

STATEMENT of POLICY and PROCEDURE			
Subject:	Discrimination, Harassment, Bullying and Maltreatment Policy	Effective:	August 1, 2021
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Background and Context

1. Following the Safe Sport consultations conducted in Canada, all National Sport Organizations funded by Sport Canada committed to the goal of Safe Sport have agreed that *Maltreatment* has no place in Canadian sport and, when present, must be sanctioned appropriately. The Safe Sport consultation led to the development of agreed upon definitions, principles and parameters to prevent and address *Maltreatment* in sport and ensure a safe and welcoming sport system, embodied in the *Universal Code of Conduct To Prevent and Address Maltreatment in Sport* (“UCCMS”). Weightlifting Canada Haltérophilie (WCH), as the National Sport Organization for the sport of weightlifting recognized by Sport Canada and the Canadian Olympic Committee hereby accepts and endorses the definitions and principles of the UCCMS. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders and WCH.

Common Understandings

2. The UCCMS provides the following common understandings that WCH accepts and endorses:
 - a) All *Individuals* in sport can expect to play, practice, and compete, work, and interact in an environment free from *Maltreatment*.
 - b) Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Individuals*, sport stakeholders, sport club administrators and organization leaders.
 - c) *Individuals* in positions of trust and authority have the general responsibility to protect the health and well-being of all other *Individuals*.
 - d) Adult *Individuals* have a specific ethical and statutory duty and the additional responsibility to respond to incidents of *Maltreatment* involving *Minors* and other vulnerable individuals.
 - e) All *Individuals* recognize that *Maltreatment* can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of *Maltreatment*.
 - f) All *Individuals* recognize that individuals who have experienced *Maltreatment* may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
 - g) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.

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- h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist today, Individuals in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

WCH’s Commitment to safe sport

3. WCH aims to provide a working and sporting environment where the dignity of the individual is respected, free from any form of Discrimination, Harassment, Bullying and Maltreatment including sexual Harassment.
4. WCH recognizes that:
 - a) every WCH’s employee, volunteer and Individual is entitled to a climate free of Discrimination, Harassment, Bullying and Maltreatment.
 - b) fear of Discrimination, Harassment, Bullying and Maltreatment, including but not limited to sexual, verbal, physical, cyber-Harassment, Abuse, Bullying and unlawful Discrimination can compromise the integrity of the victim and sporting relationships and endanger personal well-being and performance.
 - c) WCH will make every effort to ensure that no employee, volunteer, and Individual is subjected to Discrimination, Harassment, Bullying and Maltreatment.
 - d) WCH will take such disciplinary action as it deems appropriate against any person or Individual under its direction or leadership that is bound by this Policy and who subjects any WCH ‘s employee, volunteer or Individual to any form of Discrimination, Harassment, Bullying and Maltreatment.

Definitions

5. The following definitions shall apply in the context of this Policy.
 - a) “Athlete” means a Minor or adult participant as an athlete in the sport of weightlifting in the context of CWFCH’s business, Events and Activities.
 - b) “Bullying or Harassment” means an unwelcomed comment or conduct, directed toward an individual or group of individuals, which is aggressive, insulting, intimidating, humiliating, malicious, degrading, or offensive. Types of behaviors which constitute bullying or harassment include, but are not limited to:
 - i. written or verbal abuse or threats including swearing;
 - ii. intimidating conduct or gestures;
 - iii. the display of visual material that is offensive or which one ought to know is offensive derogatory material; such as pornography, racist or other offensive material

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- iv. unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation
- v. leering or other suggestive or obscene gestures
- vi. condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions or sport environment
- vii. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
- viii. unwanted and unwelcome physical contact including touching, petting, pinching, or kissing
- ix. unwelcome sexual flirtations, advances, requests for sexual favors or invitations whether indirect or explicit;
- x. physical or sexual assault
- xi. vandalism of personal property
- xii. abuse of authority which undermines performance or threatens an individual's career
- xiii. racial, religious, or ethnic slurs
- xiv. any other unwelcomed behaviours that constitute Bullying or Harassment as determined by the Independent Complaint Assessor at his or her discretion.
- c) "Business, Events or Activities" means any day-to-day business, official and social event, competition, conference and meeting, training camp and any other event, competition, activity sanctioned or organized by WCH.
- d) "Club" means a weightlifting club affiliated with and member of a PSO or WCH.
- e) "Code of Conduct and Ethics" means WCH's Code of Conduct and Ethics and any other code of conduct provisions embodied in agreements with a WCH Member or Individual.
- f) "Complaint" means an official written complaint filed with by a Member or Individual to the Independent Complaint Assessor as defined in the Discipline and Complaints Policy and Procedure.
- g) "Complainant" means an Individual, a witness or observer who makes a report or files a Complaint of an incident of *Maltreatment* or suspicions of an incident of *Maltreatment* or Discrimination, Harassment, Bullying and Maltreatment.
- h) "Consent by a Person over the Age of Majority or *Consent*" means as defined in Canada's *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The *Criminal Code* also says there is no consent when:

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- i. Someone says or does something that shows they are not consenting to an activity;
 - ii. Someone says or does something to show they are not agreeing to continue an activity that has already started;
 - iii. Someone is incapable of consenting to the activity, because, for example, they are unconscious;
 - iv. The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else’s behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn’t take proper steps to check if there was consent.
- i) “Disclosure” means the sharing of information by an Individual regarding an incident or a pattern of *Maltreatment* experienced by that *Individual*. *Disclosure* does not constitute a formal report that initiates a process of investigation to address the *Maltreatment*.
 - j) “Discrimination” means an unlawful discrimination includes but is not limited to, discrimination on the basis of race, colour, national place of origin, ancestry, sex (including pregnancy), religious beliefs, age, physical or mental disability, sexual orientation, gender identity or expression, family or marital status, or any other ground or characteristic protected under applicable provincial human rights legislations.
 - k) “Duty to Report under Child Protection Legislation” means a legal duty to report is mandated by law, and the requirement varies by province depending on provincial legislation. Everyone has a duty to report child abuse and neglect under Canadian child welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report child *Maltreatment* if there is knowledge or suspicion that it is occurring. This is called the “duty to report.” Every person in Canada has the duty to report known or suspected child *Maltreatment* by law. Known or suspected abuse or *Neglect* of a child must be reported to: local child welfare services (e.g., children’s aid society or child and family services agency), or provincial/territorial social service ministries or departments, or local police.
 - l) “Duty to Report Concerns Outside of Child Protection Legislation” means that the Individuals have a duty to report concerns of inappropriate conduct of other *Individuals* to uphold the ethical standards and values of Canadian sport. *Reporting* inappropriate conduct is important to ensure proper action is taken and expectations are re-established. By addressing inappropriate conduct, a collective responsibility to protect *Individuals* from *Maltreatment* is enacted.

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- m) “Grooming” means a Deliberate conduct by an *Individual* to sexualize a relationship with a *Minor* that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the *Individual* will gain the trust of the *Minor* and protective adults and peers around the *Minor* often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the *Minor* in order to abuse or exploit the *Minor*. *Grooming* can occur whether or not harm is intended or results from the behaviour.
- n) “Individual” means means every individual engaged in WCH’s business, Events and Activities and that is subject either by contract, membership or registration to this Policy and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Individuals include but not limited to, athletes, coaches, officials, volunteers, directors, parents or registrants, officers, team managers, team captains, medical and paramedical personnel, administrators.
- o) “Independent Complaint Assessor or ICA” means an independent third party responsible for receiving reported Incidents and Complaints and determining the appropriate course of action in accordance with the Discipline and Complaints Policy and Procedure.
- p) “Investigation” means an investigation conducted either by the ICA or an external investigator appointed by the ICA.
- q) “Major or Minor Infractions” means Infractions defined and described in WCH’s Discipline and Complaint Policy Procedure and WCH Policies.
- r) “Minor” means an individual who is under the age of majority at the time and in the jurisdiction where the alleged *Maltreatment* occurred. It is the responsibility of the adult to know the age of a *Minor*:

Province or Territory	Definition of child for purposes of protection
<i>Newfoundland and Labrador</i>	<i>under 16 years old</i>
<i>Prince Edward Island</i>	<i>under 18 years old</i>
<i>Nova Scotia</i>	<i>under 19 years old</i>
<i>New Brunswick</i>	<i>under 19 years old</i>
<i>Quebec</i>	<i>under 18 years old</i>
<i>Ontario</i>	<i>under 18 years old</i>
<i>Manitoba</i>	<i>under 18 years old</i>
<i>Saskatchewan</i>	<i>under 16 years old</i>

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<i>Alberta</i>	<i>under 18 years old</i>
<i>British Columbia</i>	<i>under 19 years old</i>
<i>Yukon</i>	<i>under 19 years old</i>
<i>Northwest Territories</i>	<i>under 16 years old</i>
<i>Nunavut</i>	<i>under 16 years old</i>

- s) “Maltreatment” means volitional acts that result in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct described in this Policy.
- t) “Neglect” means any pattern or a single serious incident of lack of reasonable care, inattention to an *Individual’s* needs, nurturing or well-being, or omissions in care. *Neglect* is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the *Individual’s* needs and requirements, not whether harm is intended or results from the behaviour.
- u) “Physical Maltreatment” means any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Individual*. *Physical Maltreatment* includes, without limitation, contact or non-contact infliction of physical harm. *Physical Maltreatment* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.
- v) “Power Imbalance” means a *Power Imbalance* may exist where, based on the totality of the circumstances, an *Individual* has supervisory, evaluative, a duty of care, or other authority over another *Individual*. A *Power Imbalance* may also exist between an *Individual* and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. *Maltreatment* occurs when this power is misused. Once a coach-*Athlete* relationship is established, a *Power Imbalance* is presumed to exist throughout the coach-*Athlete* relationship, regardless of age, and is presumed to continue for *Minor Athletes* after the coach-*Athlete* relationship terminates or until the *Athlete* reaches 25 years of age. A *Power Imbalance* may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
- w) “Provincial Sports Organization or PSO” means means WCH recognized Provincial sport organization responsible for weightlifting in its territory.
- x) “Psychological Maltreatment” means any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the *Individual*. *Psychological Maltreatment* includes, without limitation, verbal

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conduct, non-assaultive physical conduct, and conduct that denies attention or support. *Psychological Maltreatment* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

- y) "Reporting or Report" means the provision of information in writing by any person or an *Individual* to WCH's Independent Complaint Assessor or a Child Protection Agency, the Police or any agency responsible for receiving the report regarding *Maltreatment*. *Reporting* may occur through either: (i), the *Complainant* (of any age) or the one who experienced the *Maltreatment*, or (ii) an Incident Reporter or a witness – someone who witnessed the *Maltreatment* or otherwise knows or suspects *Maltreatment*. In either case, the intention of *Reporting* is to initiate an independent assessment process, which could result in disciplinary action being taken against the *Respondent*.
- z) "Reported Incident" means an incident during which a possible Discrimination, Harassment, Bullying and Maltreatment misconduct might have occurred and that is reported to WCH, the ICA or an external agency.
- aa) "Respondent" means an *Individual* who is alleged to have engaged in *Maltreatment* and thereby to have violated the UCCMS and WCH Policy.
- bb) "Sexual activity with a Minor" means a criminal offence as a sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.
- cc) "Sexual Maltreatment involving a Child" means any form of adult/child sexualized interaction constitutes child sexual abuse. Sexual abuse of a child may occur through behaviours that do or do not involve actual physical contact.
- dd) "Sexual Maltreatment involving a person over the Age of Majority" means any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against an *Individual* without the *Individual's Consent*. It includes any act targeting an *Individual's* sexuality, gender identity or expression, that is committed, threatened, or attempted against an Individual without that Individual's Consent, and includes but is not limited to, the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

Application

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6. This Policy applies to all employees, volunteers, and Individuals of WCH, and any other person or Individual involved with WCH’s programs, business, Events and Activities. It applies to Discrimination, Harassment, Bullying and Maltreatment which may occur during all WCH’s programs, Business, Events and Activities regardless of location.
7. Situations of Discrimination, Harassment, Bullying and Maltreatment occurring at the Provincial Sport Organization or Club’s level shall be dealt with in accordance with the Provincial Sport Organization or Club’s applicable policy. In absence of a Provincial Sport Organization or Club’s Discrimination, Harassment, Bullying and Maltreatment Policy, WCH may decide, at its own discretion, to manage the situation in accordance with this Policy and its Discipline and Complaint Policy and Procedure.

Confidentiality

8. WCH recognizes that it can be extremely difficult to come forward with a Complaint of Discrimination, Harassment, Bullying and Maltreatment and that it can also be devastating to be wrongly accused of such misconducts. WCH recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential.
9. WCH will not disclose the existence of a Complaint or situation or Discrimination, Harassment, Bullying and Maltreatment, the name of the discriminated or harassed person or Individual or the alleged Respondent or the circumstances related to the situation to any person except where disclosure is necessary for the purpose of investigating and /or taking disciplinary action or as required by law.

Complaint Procedure

10. A person or Individual who experiences Discrimination, Harassment, Bullying and Maltreatment is encouraged, when appropriate, to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this Policy.
11. If confronting the harasser is not possible, or if after confronting the harasser the Discrimination, Harassment, Bullying and Maltreatment continues, the Complainant may request a meeting with the Independent Complaint Assessor for support and advice.
12. An Individual who believes that he or she has been the victim or witness of a Discrimination, Harassment, Bullying and Maltreatment misconduct has the right
 - a) To contact the to Independent Complaint Assessor in full confidence.
 - b) To file a Complaint or Reported Incident under WCH’s Discipline and Complaints Policy and Procedure, without fear of embarrassment or retaliation; and

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- c) To contact the appropriate provincial human rights commission or law enforcement authority directly, if desired.

13. A Reported Incident or Complaint of Discrimination, Harassment, Bullying and Maltreatment will be managed in accordance with WCH’s Discipline and Complaint Policy and Procedure and considered as a Major infraction as defined in WCH’s Discipline and Complaint Policy and Procedure unless the Independent Complaint Assessor determines otherwise.
14. This Policy shall be read and interpreted with other WCH Policies such as the Code of Conduct and Ethics, the Discipline and Complaints Policy and Procedure and the Diversity Equity and Inclusion Policy.
15. This Policy shall be integral part of all WCH’s agreements and be complied with by all Individuals and parties signatories to an agreement with WCH.