

2016

Harassment Prevention, Workplace Violence Prevention and Child Abuse Prevention Policies: Guide to Policies and Procedures

NL 22



Record of Amendments

<u>Date</u>	<u>Amendment</u>
15 March 2016	Refusal to Work – Section – Annex B para. 7d
15 March 2016	Deletion – repeat phrase

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INTRODUCTION

The Navy League of Canada is committed to providing a learning and working environment for all persons that is healthy, safe and free from harassment, discrimination, violence and child abuse.

The Navy League of Canada requires all members of the Navy League of Canada to conduct themselves in a manner, which promotes and protects the best interests and well-being of cadets, staff and volunteers. Everyone within the organization has an individual responsibility to contribute to creating and maintaining a respectful workplace and must be dedicated to preventing harassment, discrimination and to facilitate a safe, secure and violence and child abuse free organization.

This guide shall apply to all members of the Navy League of Canada including but not limited to the following:

- i) National and Divisional/Branch employees;
- ii) Navy League Registered Participants (Branch Members) including National Board, Division and Branch Council members and all categories of Associates;
- iii) All Navy League volunteers including Navy League Officers and;
- iv) This policy also covers contractors, subcontractors, clients, suppliers, and visitors to our organization.

The primary purpose of this guide is to provide information to facilitate the recognition of harassment, workplace violence and child abuse and the procedures to deal with these issues when they occur.

Any suggested amendments to this Guide are to be forwarded to the National Office – The Navy League of Canada. This publication is produced under the authority of the National Board of Directors of The Navy League of Canada.

OVERVIEW

The Navy League of Canada has created three (3) distinct policies and procedures to address Workplace Harassment, Workplace Violence Prevention and Child Abuse Prevention. This manual will provide an overview of the three (3) policies and their corresponding procedures. In addition, this manual will provide general information on recognizing the different forms of harassment, violence and abuse and how to handle it.

The primary intention of all three policies is to ensure that all individuals who are subject to the policies including those who are work or volunteer with The Navy League of Canada have the tools and supports necessary to ensure a safe, healthy, secure and respectful environment. The manual will outline how to prevent any incidents and, as required, be able to respond or address any incidents should they occur.

Any retaliation or reprisals are prohibited against anyone who comes forward with a complaint under any of the three policies or has provided information regarding a complaint. Any form of retaliation or reprisals will be subject to further follow up

inquiries, investigation and disciplinary action where it is deemed warranted. The same procedures used to investigate a complaint will be used to investigate alleged retaliation or reprisals.

DEFINITIONS

It is important to have a common understanding of the definitions contained in each policy in order to assist individuals with recognizing when an issue has occurred. The common definitions applicable to all three policies have been outlined first, followed by policy specific definitions.

General:

Workplace: means any land, vehicle (including air craft, marine or vessel), premises, location or thing at, upon, in or near which an employee and member and/or volunteer is engaged in Navy League related activities. The workplace also includes business trips, social events, work related travel and work related conferences or training sessions.

Respondent: Any person against whom an issue is raised.

Complainant: Any person who raises an issue and accesses one of the means of resolution.

Third party complainant: Any person who feels indirectly harassed or discriminated against and chooses to initiate a complaint.

Witness: Any person who witnesses conduct or behaviour towards another person that meets the criteria of any one or combination of issues identified under this policy.

Manager: encompasses any person working in a supervisory capacity.

Harassment:

Harassment: means comments or actions, made on either a one-time or continuous basis, that are unwelcome or should be known to cause offence or harm or engaging in a course of vexatious comment or conduct against another co-worker that is known or ought reasonably to be known to be unwelcome. This includes comments/behaviours that may be observed or overheard by a third party who takes offence. The definition includes harassment prohibited under the relevant Provincial Human Rights Code, as well as what is often called “psychological harassment” or “personal harassment”. Everyone has the right to be free from humiliating behavior that is based on race, gender identity, ancestry, place of origin, color, ethnic origin, citizenship, creed, disability, gender, sexual orientation, age, record of offences, marital status, family status or same-sex partnership status. Recognized forms of harassment under this policy include:

- i) **Discrimination:** to treat someone unequally or differently, whether deliberately or not, because of a personal characteristic or distinction. Unsolicited actions or behaviours that result in unfavorable or adverse or preferential treatment, based on any of the prohibited grounds as contemplated by the applicable provincial human rights legislation;

- ii) **Sexual Harassment:** unwanted sexual attention, physical contact, or offensive, derogatory, abusive or obscene comments, gestures, jokes and writing or images of a sexual nature;
- iii) **Racial Harassment:** any action including jokes expressing or promoting racial intolerance, prejudice, discord or hatred, racially offensive material and refusal to cooperate/work with person based on race, color, place of birth, citizenship, ancestry or ethnic background;
- iv) **Psychological Harassment:** bullying, intimidating, abusive, aggressive, obnoxious or other outrageous behavior including cruel jokes or hoaxes that create anxiety among co-workers;
- v) **Abuse of Authority:** occurs when a person improperly or unreasonably uses the power and authority inherent in his or her position to interfere with another's performance, threaten or influence that individual's career or job, or threaten the livelihood of the employee. It includes intimidation, blackmail, coercion and favoritism; and
- vi) **Electronic harassment:** harassment in any of the contexts stated above that is achieved by using electronics, including email, cell phones, facsimile, voice mail, computers including Navy League network computers and devices.

Violence:

Workplace Violence: Is the exercise of physical or verbal force by a person against a person, in the workplace, that causes or could cause physical or mental injury to that person. It also includes an attempt to exercise physical force against a person in the workplace that could cause physical injury to that person and a statement or behaviour that any person could reasonably interpret as a threat to exercise physical force against that person, in a workplace, that could cause physical injury to the person. Types of workplace violence could include but are not limited to:

- i) Verbally threatening to attack someone;
- ii) Leaving threatening notes, sending threatening e-mails or making obscene or harassing phone calls;
- iii) Shaking a fist in a someone's face;
- iv) Carrying or wielding a weapon at work;
- v) Hitting or trying to hit someone;
- vi) Throwing an object at someone;
- vii) Sexual violence against someone;
- viii) Kicking an object that someone is standing on such as a ladder; or
- ix) Trying to run down someone using a vehicle or equipment.

Criminal Violence: Criminal violence, such as sexual or physical assault, is defined by the Criminal Code. All individuals are encouraged to report any criminal behaviour to the Police and also advising the appropriate Navy League Chain of Command.

Domestic Violence: Where appropriate, a person is encouraged to inform through the Navy League Chain of Command or if a member of the National Staff, the Executive

Director, if any potential risk of violence they may experience in their non-work life that may impact on their own safety or the safety of others with whom they interact with in the Navy League.

Child Abuse:

Child Abuse: means any form of physical, emotional and/or sexual mistreatment or lack of care that causes physical injury or emotional damage to a child.

Child: the age of a child is defined in the child protection legislation from each province/territory.

Child Protection Agency: refers to a Child Protection Agency and is a generic term that includes the child protection services/agencies of all provinces/territories.

Emotional Abuse: refers to the chronic/repetitive abuse over a significant period of time of a negatively impacting a child's/youth's self-esteem. Some examples of emotional abuse are:

- Name calling
- Threatening
- Ridiculing
- Berating
- Intimidating
- Isolating
- Hazing
- Ignoring a child's/youth's needs

Physical Abuse: occurs when a person in a position of power or trust injures or threatens to injure a child or youth and includes: hitting, slapping, punching, pushing, kicking, hair pulling, burning, shaking, asphyxia, biting and restraining. It also includes the excessive use of exercise as a form of punishment; forcing a child to exercise until he/she becomes sick or passes out from exhaustion. Physical abuse includes: hazing, abandonment, homicide and assault, assault with a weapon or causing bodily harm, and correction of a child by force.

Neglect: refers to the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diet, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air.

Sexual Abuse: occurs when a young or less powerful person is used by an older or more powerful child, adolescent or adult for sexual gratification. There are two categories: non-contact and contact.

- i. **Non-contact:** flashing or exposing sexual body parts to a child; watching intrusively as a child changes or showers; speaking/communicating seductively

with a child; sowing pornographic films, magazines or photographs to children; having young people participate in the creation of pornographic materials; forcing a young person to watch a sexual act performed by others; objectifying a child's sexual body parts; and

- ii. **Contact:** kissing or holding a child in a sexual manner; touching sexual body parts or forcing a child to touch another person's sexual body parts; oral sex; penetrating a child anally or vaginally with objects or fingers; having vaginal or anal intercourse with a child

DIFFERENTIATING BETWEEN HARASSMENT, VIOLENCE AND ABUSE

The following chart is a good reference to differentiate between the three terms.









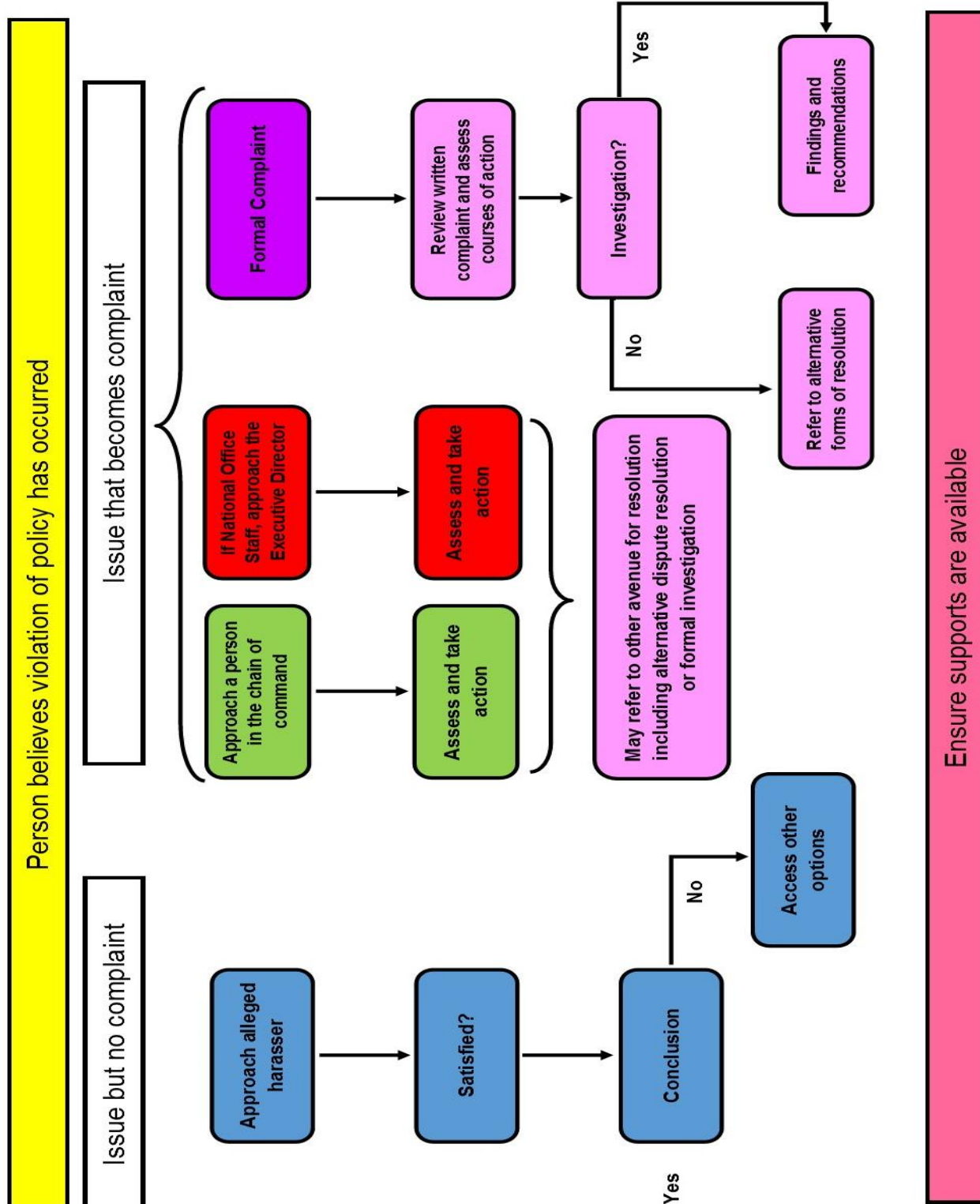
	Actions by an adult		Against another adult of a nonviolent nature (Harassment)	
	Actions by an adult in a position of authority		Against another adult of a violent nature or threatening nature (Violence)	
	Actions by a cadet		Against another cadet (Harassment)	
	Actions by an adult, older youth or youth in a position of authority		Against a cadet or youth (minor) (Child Abuse)	

Figure 1 provides a visual representation of the various response options available when dealing with a matter of harassment or discrimination.

HARASSMENT PREVENTION POLICY RESPONSE OPTIONS

Navy League of Canada
Harassment Prevention Policy Response Options



HARASSMENT PREVENTION POLICY

The first policy that this guide will address is the Harassment Prevention Policy. As noted in the definition section, harassment means comments or actions, made on either a one-time or continuous basis, that are unwelcome or should be known to cause offence or harm or engaging in a course of vexatious comment or conduct against another co-worker that is known or ought reasonably to be known to be unwelcome. This includes comments/behaviours that may be observed or overheard by a third party who takes offence. The definition includes harassment prohibited under the relevant Provincial Human Rights Code, as well as what is often called “psychological harassment” or “personal harassment”. Everyone has the right to be free from humiliating behavior that is based on race, gender identity, ancestry, place of origin, color, ethnic origin, citizenship, creed, disability, gender, sexual orientation, age, record of offences, marital status, family status or same-sex partnership status.

To read the full policy, please reference the full policy which is located as [ANNEX A - WORKPLACE HARASSMENT POLICY](#).

REPORTING AND COMPLAINT PROCEDURES

When faced with a potential harassment or discrimination issue, the objective is to find a resolution that is satisfactory to all parties. This section will set out the range of possible processes available to find resolution for individuals dealing with a potential harassment or discrimination issue.

For a successful resolution, both parties to the issue must be involved and take active ownership and work responsibly to achieving a solution. There are a number of factors which may contribute to the choice of the process to follow. These factors may include one or more of the following:

- The wishes of the parties involved;
- The seriousness of the complaint or the complexity of the problems;
- The relationship between the parties involved;
- The length of time the situation has been going on;
- The number of people involved in the situation;
- The presence of any other management actions which may have an effect on the situation;
- Availability of involved parties;
- The impact of what the situation has created for the person(s) affected and the degree of support required; and/or
- Other factors that may be raised during the course of the review.

General

Nothing in the policies and procedures of the Navy League of Canada shall prevent or discourage an individual from seeking redress through the appropriate provincial Human Rights Tribunal/Committee. Individuals are encouraged to attempt to resolve the matter internally, as set out in this policy, whenever possible.

Any individual involved in a formal investigation of a complaint is expected to treat the information in a confidential manner. All attempts will be made by the Navy League of Canada to treat the complaint as confidential as possible. However, given that the person(s) against whom a complaint is made must be informed, and possible witnesses must be questioned, confidentiality cannot be guaranteed.

Where it is discovered that a complaint was frivolous or malicious, disciplinary action may be taken against the complainant.

Difference between performance management and harassment

Navy League governing bodies and management can manage, counsel and deal with matters of discipline. However, should the behavior lead to bullying, intimidation, shouting, or threats of violence, this could become a harassment or violence issue.

Options for Resolution:

Where a person believes that either harassment or discrimination issues exists, there are a number of different options available to them to respond to an issue as follows:

Resolve the matter with the individual

All individuals are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwanted behavior. Where the person feels comfortable in doing so, they should communicate their disapproval in a respectful manner with the other person(s) regarding the behavior, conduct or comments and request that the offending behavior cease. Keep a personal written record of the date, time, details of the comments, and witnesses, if any.

Where an issue becomes a complaint the following options are available:

Management Intervention

A person may bring forward, through the Navy League Chain of Command an issue of harassment or discrimination. If from a member of the National Staff, the Executive Director is required to deal with this matter promptly.

- The Executive Director may consult with the National President (or if required the Immediate Past National President or National Treasurer) to determine the appropriate course of action.
- If the Executive Director is the complainant or respondent, the National President or the National President's designate will undertake the role.
- If there is a complaint against the National President, then it will be addressed by the Immediate Past National President or if unavailable by another National Past President.
- If a complaint is at Division or Branch level the matter is to be brought to the attention of the Division President/ Branch President and CO of the NL Corps CO as soon as practicably possible.

Formal Complaint

There are instances where it may be necessary to formalize a complaint. These instances may occur where other methods used to resolve the issue were not appropriate or effective. These matters may include:

- (a) Behavior that is serious or aggravated
- (b) A history of problems with either one of the parties
- (c) A repeat of past behavior
- (d) An apparent disregard for the Workplace Harassment Program
- (e) Other disciplinary or performance problems exist
- (f) Criminal or potentially criminal action

To file a formal complaint:

- (g) Provide a formal letter that contains a brief account of the offensive incident, when it occurred, the persons involved and name any witnesses. The letter shall also include the remedy being sought and should be signed and dated.
- (h) If from a member of the National Staff, forward the complaint to the Executive Director
- (i) The Executive Director will review the complaint and may initiate a preliminary meeting with any parties deemed necessary to discuss the situation, exchange information and develop a strategy to move forward. If the Executive Director is involved in a complaint in any way then he/she is to forward the complaint to the National President (or if required to the Immediate Past National President or National Treasurer).
- (j) The matter may be referred to a more formal investigation, if warranted. The Executive Director in consultation with the Board of Directors for complaints related to the National Office or with the appropriate Division President/Division Council for occurrences within their jurisdiction will determine if the investigation will be conducted by an internal party or referred to an external third party.
- (k) The complainant and the respondent will be informed in writing of the outcome of a formal investigation.

Alternative Dispute Mechanism

In all instances, the person responsible for resolving the complaint will assess whether the situation could be resolved using a form of alternative dispute resolution such as mediation. This will only be done with the expressed consent of all parties to the complaint. Should this process not result in a satisfactory outcome, then the complaint will be reviewed to determine if a formal investigation is to be conducted. Forms of Alternative Dispute Resolution can include Mediation. Involved parties who agree to participate in this process do so on a without prejudice basis and typically involve an external resource to facilitate the dialogue.

Mediation is a confidential voluntary process with the mediator acting as process manager. The mediator has no decision making power. Their primary function is to

keep the lines of communication open, help parties express issues and identify interests and to assist the parties in constructing mutually acceptable agreements.

GUIDELINES for AVOIDING HARASSING BEHAVIOURS

- Behave in a manner that makes everyone feel safe, respected and liked
- Remember that it is the impact of your actions and not the intent that counts
- If the other person's words or body language is saying, "This is not welcome behaviour," then STOP.

WORKPLACE VIOLENCE PREVENTION POLICY

The second policy covered in this guide is the Workplace Violence Prevention Policy. To access a full copy of the policy, refer to [ANNEX B- WORKPLACE VIOLENCE PREVENTION POLICY](#)

Workplace Violence differs from the Harassment Prevention Policy in that workplace violence is a criminal act and a person who is found guilty of workplace violence can potentially be charged under the Criminal Code.

As identified in the definition section of this guide, workplace violence is the exercise of physical force by a person against a person that causes or could cause physical injury. It also includes an attempt to exercise physical force against another person that could lead to physical injury and a statement or behavior that a person could reasonably interpret as a threat to exercise physical force.

REPORTING AND COMPLAINT PROCEDURES

The following sets out the process for dealing with emergencies and non-emergencies:

Reporting Emergencies (immediate danger, weapons involvement, physical injury related to violent behavior):

- i) **For acts of violence, assaults or other violent incidents CALL 911 immediately.** Critical information must be provided including the nature of the incident, whether emergency services are required, whether the perpetrator(s) are still present or whether weapons are involved.
- ii) After proper control of the emergency, the appropriate person in the Navy League Chain of Command will finalize a Workplace Violence Report Form (see *Appendix A of the Policy Document*). In the case of a workplace injury involving an employee of the Navy League of Canada, an Accident Report Form (see *Appendix B of the Policy Document*) is also to be completed. In the event that the injury involves a volunteer of the Navy League, an Insurance Claim Form (see *Appendix C of the Policy Document*) is to be completed. All forms should be submitted, as soon as possible, to the appropriate Chain of Command. For National Office Staff, a copy will be placed in the employee's personnel file.

Reporting Non-emergencies (verbal threats, actions/activities that may in future lead to emergency situations as noted above):

- iii) Individuals are encouraged to immediately report threatening statements or behaviour that gives one reasonable grounds to believe that there is a potential for workplace violence through their appropriate Navy League Chain of Command.
- iv) Upon receiving a complaint, a process will be undertaken promptly to review and respond to the complaint. If required, external parties may be brought in to assist with the review of the complaint.
- v) The appropriate Manager/Division President/Branch President/NL Corps CO is to be informed as soon as practicably possible.

Only in the case of workplace violence, and in accordance with provincial Occupational Health and Safety Legislation, can an employee can refuse work if they have reason to believe that he or she may be endangered by workplace violence. Until the matter is resolved, the normal work refusal process (as per the applicable provincial Occupational Health and Safety legislation) will be followed.

What happens if a complaint of workplace violence is found to have taken place?

Upon being made aware of a complaint, the first step is to work with the employee/member to ensure that proper measure are put in place to protect the safety of the person reporting the complaint. If an investigation is conducted, upon its completion, appropriate and prompt action, up to and including termination, if necessary, will be taken to stop the workplace violence and to prevent its recurrence.

What protection do I have if I come forward with a complaint?

Any retaliation or reprisals are prohibited against anyone who comes forward with a complaint under this policy or has provided information regarding a complaint. Any form of retaliation or reprisals will be subject to further follow up inquiries, investigation and disciplinary action where it is deemed warranted. The same procedures under this policy will be used to investigate alleged retaliation or reprisal.

CHILD ABUSE PREVENTION POLICY

The final policy to be addressed with within this guide is the Child Abuse Prevention Policy. A full copy of this policy can be found [ANNEX C-CHILD ABUSE PREVENTION POLICY](#)

A revelation occurs when an individual (child, witness or third party) communicates, verbally or non-verbally, that an incident of harassment or abuse may have occurred.

When receiving information involving a revelation:

- a. **DO NOT** promise to keep secrets
- b. **DO NOT** attempt to counsel the alleged victim
- c. **DO NOT** question the alleged offender
- d. **DO** document your observations and actions.

One must always quickly assess the incident/disclosure and determine the nature of the offensive behaviour (harassment or child abuse). The age of alleged victim is vital in determining whether abuse has occurred.

Once an incident is reported, the role of the member receiving the complaint is to serve in a neutral, unbiased capacity in receiving the information. If the member considers that he or she is unable to act in this capacity, the complaint will be referred to another member who is able and willing to assist. In any event the Corps CO is to be informed.

SUSPECTED ABUSE

If a member has concerns regarding abuse of a cadet, they should gather more information by:

- a. observing cadet interactions and looking for patterns
- b. documenting changes in behavior
- c. reporting when he/she believes that the cadet is in need of protection.

DEALING WITH DISCLOSURES

Based on a decision made at disclosure, the member will report according to whether the incident is harassment or abuse.

PROCEDURES FOR DEALING WITH CHILD ABUSE

The Navy League of Canada requires that all members covered by the policy to report any child abuse or suspected child abuse to the appropriate provincial authority in accordance with the applicable provincial Child and Family Services legislation.

The Commanding Officer of a Navy League Cadet Corps will inform the Branch President that a report has been made to the Child Protection Agency. An incident

report form will be completed by the Commanding Officer and forwarded to the Branch President as soon as practicable but not later than seventy two (72) hours.

The Commanding Officer will take immediate and appropriate steps to separate the alleged offender from the victim and to protect the victim pending the intervention from the Child Protection Agency. The Commanding Officer will work with the appropriate authorities to develop a safety plan for cadet activities. Any parental notification, in cases of suspected child abuse, will be the responsibility of the Child Protection Agency.

DOCUMENTATION

Because of the sensitivity of information involved in cases of harassment and child abuse, all paperwork shall be secured in an appropriately secured filing location with limited accessibility. (AL1)

Access to complaint files may be obtained in accordance with the provision of *The Navy League of Canada's Privacy Policy*.

ANNEX A -WORKPLACE HARASSMENT POLICY

1. POLICY

- a) The Navy League of Canada is committed to providing a learning and working environment for all persons that is healthy, safe and free from harassment and discrimination.
- b) The Navy League of Canada requires all members of the Navy League of Canada identified in the Scope Section of this Policy to conduct themselves in a manner, which promotes and protects the best interests and well-being of cadets, staff and volunteers. Everyone within the organization has an individual responsibility to contribute in creating and maintaining a respectful workplace and must be dedicated to preventing harassment and abuse.
- c) This policy includes, but is not limited to harassment and discrimination with respect to any of the prohibited grounds as defined under the relevant provincial legislation including human rights or Occupational Health and Safety.
- d) Any retaliation or reprisals are prohibited against anyone who comes forward with a complaint under this policy or has provided information regarding a complaint. Any form of retaliation or reprisals will be subject to further follow up inquiries, investigation and disciplinary action where it is deemed warranted. The same procedures under this policy will be used to investigate alleged retaliation or reprisals.

2. SCOPE

- a) This policy applies to all members of the Navy League of Canada including but not limited to the following:
 - i) National and Divisional/Branch employees;
 - ii) Navy League Registered Participants(Branch Members) including National Board, Division and Branch Council members and all categories of Associates;
 - iii) All Navy League volunteers including Navy League Officers and;
 - iv) This policy also covers contractors, subcontractors, clients, suppliers, and visitors to our organization.
- b) If anyone covered under this policy has been subject to harassment from outside agencies, suppliers, clients or other third parties, he or she will have the support of the Navy League in dealing with the unwelcome behaviour.
- c) This policy does not restrict the authority of the Navy League governing bodies and management to carry out its responsibilities in areas including, but not limited to counseling, performance review, employee relations and implementing disciplinary measures up to and including termination.

3. PURPOSE

The purpose of this policy is to establish and outline the program and procedures to be followed to minimize and/or prevent harassment in the workplace. This policy aims to prevent harassment by promoting increased awareness, early problem resolution, establishing a reporting mechanism, an investigation and resolution process and an information and instruction program for all individuals as outlined in the Scope Section.

4. RESPONSIBILITY AND AUTHORITY

- a) The authority for creating and maintaining this policy rests with the National Board of Directors of the Navy League of Canada and is to be implemented at National by the Executive Director, at Division by the Division President and Council and at Branch by the Branch President and Branch Council.

5. DEFINITIONS

- a) **Workplace:** means any land, vehicle (including air craft, marine or vessel), premises, location or thing at, upon, in or near which an employee and member and/or volunteer is engaged in Navy League related activities. The workplace also includes business trips, social events, work related travel and work related conferences or training sessions.
- b) **Harassment:** means comments or actions, made on either a one-time or continuous basis, that are unwelcome or should be known to cause offence or harm or engaging in a course of vexatious comment or conduct against another co-worker that is known or ought reasonably to be known to be unwelcome. This includes comments/behaviours that may be observed or overheard by a third party who takes offence. The definition includes harassment prohibited under the relevant Provincial Human Rights Code, as well as what is often called “psychological harassment” or “personal harassment”. Everyone has the right to be free from humiliating behavior that is based on race, gender identity, ancestry, place of origin, color, ethnic origin, citizenship, creed, disability, gender, sexual orientation, age, record of offences, marital status, family status or same-sex partnership status. Recognized forms of harassment under this policy include:
 - i) **Discrimination:** to treat someone unequally or differently, whether deliberately or not, because of a personal characteristic or distinction. Unsolicited actions or behaviours that result in unfavorable or adverse or preferential treatment, based on any of the prohibited grounds as contemplated by the applicable provincial human rights legislation;
 - ii) **Sexual Harassment:** unwanted sexual attention, physical contact, or offensive, derogatory, abusive or obscene comments, gestures, jokes and writing or images of a sexual nature;
 - iii) **Racial Harassment:** any action including jokes expressing or promoting racial intolerance, prejudice, discord or hatred, racially offensive material and

refusal to cooperate/work with person based on race, color, place of birth, citizenship, ancestry or ethnic background;

- iv) **Psychological Harassment:** bullying, intimidating, abusive, aggressive, obnoxious or other outrageous behavior including cruel jokes or hoaxes that create anxiety among co-workers;
 - v) **Abuse of Authority:** occurs when a person improperly or unreasonably uses the power and authority inherent in his or her position to interfere with another's performance, threaten or influence that individual's career or job, or threaten the livelihood of the employee. It includes intimidation, blackmail, coercion and favoritism; and
 - vi) **Electronic harassment:** harassment in any of the contexts stated above that is achieved by using electronics, including email, cell phones, facsimile, voice mail, computers including Navy League network computers and devices.
- c) **Respondent:** Any person against whom an issue is raised.
- d) **Complainant:** Any person who raises an issue and accesses one of the means of resolution.
- e) **Third party complainant:** Any person who feels indirectly harassed or discriminated against and chooses to initiate a complaint.
- f) **Witness:** Any person who witnesses conduct or behaviour towards another person that meets the criteria of any one or combination of issues identified under this policy.
- g) **Manager:** encompasses any person working in a supervisory capacity.

6. RESPONSIBILITY

a) National President

- i) Be a role model for fostering an environment of respect and dignity within the organization.
- ii) Monitor all complaints and the effectiveness of the Harassment Prevention Program and ensure appropriate action is taken.
- iii) Receive and review reports of any formal complaints made and make the final determination on the appropriate course of action.

b) All National Directors, Division Council Members, Branch Council Members shall:

- i) Be a role model for fostering an environment of respect and dignity within the workplace.
- ii) Oversee the policy and program and ensure its wide spread application throughout the organization.

c) Members of Navy League of Canada

- i) All employees/ Registered Participants, Navy League Officers or other volunteers are required to complete mandatory information sessions and any refresher sessions deemed appropriate by the organization.
- ii) All individuals are expected to challenge all forms of harassment or discrimination and in so doing, be protected from reprisals.
- iii) If an individual believes they have been subjected to any form of harassment or discrimination, deal with the complaint in any one of the manners as set forth in the procedures section of this policy.
- iv) If a complaint has been made against you, you are expected to:
 - (a) Cooperate with the person or persons responsible for reviewing the complaint;
 - (b) To be informed about the nature of the complaint including the status and the outcome of the investigation;
 - (c) Be provided with appropriate supports; and
 - (d) Refrain from any form of retaliation or reprisal.

d) The National Executive Director/Appropriate Manager shall:

- i) Ensure that National Office staff are aware of the Policy by:
 - (1) Ensuring that National Office staff have completed the mandatory information sessions and any refresher sessions deemed appropriate by the organization.
 - (2) Directly address any issues of identified harassment and discrimination under this policy that they witness and take immediate action to correct the matter. This may occur without a formal complaint being filed.
 - (3) Be able to respond to inquiries on the policy or procedures.

If feel they are in a conflict of interest to be objective in dealing with an issue, ensure that the matter is forwarded to their manager (as defined in the definition section)

- (4) Upon being made aware of a complaint:
 - (a) Meet with the affected parties and obtain details on the issue, and where appropriate, encourage the parties to resolve it on their own or if outside of the National Office facilitate the same process through Division/Branch hierarchies;
 - (b) Where the matter is of a serious nature, seek the assistance of their reporting manager. The following parameters shall be considered as it relates to seriousness:
 - (i) Allegations of repeated harassment,
 - (ii) Allegations that reveal that more than one person is being harassed,
 - (iii) Allegations that reveal a pattern of harassing behavior is being demonstrated,
 - (iv) Allegations that reveal that more than one person are involved in the harassing behaviour.
 - (c) Provide support to the affected parties and engage other support mechanisms that may be deemed appropriate.
 - (d) When resolving a matter consider the appropriate remedy or disciplinary action:

- (i) Counseling an employee
 - (ii) Requiring an apology
 - (iii) Verbal or written warning
- (e) Record details of the complaint and subsequent response and, where appropriate, documents to be placed in the affected parties' file.
- (f) Follow up with the affected parties to ensure there are no reprisals
- ii) Establish a process to ensure the review, communication and documentation of the policy with National Office employees and other individuals of the organization.
- iii) Providing advice and guidance on matters pertaining to the application and interpretation of the policy and procedures.
- iv) Providing information, in a manner that is appropriate, to persons enquiring about alleged incidents of harassment and discrimination; organizational supports and training opportunities.
- v) Initiating the annual review of the Harassment Prevention Policy and Program. This may include:
 - (1) The number of complaints received
 - (2) The process used for resolving complaints
 - (3) Any trends or issues
 - (4) The number of persons trained
 - (5) Identifying any policy or process changes required.
- vi) Establishing a method to monitor and ensure all new National employees and other individuals receive information and instruction on this policy.
- vii) Maintain any documentation, as appropriate within personnel files.

7. REFERENCES AND RELATED POLICIES

- a) Provincial Occupational Health and Safety Act as applicable
- b) Provincial Human Rights Codes as applicable
- c) Workplace Violence Prevention Policy

8. PROCEDURES

a) General

- i) Nothing in this policy shall prevent or discourage an individual from seeking redress through the Ontario Human Rights Tribunal or other Provincial Human Rights Tribunal/Commission as appropriate. Individuals are encouraged to attempt to resolve the matter internally, as set out in this policy, whenever possible.
- ii) There shall be an annual review of the Harassment Prevention Policy and Program. This will incorporate a review of the training requirements, number of incidents, communications, complaint/investigative process and recommendations will be made for revisions, where appropriate.
- iii) Any individual involved in a formal investigation of a complaint is expected to treat the information in a confidential manner. All attempts will be made by the Navy League of Canada to treat the complaint as confidential as possible. However, given that the person(s) against who a complaint is made must be

informed, and possible witnesses must be questioned, confidentiality cannot be guaranteed.

- iv) Where it is discovered that a complaint was frivolous or malicious, disciplinary action may be taken against the complainant.

b) Options for Resolution:

Where a person believes that harassment or discrimination issue exists, there are a number of different options available to them to respond to an issue as follows:

i) Resolve the matter with the individual

- (1) All individuals are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwanted behavior. Where the person feels comfortable in doing so, they should communicate their disapproval in a respectful manner with the other person(s) regarding the behavior, conduct or comments and request that the offending behavior cease. Keep a personal written record of the date, time, details of the comments, and witnesses, if any.

ii) Where an issue becomes a complaint the following options are available:

(1) Management Intervention

A person may bring forward, through the Navy League Chain of Command an issue of harassment or discrimination. If from a member of the National Staff, the Executive Director is required to deal with this matter promptly.

- The Executive Director shall consult with the National President (or if required the Immediate Past National President or National Treasurer) to determine the appropriate course of action.
- If the Executive Director is the complainant or respondent, the National President or the National President's designate will undertake the role.
- If there is a complaint against the National President, then it will be addressed by the Immediate Past National President or if unavailable another Past President.
- At Division/Branch level any such issues shall be brought to the Division/Branch President/NL Corps CO as soon as is practicable.

(2) Formal Complaint

There are instances where it may be necessary to formalize a complaint. These instances may occur where other methods used to resolve the issue were not appropriate or effective. These matters may include:

- (a) Behavior that is serious or aggravated
- (b) A history of problems with either one of the parties
- (c) A repeat of past behavior
- (d) An apparent disregard for the Workplace Harassment Program
- (e) Other disciplinary or performance problems exist

- (f) Criminal or potentially criminal action

To file a formal complaint:

- (g) Provide a formal letter that contains a brief account of the offensive incident, when it occurred, the persons involved and name any witnesses. The letter shall also include the remedy being sought and should be signed and dated.
- (h) If from a member of the National Staff , forward the complaint to the Executive Director
- (i) The Executive Director will review the complaint and may initiate a preliminary meeting with any parties deemed necessary to discuss the situation, exchange information and develop a strategy to move forward. If the Executive Director is involved in a complaint in any way then he/she is to forward the complaint to the National President (or if required to the Immediate Past National President or National Treasurer).
- (j) The matter may be referred to a more formal investigation, if warranted. The Executive Director in consultation with the Board of Directors for complaints related to the National Office or with the appropriate Division President/Division Council for occurrences with their jurisdiction will determine if the investigation will be conducted by an internal party or referred to an external third party.
- (k) The complainant and the respondent will be informed in writing of the outcome of a formal investigation.

(3) Alternative Dispute Mechanism

In all instances, the person responsible for resolving the complaint will assess whether the situation could be resolved using a form of alternative dispute resolution such as mediation. This will only be done with the expressed consent of all parties to the complaint. Should this process not result in a satisfactory outcome, then the complaint will be reviewed to determine if a formal investigation is to be conducted.

iii) Information and Instruction

- (1) All individuals are expected to participate in the mandatory information sessions. The sessions will include:
 - (a) Review of applicable legislations
 - (b) Review of Harassment Prevention Policy and related policies
 - (c) Review of process for addressing issues
 - (d) Discussion of organizational supports
- (2) A record of all employees who have attended the information sessions will be maintained by the Executive Director.

ANNEX B- WORKPLACE VIOLENCE PREVENTION POLICY

1. POLICY

- a) The Navy League of Canada is committed to providing a learning and working environment for all persons that is healthy, safe, productive and free from violence.
- b) The Navy League of Canada requires all members identified in the Scope Section of this Policy to conduct themselves in a manner, which promotes and protects the best interests and well-being of cadets, staff and volunteers. Everyone has an individual responsibility to facilitate a safe, secure and violence free workplace.
- c) In the case of an emergency situation (immediate danger, weapons involvement, physical injury related to violent behaviour) CALL 911.**
- d) This policy includes, but is not limited to violence in the workplace in accordance with the relevant provincial Occupational Health and Safety legislation.
- e) The Navy League of Canada has a separate policy to address any child abuse or suspected child abuse. If the incident involves a child then it is to be handled under the Child Abuse Prevention Policy.
- f) Any retaliation or reprisals are prohibited against anyone who comes forward with a complaint under this policy or has provided information regarding a complaint. Any form of retaliation or reprisals will be subject to further follow up inquiries, investigation and disciplinary action where it is deemed warranted. The same procedures under this policy will be used to investigate alleged retaliation or reprisals.

2) SCOPE

- a) This policy applies to all members of the Navy League of Canada including but not limited to the following:
 - i) National and Divisional/Branch employees;
 - ii) Navy League Registered Participants(Branch Members) including National Board, Division and Branch Council members and all categories of Associates;
 - iii) All Navy League volunteers including Navy League Officers and;
 - iv) This policy also covers contractors, subcontractors, clients, suppliers, and visitors to our organization.
- b) If anyone covered under this policy has been subject to violence resulting from outside agencies, suppliers, clients or other third parties, he or she will have the support of the organization in dealing with the unwelcome behavior.
- c) This policy does not cover accidental situations such as a person tripping over an object and pushing another person as a result.

- d) This policy must be reviewed as often as necessary but not less than once per year as per the applicable provincial Occupational Health and Safety Legislation.
- e) This policy does not restrict the authority of the Navy League governing bodies and management to carry out its responsibilities in areas including, but not limited to counseling, performance review, employee relations and implementing disciplinary measures up to and including termination.

2. PURPOSE

The purpose of this policy is to establish and outline the program and procedures to be followed to minimize and/or prevent violence in the workplace.

3. RESPONSIBILITY AND AUTHORITY

- a) The authority for creating and maintaining this policy rests with the National Board of Directors of the Navy League of Canada and is to be implemented by the Executive Director.

4. DEFINITIONS

- a) **Workplace:** means any land, vehicle (including air craft, marine or vessel), premises, location or thing at, upon, in or near which an employee and member and/or volunteer is engaged in Navy League related activities. The workplace also includes business trips, social events, work related travel and work related conferences or training sessions.
- b) **Workplace Violence:** Is the exercise of physical or verbal force by a person against a person, in the workplace, that causes or could cause physical or mental injury to that person. It also includes an attempt to exercise physical force against a person in the workplace that could cause physical injury to that person and a statement or behaviour that any person could reasonably interpret as a threat to exercise physical force against that person, in a workplace, that could cause physical injury to the person. Types of workplace violence could include but are not limited to:
 - i) Verbally threatening to attack someone;
 - ii) Leaving threatening notes, sending threatening e-mails or making obscene or harassing phone calls;
 - iii) Shaking a fist in a someone's face;
 - iv) Carrying or wielding a weapon at work;
 - v) Hitting or trying to hit someone;
 - vi) Throwing an object at someone;
 - vii) Sexual violence against someone;
 - viii) Kicking an object that someone is standing on such as a ladder; or
 - ix) Trying to run down someone using a vehicle or equipment.

- c) **Criminal Violence:** Criminal violence, such as sexual or physical assault, is defined by the Criminal Code. All individuals are encouraged to report any criminal behaviour to the Police.
- d) **Domestic Violence:** Where appropriate, a person is encouraged to inform through the Navy League Chain of Command or if a member of the National Staff, the Executive Director, if any potential risk of violence they may experience in their non-work life that may impact on their own safety or the safety of others with whom they interact with in the Navy League.
- e) **Respondent:** Any person against whom an issue is raised.
- f) **Complainant:** Any person who raises an issue of workplace violence.
- g) **Witness:** Any person who witnesses conduct or behaviour towards another person that meets the criteria of any one or combination of issues identified under this policy.
- h) **Manager:** encompasses any person working in a supervisory capacity.

5. RESPONSIBILITY

a) National President

- i) Ensure and be a role model for fostering a safe, secure and violence-free workplace.
- ii) Monitor all complaints and the effectiveness of the Workplace Violence Prevention Program and ensure appropriate action is taken.
- iii) Receive and review any reports arising from a formal investigation make the final determination on the appropriate course of action.

b) All National Directors, Division Council Members, Branch Council Members shall:

- i) Be a role model for fostering a safe, secure and violence-free workplace.
- ii) Oversee the policy and program and ensure its wide spread application throughout the organization.
- iii) Facilitate a safe, secure and violence-free workplace.
- iv) Participate in the mandatory information sessions as deemed necessary by the organization.

c) Members of the Navy League of Canada

- i) All employees/Registered Participants, Navy League Officers or other volunteers are required to participate in mandatory information sessions and any refresher sessions deemed appropriate by the organization.
- ii) **In the case of an emergency situation (immediate danger, weapons involvement, physical injury related to violent behaviour) CALL 911.**
- iii) Inform their appropriate Navy League Chain of Command of any violence or potential risk of violence they may experience or witness. This includes issues

- in the person's personal life that may impact on the person's safety or safety of others in the Navy League.
- iv) If an individual has been subjected to any form of violence or near violence they should deal with the complaint in any one of the manners as set forth in the procedures section of this policy.
 - v) If a complaint has been made against you, you are expected to:
 - (1) Cooperate with the person or persons responsible for reviewing the complaint, including the police or other authorities as required.
 - (2) Be informed about the nature of the complaint including the status and the outcome of the investigation.
 - (3) Be provided with appropriate supports.
 - (4) Refrain from any form of retaliation or reprisal.
- d) The National Executive Director/Appropriate Manager shall:**
- i) Ensure that National Office staff are aware of the Policy by:
 - (1) Ensuring that National Office staff have attended the information sessions and any refresher sessions deemed appropriate by the organization.
 - (2) Directly addressing any issues of violence that they witness and by taking immediate action to correct the matter. This may occur without a formal complaint being filed.
 - (3) Being able to respond to inquiries on the policy or procedures.
 - (4) If they feel they are in a conflict of interest to be objective in dealing with an issue, ensure that the matter is forwarded to the National President, the Immediate Past President or National Treasurer.
 - ii) Upon being made aware of a complaint or incident in the National Office:
 - (1) Immediately contact 911 if required and if it has not been done yet.
 - (2) When necessary, ensure that proper medical care is provided for anyone involved in an incident and secure the safety of employees.
 - (3) Inform the National President.
 - (4) Co-operate with the assigned investigators, police or other authorities as required during any investigation related to workplace violence.
 - (5) Provide support to the affected parties and engage other support mechanisms that may be deemed appropriate.
 - (6) Uphold the decisions arising from an investigation.
 - (7) Follow up with the affected parties to ensure there are no reprisals.
 - iii) Initiate the annual review of the Workplace Violence Prevention Policy and Program. This includes:
 - (1) The number of complaints received.
 - (2) The process used for resolving complaints.
 - (3) Any trends or issues.
 - (4) The number of persons trained.
 - (5) Identifying any policy or process changes required.
 - iv) Establishing a method to monitor and ensure all new National Office staff and other individuals receive information and instruction on the policy.
 - v) Maintain any documentation, as appropriate within personnel files.
 - vi) Ensure the continued visibility of the program by preparing any communiqués and materials for distribution corporate wide.

- vii) In the case of a person with a history of violent behaviour, the Executive Director, in consultation with the National President, must provide affected individuals with information, including personal information, related to a risk of workplace violence from a person with a history of violent behavior. However, this duty is limited and applies only when the:
 - (1) Individual can be expected to encounter the violent person in the course of his or her work; and
 - (2) The risk of workplace violence is likely to expose the employee to physical injury.

e) National President

- i) Ensure and be a role model for fostering a safe, secure and violence-free workplace.
- ii) Monitor all complaints and the effectiveness of the Workplace Violence Prevention Program and ensure appropriate action is taken.
- iii) Receive and review any reports arising from a formal investigation make the final determination on the appropriate course of action.

6. REFERENCES AND RELATED POLICIES

- a) Provincial Occupational Health and Safety Act as applicable
- b) Child Abuse Prevention Policy
- c) Harassment Prevention Policy
- d) Privacy Policy

7. PROCEDURES FOR DEALING WITH WORKPLACE VIOLENCE

a) Workplace Violence Risk Assessment Reports:

- i) The potential risk of violence in all workplaces must be assessed.
- ii) The measures taken to control risks will outline procedures and measures needed to be taken for specific situations which may include but are not limited to:
 - (1) Facility issues for both permanent and temporary office locations and job sites;
 - (2) Office reception areas;
 - (3) Working alone or working after hours;
 - (4) Work related travel; and
 - (5) Interior and exterior lighting.

b) Reporting Emergencies (immediate danger, weapons involvement, physical injury related to violent behavior):

- i) **For acts of violence, assaults or other violent incidents CALL 911 immediately.** Critical information must be provided including the nature of the incident, whether emergency services are required, whether the perpetrator(s) are still present or whether weapons are involved.
- ii) After proper control of the emergency, the appropriate person in the Navy League Chain of Command will finalize a Workplace Violence Report Form (see *Appendix A*). In the case of a workplace injury involving an employee of the Navy League of Canada, an Accident Report Form (see *Appendix B*) is also

to be completed. In the event that the injury involves a volunteer of the Navy League, an Insurance Claim Form (see Appendix C) is to be completed. All forms should be submitted, as soon as possible, to the appropriate Chain of Command. For National Office Staff, a copy will be placed in the employee's personnel file.

- c) **Reporting Non-emergencies** (verbal threats, actions/activities that may in future lead to emergency situations as noted above):
 - i) Individuals are encouraged to immediately report threatening statements or behaviour that gives one reasonable grounds to believe that there is a potential for workplace violence through their appropriate Navy League Chain of Command.
 - ii) Upon receiving a complaint, a process will be undertaken promptly to review and respond to the complaint. If required, external parties may be brought in to assist with the review of the complaint.

- d) **Work Refusals:** Under provincial Occupational Health and Safety legislation, an employee can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence. The normal work refusal process (as per the applicable provincial Occupational Health and Safety Act) will be followed. Members/volunteers of the Navy League of Canada will be afforded the same work refusal rights/processes as required by the appropriate provincial legislation. (AL1)

- e) **Information and Instruction**
 - (1) All individuals are expected to participate in the mandatory information sessions. The sessions will include:
 - (a) Review of applicable legislations
 - (b) Review of Workplace Violence Prevention Policy and related policies
 - (c) Review of process for addressing issues
 - (d) Discussion of organizational supports
 - (2) A record of all individuals who have attended the information sessions will be maintained by Executive Director.

8. ATTACHMENTS

Appendix A – Workplace Violence Report Form
Appendix B – Accident Report Form
Appendix C – Insurance Claim Form

APPENDIX A: WORKPLACE VIOLENCE/CHILD ABUSE REPORT FORM

Section A: General Information (Complainant)	
Name:	Unit:
Telephone number and email:	Location:
Section B: Description of the Event	
Date of Incident:	Time of Incident:
Location of Incident:	
Description of Incident: <input type="checkbox"/> Violence <input type="checkbox"/> Child Abuse (If you need additional space, please attach additional pages and check this box: <input type="checkbox"/>)	
Medical Attention required? Yes <input type="checkbox"/> No <input type="checkbox"/> (If yes, please provide details of medical attention)	
Police called? Yes <input type="checkbox"/> No <input type="checkbox"/> Name of officer: Incident report number:	Reported to Navy League Chain of Command Yes <input type="checkbox"/> No <input type="checkbox"/> Name of person to whom it was reported: Contact information of person to whom it was reported:
Name, Rank, and Unit of person against whom a complaint is being made	
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Name (if known):
Vehicle description and license plate number (if any):	
Did any working condition contribute to the incident?	
Names, ranks and contact information, if known, of any witnesses:	
Please provide any other information you think may be relevant:	

(If you need additional space, please attached additional pages and check this box: <input type="checkbox"/>)		
Name of person who completed the form (please print):	Signature:	Date:
To be completed by Navy League Rep who is in receipt of Complaint		
Date that the Violent/Child Abuse Incident Report was received:		
Immediate safety measures put in place:		
<p>Is an investigation warranted? No <input type="checkbox"/> Why not:</p> <p>Or: Yes <input type="checkbox"/> Date convened: Names and titles of investigation team members:</p>		
<p>Is a third party necessary? Yes <input type="checkbox"/> No <input type="checkbox"/> Types of third party involvement could include (but not limited to: external support agency, employee assistance provider, lawyer, police)</p> <p>Name of third party:</p> <p>Date contacted:</p> <p>Date of initial meeting:</p>		
Details of the investigation:		
Actions taken (include dates):		
Please provide any other information you think is relevant:		
Name Navy League Rep. (please print):	Signature:	Date

Appendix B: Accident Report Form

Injured Worker's Last Name		First Name		Occupation			
Location where injury/accident occurred				First Aid Provider			
Hospital or Clinic Attended for Medical Aid				Treating Physician's Name			
Nature of Injury				Project Location of Accident/Injury			
Person who transported employee							
Will this be a lost time injury?		No <input type="checkbox"/>	Yes <input type="checkbox"/>	Is injury work-related?		No <input type="checkbox"/>	Yes <input type="checkbox"/>
Were any subcontractors involved?		No <input type="checkbox"/>	Yes <input type="checkbox"/>	Was the Ministry of Labour called ¹ ?		No <input type="checkbox"/>	Yes <input type="checkbox"/>
Injury Details							
Date and Hour of Injury				Date and Hour Reported to Employer			
Day	Month	Year	Time	Day	Month	Year	Time
			a.m. p.m.				a.m. p.m.
Date and Hour Last Worked				Normal Working Hours			
Day	Month	Year	Time	from		to	
			a.m. p.m.		a.m. p.m.		a.m. p.m.
Who was the injury reported to?							
What caused the injury? Describe the injury, the body part involved and specify left or right side (use back of sheet if necessary).							
Describe the worker's activities at the time of the injury. Include details of equipment or materials used (use back of sheet if necessary).							
Did anyone else witness the accident or know more about the injury?							

¹ Reasons to call the MOL: fatality, critical injuries (defined as an injury of a serious nature that: places life in jeopardy, produces unconsciousness, results in substantial loss of blood, involves the fracture of a leg or arm, involves the amputation of a leg, arm, hand or foot, consists of burns to a major portion of the body, causes the loss of sight in an eye), fire, explosion or hazardous material release, lost time injuries or accident requiring medical treatment, occupational illnesses, any worker who has had their fall arrested, any 'prescribed incident', or property damage >\$500.

ANNEX C-CHILD ABUSE PREVENTION POLICY

1. POLICY

- a) The Navy League of Canada is committed to providing a learning and working environment for all persons that is healthy, safe, productive and free from violence or abuse.
- b) The Navy League of Canada requires all members identified in the Scope Section of this Policy to conduct themselves in a manner, which promotes and protects the best interests and well-being of cadets, staff and volunteers. Everyone has an individual responsibility to facilitate a safe, secure and abuse-free workplace.
- c) The Navy League of Canada requires all members identified in the Scope Section of this Policy to report any child abuse or suspected child abuse to the appropriate provincial authority in accordance with the applicable provincial Child and Family Services legislation. *(Note: Each Division is responsible for substituting their Child and Family Services Act or equivalent requirements)* For example in Ontario, the Child and Family Services Act, Section 72(1) requires that:
 - i) *Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:*
 - (1) *The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,*
 - (a) *failure to adequately care for, provide for, supervise or protect the child, or*
 - (b) *pattern of neglect in caring for, providing for, supervising or protecting the child.*
 - (2) *There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,*
 - (a) *failure to adequately care for, provide for, supervise or protect the child, or*
 - (b) *pattern of neglect in caring for, providing for, supervising or protecting the child.*
 - (3) *The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child. ****

***** Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (1) and the following substituted:**

3. The child has been sexually molested or sexually exploited, including by child pornography, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

- d) Any retaliation or reprisals are prohibited against any anyone who comes forward with a complaint under this policy or has provided information regarding a complaint. Any form of retaliation or reprisals will be subject to further follow up inquiries, investigation and disciplinary action where it is deemed warranted. The same procedures under this policy will be used to investigate alleged retaliation or reprisals.
- e) Any failure to intervene in matters pertaining to suspected child abuse will result in administrative or disciplinary action by anyone who was aware of a situation but who willfully or negligently failed to take appropriate action.

2) SCOPE

- a) This policy applies to all members of the Navy League of Canada including but not limited to the following:
 - i) National and Divisional/Branch employees;
 - ii) Navy League Registered Participants(Branch Members) including National Board, Division and Branch Council members and all categories of Associates;
 - iii) All Navy League volunteers including Navy League Officers and;
 - iv) This policy also covers contractors, subcontractors, clients, suppliers, and visitors to our organization.
- b) This policy does not restrict the authority of the Navy League governing bodies and management to carry out its responsibilities in areas including, but not limited to counseling, performance review, employee relations and implementing disciplinary measures up to and including termination.

2. PURPOSE

The purpose of this policy is to establish and outline the program and procedures to be followed to identify and report suspected child abuse as soon as possible.

3. RESPONSIBILITY AND AUTHORITY

- a) The authority for creating and maintaining this policy rests with the National Board of Directors of the Navy League of Canada and is to be implemented by the Executive Director.

4. DEFINITIONS

- a) **Workplace:** means any land, vehicle, premises, location or thing at, upon, in or near which an employee and individual is engaged in Navy League related activities. The workplace also includes business trips, social events, work related travel and work related conferences or training sessions.
- b) **Respondent:** Any person against whom an issue is raised.
- c) **Complainant:** Any person who raises an issue of child abuse
- d) **Witness:** Any person who witnesses conduct or behaviour towards another person that meets the criteria of any one or combination of issues identified under this policy.
- e) **Manager:** encompasses any person working in a supervisory capacity.
- f) **Child Abuse:** means any form of physical, emotional and/or sexual mistreatment or lack of care that causes physical injury or emotional damage to a child.
- g) **Child:** the age of a child is defined in the child protection legislation from each province/territory.
- h) **Child Protection Agency:** refers to a Child Protection Agency and is a generic term that includes the child protection services/agencies of all provinces/territories.
- i) **Emotional Abuse:** refers to the chronic/repetitive over a significant period of time of a child's/youth's self-esteem. Some examples of emotional abuse are:
- Name calling
 - Threatening
 - Ridiculing
 - Berating
 - Intimidating
 - Isolating
 - Hazing
 - Ignoring a child's/youth's needs
- j) **Physical Abuse:** occurs when a person in a position of power or trust injures or threatens to injure a child or youth and includes: hitting, slapping, punching, pushing, kicking, hair pulling, burning, shaking, asphyxia, biting and restraining. It also includes the excessive use of exercise as a form of punishment; forcing a child to exercise until he/she becomes sick or passes out from exhaustion. Physical abuse includes: hazing, abandonment, homicide and assault, assault with a weapon or causing bodily harm, and correction of a child by force.

- k) **Neglect**: refers to the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diet, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air.
- l) **Sexual Abuse**: occurs when a young or less powerful person is used by an older or more powerful child, adolescent or adult for sexual gratification. There are two categories: non-contact and contact.
 - i) **Non-contact**: flashing or exposing sexual body parts to a child; watching intrusively as a child changes or showers; speaking/communicating seductively with a child; sowing pornographic films, magazines or photographs to children; having young people participate in the creation of pornographic materials; forcing a young person to watch a sexual act performed by others; objectifying a child's sexual body parts; and
 - ii) **Contact**: kissing or holding a child in a sexual manner; touching sexual body parts or forcing a child to touch another person's sexual body parts; oral sex; penetrating a child anally or vaginally with objects or fingers; having vaginal or anal intercourse with a child.

5. RESPONSIBILITY

a) National President

- i) Ensure and be a role model for fostering a safe, secure and violence and abuse-free workplace.
- ii) Monitor all complaints and the effectiveness of the Child Abuse Prevention Program and ensure appropriate action is taken.
- iii) Receive and review any reports arising from a formal investigation make the final determination on the appropriate course of action.

b) All National Directors, Division Council Members, Branch Council Members shall:

- i) Be a role model for fostering a safe, secure and violence-free workplace.
- ii) Oversee the policy and program and ensure its wide spread application throughout the organization.
- iii) Facilitate a safe, secure and violence-free workplace.
- iv) Participate in the mandatory information sessions as deemed necessary by the organization.

c) Members of the Navy League of Canada

- i) All employees/Registered Participants, Navy League Officers or other volunteers are required to participate in mandatory information sessions and any refresher sessions deemed appropriate by the organization.
- ii) Inform their appropriate Navy League Chain of Command of any child abuse or suspected child abuse. This includes issues in the person's personal life that may impact on the person's safety or safety of others in the Navy League.
- iii) If a complaint has been made against you, you are expected to:
 - (1) Cooperate with the person or persons responsible for reviewing the complaint, including the police or other authorities as required.

- (2) Be informed about the nature of the complaint including the status and the outcome of the investigation.
 - (3) Be provided with appropriate supports.
 - (4) Refrain from any form of retaliation or reprisal.
- d) The National Executive Director/Appropriate Manager shall:**
- i) Ensure that National Office staff are aware of the Policy by:
 - (1) Ensuring that National Office staff have attended the information sessions and any refresher sessions deemed appropriate by the organization.
 - (2) Directly addressing any issues of abuse that they witness and by taking immediate action to correct the matter. This may occur without a formal complaint being filed.
 - (3) Being able to respond to inquiries on the policy or procedures.
 - (4) If they feel they are in a conflict of interest to be objective in dealing with an issue, ensure that the matter is forwarded to the National President, the Immediate Past President or National Treasurer.
 - ii) Upon being made aware of a complaint or incident in the National Office:
 - (1) Immediately contact authorities if required and if it has not been done yet.
 - (2) When necessary, ensure that proper medical care is provided for anyone involved in an incident.
 - (3) Inform the National President.
 - (4) Co-operate with the assigned investigators, police or other authorities as required during any investigation related to child abuse.
 - (5) Provide support to the affected parties and engage other support mechanisms that may be deemed appropriate.
 - (6) Uphold the decisions arising from an investigation.
 - (7) Follow up with the affected parties to ensure there are no reprisals.
 - iii) Initiate the annual review of the Child Abuse Prevention Policy and Program. This includes:
 - (1) The number of complaints received.
 - (2) The process used for resolving complaints.
 - (3) Any trends or issues.
 - (4) The number of persons trained.
 - (5) Identifying any policy or process changes required.
 - iv) Establishing a method to monitor and ensure all new National Office staff and other individuals receive information and instruction on the policy.
 - v) Maintain any documentation, as appropriate within personnel files.
 - vi) Ensure the continued visibility of the program by preparing any communiqués and materials for distribution corporate wide.

6. REFERENCES AND RELATED POLICIES

- a) Provincial Child and Family Services Act as applicable
- b) Workplace Violence Prevention Policy
- c) Harassment Prevention Policy
- d) Privacy Policy

7. PROCEDURES FOR DEALING WITH CHILD ABUSE

- a) A person who believes that child abuse has occurred must report the matter to the local Child Protection Agency and ensure that the appropriate Navy League Chain of Command is informed. The Child Protection Agency will determine with police assistance if the incident being reported constitutes a criminal act or not.
- b) The Commanding Officer of a Navy League Cadet Corps will inform the Branch President that a report has been made to the Child Protection Agency. An incident report form (see Appendix A) will be completed by the Commanding Officer and forwarded to the Branch President as soon as practicable but not later than seventy two (72) hours.
- c) The Commanding Officer will take immediate and appropriate steps to separate the alleged offender from the victim pending the intervention from the Child Protection Agency. The Commanding Officer will work with the appropriate authorities to develop a safety plan for Corps activities.
- d) Any parental notification, in cases of suspected child abuse, will be the responsibility of the Child Protection Agency.
- e) Because of the sensitive nature of the information involved in cases of suspected child abuse, all documentation will be treated as confidential and will be secured in a locked filing cabinet with limited accessibility.
- f) Access to complaint files may only be obtained in accordance with the provisions of the Navy League of Canada's Privacy Policy.

ANNEX D: SIGNS AND SYMPTOMS OF PHYSICAL ABUSE

SIGNS AND SYMPTOMS

- Bruises - Buttocks, lower back, upper thighs, inner thighs, genitals, cheek, ear lobe (babies upper lip area from feeding problems), and neck (choke marks, punches).
- Head Injuries
- Abdominal Injuries
- Blows to the back
- Burns
- Broken Limbs

COMMON BEHAVIORAL CHARACTERISTICS

- Delay in seeking medical attention
- Overly compliant
- Withdrawal
- Very nervous when someone touches them
- Fear of adults
- Very aggressive

INDICATORS OF CHILD SEXUAL ABUSE

- Frequently crying with little or no apparent provocation
- Dramatic change in behaviour
- Inability to concentrate
- Sudden drop in academic performance
- Aggressive, destructive, hostile, disruptive behaviour
- Learning disabilities
- Non-participation in activities
- Chronic depression and/or anxiety.
- Excessive fear of males/females being touched, going home
- Indication of age—inappropriate sexual knowledge (reflected in drawings, verbal statements, play with peers)
- Hints about sexual activity
- Poor self—image
- Evidence of poor overall care
- Self—destructive behaviour such as alcohol abuse
- Suicide threats or attempts
- Running away from home
- Nightmares and sleep disturbances