people are identified in Appendix A. Details on the role of these people are also included in Appendix A.

People associated with the QMJHL: Players, officials, representatives, suppliers, subcontractors, interns, volunteers, billet families, visitors, or spectators of the QMJHL.

Psychological harassment: vexatious conduct manifesting itself through repeated, hostile or unwanted behavior, words or actions, which violates the dignity or psychological or physical integrity of a person and which results in a harmful work, sports, study or service environment. A single serious conduct may also constitute harassment if it causes such harm and has a continuing harmful effect on the person.

For the purposes of the Policy, this definition includes, but is not limited to, sexual and discriminatory harassment, threats, bullying and cyberstalking.

Sexual Harassment: It refers to a course of conduct by an individual, based on sex, sexual orientation, sexual or gender identity, the expression of sexual or gender identity, that is characterized by vexatious remarks or gestures against an individual in the course of employment when the individual knows, or ought reasonably to know, that such remarks or gestures are unwelcome. Specifically, sexual harassment is any conduct that manifests itself in words, gestures, or behaviours with sexual connotations, that are unwelcome/unsolicited, and that by their nature violate the dignity of the individual or the individual's physical or psychological integrity or that may lead to unfavourable working conditions for that individual.

Sexual violence: Any form of misconduct or violence committed without consent through sexual practices or by targeting sexuality, including sexual assault and sexual harassment. Sexual violence includes any misconduct that includes non-consensual sexual gestures, words, behaviours, or attitudes, with or without physical contact.

³ In Quebec, employers are required to take reasonable steps to prevent psychological harassment and, when such conduct is brought to their attention, to put a stop to it. More specifically, they must adopt and make available to their employees a policy for the prevention of psychological harassment and the handling of complaints, including a section on conduct manifested by words, acts or gestures of a sexual nature. In this regard, see: <https://www.cnesst.gouv.qc.ca/en/prevention-and-safety/milieu-travail-sain-en/harassment-workplace/psychological-or-sexual-harassment-employers>

Discriminatory harassment: Harassment based on any of the grounds listed in section 10 of the Charter of Human Rights and Freedoms⁴, i.e., race, colour, sex, gender identity or expression, pregnancy, sexual orientation, marital status, age except, to the extent provided by law, religion, political convictions, language, ethnic or national origin, social condition, handicap, or the use of any means to palliate such handicap. It may also include harassment based on a player's status on his team or in the QMJHL.

Bullying: Repeated aggressive behaviour with the intent to hurt another person, physically, mentally, or emotionally, and/or to gain power over that person. Bullying can be individual or collective.

Cyberstalking: Any form of harassment committed by an individual, or a group of people, that reaches its victims through social media, the Internet, including email, and any communication via instant messaging or cell phone text messaging.

Threat: Any statement, direct or indirect, verbal or written (including via social media) expressing the intent to harm someone.

Violence in the Workplace: For the purposes of the Policy, there are three forms of violence in the workplace

- The use of physical force by a person against an employee or a QMJHL Associate in a QMJHL workplace that causes or is likely to cause physical injury to that employee or QMJHL Associate
- An attempt to apply physical force to an employee or an individual associated with the QMJHL at a QMJHL workplace that causes or is likely to cause physical injury to that individual; or,
- Words or conduct that could reasonably be interpreted as a threat to use physical force against an employee or an individual associated with the QMJHL in a QMJHL workplace that is likely to result in physical injury to that individual.

Workplace violence also includes verbal abuse, intimidation, physical assault, sexual assault, stalking, harassment, throwing or destroying objects, or threats associated with such behaviours in the workplace.

CAUTION: Sometimes the definitions overlap. For example, bullying and threatening behaviour may be considered harassment and violence. Regardless of which way they are viewed, such behaviour is not tolerated by the QMJHL and may be subject to reporting and complaint.

Examples of conduct that may be considered “harassment” are provided in **Appendix B**.

Complaint: A formal complaint filed with the QMJHL using the complaint form found in **Appendix E** of the Policy.

Reporting: A disclosure of information that does not constitute a formal complaint, but which is intended to report or denounce to the QMJHL a situation that is a risk for the work climate, likely to lead to action on its part.

Plaintiff: A person who makes a formal complaint under the Policy.

Respondent: A person who is the subject of a complaint or report regarding a breach of the Policy.

⁴ CQLR c C-12

4. PRECISION

Please note: The notion of “harassment” does not apply to interpersonal conflict, work-related stress, difficult work constraints or the normal exercise of the QMJHL’s management rights (management of work attendance, work organization, performance monitoring, disciplinary or administrative measures, etc.).

5. POLICY STATEMENT

The QMJHL does not tolerate any form of harassment or violence within its organization, whether it be

- From managers towards employees or people associated with the QMJHL
- Among colleagues
- From employees towards their superiors or towards people associated with the QMJHL
- From any individual associated with the QMJHL towards a QMJHL employee or another individual associated with the QMJHL

Any behaviour related to harassment or violence may result in administrative and/or disciplinary measures up to and including termination of employment in the case of a QMJHL employee or a ban from participating in QMJHL activities in the case of an individual associated with the QMJHL.

6. SCOPE

This Policy applies to all QMJHL personnel and people associated with the QMJHL, and at all levels of management, including in the following locations and contexts.

- Workplaces
- Common areas
- Any other place where people perform their work or must be in the course of their employment or duties for the QMJHL (e.g., in the environments of QMJHL teams, schools, boarding families, during meetings, internal or external training or conferences, travel or social activities organized by the QMJHL or by one of its teams, etc.)
- Communications, by any means, technological or otherwise, including social media, when such communications are directly or indirectly related to work.

7. EXPECTATIONS FROM STAFF

All staff and people associated with the QMJHL have a responsibility to behave in a manner that promotes a harassment-free and violence-free workplace.

All staff and people associated with the QMJHL must report to the individuals in charge any incident of harassment or violence in the QMJHL as soon as circumstances allow.

It is also the responsibility of all staff and people associated with the QMJHL to

cooperate with the mechanisms implemented by the QMJHL to prevent and stop harassment and violence.

8. MECHANISM FOR HANDLING COMPLAINTS OR REPORTS

First level of intervention: Resolve the situation yourself. Whenever possible, the employee or individual associated with the QMJHL who believes that he or she is being harassed or abused should first inform the individual involved that the behaviour is undesirable and that he or she should stop it. The employee or individual associated with the QMJHL should also record the date and details of the incidents and the steps taken to attempt to resolve the situation.

Second level of intervention: Requesting assistance in attempting to resolve the situation. If an employee who believes he or she is being harassed or abused is not comfortable speaking to the individual involved, or if the inappropriate conduct continues even after an attempt has been made in accordance with the first level of intervention, the employee should report the situation to his or her immediate supervisor or to one of the Individuals in charge in order to identify the problematic behaviours and the means required to stop them.

In the case of an individual associated with the QMJHL, if he/she is not comfortable speaking to the individual involved or if the inappropriate conduct continues even after an attempt in accordance with the first level of intervention, he/she should speak to one of the Individuals in charge to identify the problematic behaviours and the means required to stop them.

Third level of intervention: Filing a formal complaint. An employee or individual associated with the QMJHL who believes that he or she is still being harassed or abused despite attempts to resolve the matter under the first and/or second level of intervention should file a formal complaint. The behaviours alleged and the details of the incidents (time of occurrence(s), name(s) of the respondent(s), circumstances surrounding the facts, identity of potential witnesses, etc.) must be described in as much detail as possible, so that an intervention can be carried out quickly to put an end to the problematic situation. To this end, a complaint form is made available to the personnel [Indicate where these forms are available].

Witness. A person who witnesses a situation of harassment or violence should report the situation to one of the Individuals in charge designated by the QMJHL.

Time limit. Any complaint may be filed, or any report made, within two (2) years of the last occurrence of harassment or violence. However, any employee or individual associated with the QMJHL who believes that he or she has been a victim of harassment or violence or who believes that he or she has witnessed such harassment or violence should file a complaint or report as soon as possible to allow the QMJHL to ensure that the situation is dealt with diligently.

a. Admissibility Analysis of the Complaint or Report and Investigation

Upon receiving a complaint or report, the Individual in charge must first analyze the

complaint or report to see if it is admissible. The Individual in charge can do this analysis himself or herself or can mandate someone, internally or externally, to do it for him or her. At this stage, it is simply a matter of determining whether the allegations of harassment or violence, if proven, could reasonably constitute a form of harassment or violence prohibited by the Policy.

If a complaint is found to be inadmissible, the Individual in charge will notify the plaintiff.

If the complaint or report is found to be valid, an investigation will be conducted. Depending on the situation, the Individual in Charge may investigate the complaint or report on its own, or may mandate someone, either internally or externally, to conduct the investigation.

The investigation is a confidential process that respects the people involved. The investigation will begin as soon as possible to try to avoid prejudice to the parties involved.

If the person conducting the investigation deems it appropriate, particularly when the seriousness of the circumstances justifies it, he or she may propose to the QMJHL Commissioner that certain temporary measures be taken during the investigation. For example, such measures could be the administrative suspension or removal of one or more respondents. Such measures, if any, do not constitute an acknowledgement of the existence of a situation of harassment or violence but are intended to protect the work climate and the health and dignity of the people involved before the conclusion of the investigation.

As part of the investigation, the investigator shall

- Advise the parties of their rights and responsibilities
- Have the parties sign a confidentiality agreement
- Meet with each of the parties and witnesses separately (during this meeting, the parties may be accompanied by a person of their choice if they wish)
- Collect written and signed statements from each of the parties and witnesses if any
- Diligently produce an investigation report and submit it to the QMJHL Commissioner

b. Decision and Sanctions

After receiving an investigation report, the QMJHL Commissioner shall decide whether to impose a disciplinary sanction, an administrative measure, or a combination of both. The Commissioner, if he so desires, may forward a copy of the investigation report to the QMJHL's independent Player Support Program Committee, and ask this committee to make a recommendation as to the sanction(s), if any, that should be imposed in the matter.

If the QMJHL Commissioner is personally involved in the complaint, either as a plaintiff or a respondent, the report of the investigation shall be submitted to the President of

the QMJHL Assembly of Members. The latter may, if he so desires, forward a copy of the investigation report to the QMJHL's independent Player Support Program Committee and ask this committee to make a recommendation as to the sanction(s) that should, if any, be imposed in the matter.

9. PRINCIPLES OF INTERVENTION

In the event of a complaint or report of harassment or violence, the QMJHL undertakes to

- Deal with the complaint or report as quickly as possible.
- Offer to hold mediation, when appropriate, to try to resolve the problematic situation.
- Put in place appropriate mechanisms to deal with situations of harassment or violence brought to the attention of the QMJHL.
- Protect the confidentiality of the intervention process, including information related to the complaint or report, unless such information is necessary to process a complaint or report, investigate or impose disciplinary or administrative measures.
- Inform the people involved, of the conclusion of the investigation, if any.
- Take all reasonable steps to resolve the situation, including but not limited to appropriate disciplinary and/or administrative measures or interim measures necessary to protect the work environment and the health and dignity of the people involved.

10. COMPLAINT MADE IN BAD FAITH

The individual who files a complaint that is untrue, abusive or with the intent to harm others is liable to administrative and/or disciplinary measures, as appropriate, up to and including termination of employment in the case of a QMJHL employee or a ban from participating in QMJHL activities in the case of an individual associated with the QMJHL.

11. ANTI-RETALIATION CLAUSE

In the handling and resolution of a situation involving harassment or violence in the workplace, no individual shall suffer prejudice or retaliation because of reporting or complaining in good faith or participating in a process established by the QMJHL.

12. CONTRAVENTION OF THE POLICY

Any person that acts in contravention of the Policy may be subject to administrative and/or disciplinary action. The choice of the applicable measure(s) will consider the seriousness and consequences of the action(s) as well as the record of the person who committed the action(s).

13. PROVIDE ASSISTANCE TO TEAMS WHO WISH TO BE SUPPORTED IN THE PROCESSING OF COMPLAINTS OR REPORTS THAT THEY RECEIVE

Considering that QMJHL teams do not always have the necessary resources to deal quickly and efficiently with complaints or reports of harassment or violence that they receive, the QMJHL agrees to make the Individuals in charge available to teams that so desire.

Thus, if a team wishes, it may forward any complaint or report of harassment or violence it receives concerning one of its employees or an individual associated with the QMJHL to one of the QMJHL Individuals in charge.

The mechanism for handling the complaint or report shall then be the same as that provided for in section 8, with the necessary adaptations.

It is understood that the costs that may be incurred by mandating an external party to conduct the analysis of the admissibility and/or the investigation of the report or complaint shall be the exclusive responsibility of the team.

Furthermore, the report of the investigator will then be forwarded to the team's general manager or, if the complaint or report involves the team's general manager, to the team's president, and the decisions (administrative and/or disciplinary measures) resulting therefrom, if any, will be made by the general manager or the team's president, as appropriate, and not by the QMJHL Commissioner.

14. COMMUNICATION

Within thirty (30) days of the adoption of the Policy, a copy of the Policy shall be provided to each employee who is subject to the Policy, as well as to players and officials. Each such person shall be required to read the Policy and sign the commitment form in Appendix C.

All new employees, players and officials will receive a copy of the Policy upon hiring. He/she will be required to read the Policy and sign the commitment form provided in Appendix C.

A copy of Appendix C signed by an employee, or a new employee shall be placed in his or her employee file.

A copy of Appendix C, signed by a player or an official, shall be kept in the QMJHL files.

Mr. Gilles Courteau
QMJHL Commissioner

Date

APPENDIX A

INDIVIDUALS DESIGNATED BY THE COMMISSIONER'S OFFICE FOR THE PURPOSE OF ENFORCING THIS POLICY

The two Individuals in charge are:

- *Jean-Baptiste Bertrand, Director of the support program, QMJHL*
 - Cell phone: 438-392-9709
 - jbbertrand@lhjmq.qc.ca
- *Karl Jahnke, Chief Marketing Officer, QMJHL*
 - Cell phone 514-808-3795 | Office: 450.650.0500 #219
 - kjahnke@lhjmq.qc.ca

The QMJHL:

- Will ensure that the designated Individuals in charge are duly trained and have the necessary tools at their disposal for the efficient and adequate handling and follow-up of complaints and reports filed under the Policy
- With respect to the designated Individuals in charge, will free up work time so that they can carry out their assigned duties.

The main responsibilities of the Individuals in charge are to:

- Inform QMJHL and teams' personnel of the existence of the Policy and promote it.
- Intervene informally to try to resolve potential problematic situations brought to their attention.
- Receive complaints and reports.
- Attempt to mediate between the parties involved in a complaint or report when the situation is appropriate.
- Ensure that each complaint or report is analyzed for admissibility and that the investigation is carried out when the complaint or report is admissible.
- Recommend to the QMJHL Commissioner or to the general manager or team president, as applicable, the nature of the actions to be taken to put an end to the situations of harassment or violence brought to his/her attention.

Commitment of the Individuals in charge

I hereby declare that I am committed to respecting the Policy and that my interventions will be impartial, respectful, and confidential.

Signature of Individual in charge #1

Date

Signature of Individual in charge #2

Date

APPENDIX B

EXAMPLES OF SEXUAL VIOLENCE

Any form of misconduct or violence committed without consent through sexual practices or by targeting sexuality, including sexual assault and sexual harassment. Sexual violence comprises any misconduct that includes non-consensual sexual gestures, words, behaviours, or attitudes, with or without physical contact, such as:

- Sexist language
- Indecent exposure
- Sexual exploitation
- Production or use of degrading sexual imagery
- Voyeurism
- Exhibitionism
- Cyber harassment
- Sexual exploitation
- Abusive expressions of unwanted interest

EXAMPLES OF PSYCHOLOGICAL OR SEXUAL HARASSMENT

The following behaviours could be considered vexatious conducts constituting harassment if they meet the definition of harassment under the law.

Behaviours that may be related to psychological harassment

- Bullying, cyberbullying, threats, isolating someone
- Offensive or defamatory comments or actions directed at a person, or their work based on race, gender, sexual orientation, team, or league status, etc.
- Verbal abuse
- Disparaging

Behaviours that may be related to sexual harassment

- Any form of unwanted attention or advances with sexual innuendo, such as
 - Insistent solicitation
 - Inappropriate looks, kissing or touching
 - Sexist insults, foul language
- Sexual comments, jokes or images through any means, technological or otherwise.

APPENDIX C

I hereby declare that I have read and understood the QMJHL Policy for the Prevention and Treatment of Harassment and Violence in the Workplace.
Furthermore, I hereby undertake to respect this policy.

Date: _____/_____/_____

(Name printed)

(Signature)

(Status, printed: employee, player or official)

Copy: Employee file or QMJHL files in the case of a player or referee

APPENDIX D

POLICY FOR THE PREVENTION AND TREATMENT OF HARASSMENT AND VIOLENCE ADOPTED BY NEW BRUNSWICK AND PRINCE EDWARD ISLAND TEAMS

For QMJHL teams in New Brunswick and Prince Edward Island who wish to use the proposed policy template, it is your responsibility to conduct your own harassment and violence risk assessment and adopt a policy based on the results of the assessment. You should contact legal counsel in your province to ensure that the policy is amended, if necessary, to comply with applicable laws and regulations in your jurisdiction.

APPENDIX E
COMPLAINT FORM

Information of person making the complaint	
Name :	Team :
Contact Details :	
Complaint information	
Date :	Complaint Taken By :
Complaint Details :	
First Response Corrective Action :	
Corrective Action Person(s) :	
Corrective Action Follow-up :	
What steps should be considered to avoid a repeat of the problem?	
Date :	

Signature of person making the complaint