



# ORCKA Abuse Policy and Procedures

## Purpose

The Ontario Recreational Canoeing and Kayaking Association (ORCKA) maintains a safe environment free from abuse for its Directors, members, volunteers and employees while promoting safe, competent and knowledgeable recreational paddling.

This policy and associated procedures define behaviours that constitute abuse and explain procedures for reporting, investigating, and responding to reports of abuse that fall within ORCKA’s jurisdiction.

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## Definitions

|             |   |
|-------------|---|
| Complainant | Refers to the person who experienced the abuse  |
| Respondent  | Refers to the person against whom a complaint is made   |
| Members     | ORCKA members are individuals [e.g. Instructor members] or groups [e.g. Organizational members] whose membership is current and who are in good standing with all of ORCKA’s requirements   |
| Abuse       | Abuse means any act or threat involving harassment, physical abuse, or mental abuse. See Appendix A   |
| Harassment  | A vexatious comment (or comments) or conduct against an individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour include but are not limited to: verbal abuse or threats; discrimination; sexual harassment; single or persistent behaviour that causes awkwardness, embarrassment, or endangers a person’s safety; an abuse of power and trust. |

|                |   |
|----------------|---|
| Physical Abuse | Any intentional act causing injury or trauma to another person by way of bodily contact. This includes but is not limited to: assault; sexual abuse; maltreatment; neglect; molestation.  |
| Mental Abuse   | Emotional abuse happens when a person uses words or actions to control, frighten or isolate someone or take away their self-respect. Emotional abuse is sometimes called psychological abuse. It includes but is not limited to; threats; put downs; name calling or insults; maltreatment; harassment; discrimination; hazing; social media abuse; bullying. |

## Policy Statement

ORCKA is committed to providing a recreational paddling environment in which all individuals are treated with respect and dignity. Each individual has the right to participate, learn, and work in an environment which promotes equity and prohibits abusive practices.

## Application

This policy applies to:

- ORCKA’s Directors, employees, volunteers, participants, and all members; both adults and minors, who are covered by ORCKA’s insurance
- Conduct in the workplace or at any ORCKA programming, activity, event and/or in communications
- Abuse between individuals associated with ORCKA that adversely affects relationships within the ORCKA work and recreational paddling environment.

It is incumbent on ORCKA and its Organizational members to have a Risk Management Policy that covers abusive behaviours. ORCKA reserves the right to take disciplinary action against any member whose conduct brings the Association into disrepute.

## Confidentiality

ORCKA understands that it can be extremely difficult to come forward with a complaint of abuse and that it can be devastating to be wrongly convicted of abuse. ORCKA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

ORCKA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required as per Procedures (pg.4). In that case, the following would have access:

- Abuse Officers
- ORCKA’s Insurance Provider
- Vice-President (VP) Business Affairs

## Responsibilities

Members and staff covered by ORCKA’s insurance:

- Annually agree to and sign off on ORCKA’s Abuse Policy and
  - Acknowledge they have read, understand and have had an opportunity ask questions
  - Acknowledge their responsibility to abide by all the rules contained in this policy
  - Report any incidents of abuse of themselves or others
- For Organizational members and Trip Leader members
  - Agree to adopt ORCKA’s Abuse Policy

- Follow and include ORCKA's Abuse Policy and Procedures in their own Risk Management Plan, or use ORCKA's Risk Management Plan
- Play a part in ensuring that the ORCKA environment is free from abuse. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy
- Contact [abuse@orcka.ca](mailto:abuse@orcka.ca) if a claimant wishes to consult with an ORCKA Abuse Officer
- Notify an Abuse Officer if they have an active claim of abuse or suspected abuse and wish to access ORCKA's insurance

The VP Business Affairs is responsible for implementation of this policy in collaboration with the Abuse Officers:

- Ensures appropriate disciplinary or corrective measures when a complaint of abuse has been substantiated
- Regularly reviews the terms of this policy to ensure that they adequately meet the organization's legal obligations and governing legislation
- Ensures all members and employees of ORCKA are aware of the problem of abuse and of the procedures in this policy
- May appoint an unbiased third-party resource, if required

The Abuse Officers:

- Report to VP Business Affairs
- Serve in a neutral, unbiased capacity to receive complaints, assist in informal resolution of complaints, and investigate formal written complaints
- Shall receive appropriate training and support for carrying out their responsibilities under this policy
- Provide advice to persons who experience abuse
- Informs both complainants and respondents of the procedures contained in this policy and of their rights under the law
- Inform VP Business Affairs that there has been an occurrence (as per procedures)
- Inform the Insurance Broker that there has been an occurrence and provide required information, as outlined in the procedures section
- When a complaint of abuse has been substantiated, makes recommendations to the VP Business Affairs for appropriate disciplinary or corrective measures to be taken by ORCKA, regardless of the position or authority of the offender

In addition, the ORCKA Board of Directors is responsible for:

- Discouraging and preventing abuse within ORCKA
- Doing all in their power to support and assist any employee or member of ORCKA who experiences abuse
- Appointing at least two persons as Abuse Officers, one male and one female, who are themselves members or employees of the organization, and provide the training and resources they need to fulfill their responsibilities under this policy
- In the event that the VP Business Affairs or Abuse Officers are involved in a complaint which is made under this policy, the ORCKA President shall appoint a suitable alternate for the purposes of dealing with the complaint
- Ensuring this policy is:
  - Posted on ORCKA's website
  - Reviewed at Instructor courses
  - Signed-off by members as part of annual membership renewal
  - Included in Employee orientation

## Procedures

A person who experiences abuse is encouraged to make it known to the respondent that this behaviour is unwelcome, offensive and contrary to this policy.

If confronting the respondent is not possible, or if after confronting the respondent the abuse continues, the complainant should seek the advice of an Abuse Officer.

Steps to reporting abuse:

1. Initial consultation with Abuse Officer
2. Investigation into the claim by the Abuse Officers and results of the investigation
3. ORCKA Resolution

## Consultation

The consultation is an open and confidential discussion with the Abuse Officer and the complainant.

The Abuse Officer shall inform the complainant of:

- The options for pursuing an informal resolution of his or her complaint
- The right to lay a formal written complaint
- Community resources
- Confidentiality provisions
- The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process
- External mediation/arbitration mechanisms that may be available
- The right to withdraw from any further action in connection with the complaint at any stage (even though ORCKA might continue to investigate the complaint)
- Other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police or Children's Aid to have them lay a formal charge under the Criminal Code.

The outcomes to this initial meeting could be that the complainant:

- Agrees that the conduct does not constitute abuse. The Abuse Officer will take no further action.
- Decides not to lay a formal complaint
- Decides to lay a formal written complaint and submits it to ORCKA ([abuse@orcka.ca](mailto:abuse@orcka.ca)). The Abuse Officer can assist the claimant in filling out Abuse Report Form

The Abuse Officer informs the VP Business Affairs and the Insurance Broker as soon as practicable of an "occurrence". Notice of an "occurrence" is not a notice of an insurance claim. Notice should include as much detail as possible and should include, to the extent possible:

- The identity of the persons alleging "abuse"
- The identities of the insureds who allegedly committed the "abuse"
- The date the alleged "occurrence" took place
- Any other information or documentation pertinent to the alleged "occurrence".

The Abuse Officer establishes a repository of documentation that is accessible only to the Abuse Officers and as outlined in procedures, VP Business Affairs. This repository shall be kept in accordance with the [Limitations Act](#).

## Investigation into the Abuse Report Form by the Abuse Officers

- Both the Complainant and Respondent receive a copy of the Abuse Report Form
- The Abuse Officer speaks with both parties individually with the goal of clarifying the situation. Speaks to third parties, as required
- Prepares a record of discussions
- The possible outcomes for the complainant:
  - Agrees that the conduct does not constitute abuse and will take no further action
  - Chooses to pursue an informal resolution of the complaint
    - If this occurs, the Abuse Officer will assist the two parties to negotiate a solution acceptable to the complainant which may include a verbal or written apology or referral to counseling or third-party mediation
    - If informal resolution yields a result which is acceptable to both parties, the Abuse Officer will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties
  - Pursues making a formal claim with the authorities
- Provides the claimant's decision to the respondent in writing

The Abuse Officer informs the VP Business Affairs and the Insurance Broker, providing them with the Abuse Report Form and the claimant's decision.

If the claimant will be making a formal claim or "action" with the authorities, ORCKA must give notice to the ORCKA's Insurance Broker as soon as practicable:

- Immediately record the specifics of the claim or "action" and the date received
- ORCKA and any other involved insured must:
  - Immediately send the Insurance Broker copies of any demands, notices, summonses or legal papers received in connection with the claim or "action"
  - Authorize the Insurance Broker to obtain records and other information
  - Cooperate with the Insurance Broker in the investigation or settlement of the claim or defense against the "action"
  - Assist the Insurance Broker, upon their request, in the enforcement of any right against any person or organization which may be liable to the insured because of any "bodily injury" arising out of "abuse" to which this insurance may also apply
- No insured will, except at that insured's own cost, voluntarily make payment, assume any obligation, or incur any expense without the Insurance Broker's consent.

## ORCKA Resolution

If there is an insurance abuse claim and before any legal finding of abuse (i.e. claimant is proceeding with making a formal claim with the authorities), ORCKA will remove the Respondent or employee from further interaction with members until the investigation is complete by:

- Suspending Respondent membership, or
- Suspending employment

After a legal claim results in a finding of abuse, Abuse Officers make recommendations to the VP Business Affairs for appropriate disciplinary or corrective measures, such as:

- ORCKA members
  - A letter of reprimand from ORCKA
  - A fine or levy, for example for damage to property
  - Service or other contribution to ORCKA or a member

- Other corrective actions to reinstate Respondent membership
  - Expulsion from membership
- ORCKA employees
  - Removal of certain privileges of employment
  - Counselling, demotion, or a pay cut
  - Temporary suspension with or without pay
  - Termination of employment or contract

When determining appropriate disciplinary action and corrective measures, these factors will be considered:

- The nature of the abuse
- Whether the abuse involved any physical contact
- Whether the abuse was an isolated incident or part of an ongoing pattern
- The nature of the relationship between complainant and respondent
- The age of the complainant
- Whether the respondent had been involved in previous abuse incidents
- Whether the respondent admitted responsibility and expressed a willingness to change
- Whether the respondent retaliated against the complainant
- Whether the allegations of abuse is false, vexatious, retaliatory or unfounded

### **Orientation/Training**

Orientation or training will be given to Board members, members and employees as described herein.

The Abuse Officers will receive training in recognizing abuse and how abuse situations should be handled.

The ORCKA Abuse Policy will be posted on the ORCKA web site or other appropriate medium so that it is available to members and non-members. This policy will be communicated to ORCKA members on a yearly basis.

The existence of the ORCKA Abuse Policy will be included in all ORCKA Instructor courses so that they have information to recognize possible abuse and know what actions are required. Acceptance of this policy will be part of membership renewal for those who are covered by ORCKA's insurance.

This ORCKA Abuse Policy will be reviewed with new employees.

### **Governing Legislation**

- Child and Family Services Act, RSO 1990, c C.11
- Child Care and Early Years Act, 2014, SO 2014, c 11, Sch 1
- Human Rights Code, RSO 1990, c H.19
- Criminal Code, RSC 1985, c C-46

## Review and Approval

| Date              | Change  | Comment                          |
|-------------------|---|----------------------------------|
| November 27, 2021 | ORCKA Abuse Policy approved by the ORCKA Board of Directors | Replaces ORCKA Harassment Policy |

This policy shall be reviewed by the VP Business Affairs and the ORCKA Abuse Officers on a three-year basis and/or when there is a change in governing legislation.

## Appendix A: Types of Abusive Behavior

Types of behaviour which constitute abuse include, but are not limited to, harassment, physical abuse or mental abuse:

- Harassment
  - Pushing, shoving, or purposely bumping into a person
  - Acts of physical intimidation
  - Written or verbal abuse, or threats
  - The display of visual material which is offensive or which one ought reasonably to know is offensive
  - Persistent unwelcome remarks, jokes, comments, innuendo, or taunting about a person's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or conviction for an offense in which a pardon has been granted
  - Leering, or other suggestive or obscene gestures
  - Condescending, paternalistic or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects working conditions
  - Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
  - Unwelcome or coerced sexual relations, sexual flirtations, advances, requests, or invitations or rewards for sexual favours
  - Hazing that is potentially humiliating
  - Deliberately excluding or socially isolating a person from a group
  - Retaliation against an individual for having filed a complaint or being associated with any procedure under this policy
  
- Physical Abuse
  - Unwanted physical contact including touching, petting, pinching, or kissing
  - Physical or sexual assault
  - Hitting, kicking, punching, shoving, slapping, or biting
  - Choking, strangling
  - Inflicting bodily injuries
  - Excessive exercise as a form of punishment
  
- Mental Abuse
  - Isolation from social activities
  - Non-acceptance in a peer group
  - Hazing or initiation rituals
  - Bullying (imbalance of power)
  - Humiliating, degrading behaviour, hurtful teasing, threats
  - Spreading rumours and gossip
  - Neglect (inattention of the basic necessities of life)



## Appendix B: Abuse Report Form

Anytime there is an incident of abuse or suspected abuse during ORCKA activities, please fill out this form. Abuse Officers can assist you in this process. An electronic version of this form is available on ORCKA's website. Please note the following:

- Everyone is required by law to report suspected cases of child abuse or neglect to the Children's Aid Society. Check the Ontario Association of Children's Aid Societies' website at [www.oacas.org](http://www.oacas.org) for your local Children's Aid Society
- For adults, concerns about suspected or actual abuse are reported to the police for investigation
- In Canada, certain categories of abuse, such as fraud, assault, sexual assault, uttering threats, and criminal harassment are crimes under the Canadian Criminal Code

Reports will be addressed in accordance with the ORCKA Abuse Policy and Procedures. The contents of this document may be shared in an effort to resolve this report. By completing the form, you agree that ORCKA may contact you for further information.

Types of abusive behavior are referenced in Appendix A in the ORCKA Abuse Policy and Procedures.

Please email the completed form to [abuse@orcka.ca](mailto:abuse@orcka.ca).

### Person making the complaint

- First Name:
- Last Name:
- Address:
- City/Town:
- Province:
- Postal Code:
- Telephone Number(s):
- Email:

### Person on whose behalf the complaint is made

To be completed if different from above

- First Name:
- Last Name:
- Minor or Adult:

### Name of person(s) against whom you are complaining

- Person 1
  - First Name:
  - Last Name:
  - Title/Role:
  - Organization:
- Person 2 (if applicable)
  - First Name:
  - Last Name:
  - Title/Role:

- Organization:

### **Particulars**

Provide a summary of the incident(s) you are reporting. Your summary must answer the following questions:

1. Date incident(s) happened
2. If more than 14 days, please explain why you did not report earlier
3. Where did the incident(s) happen?
4. What happened?
5. How were you treated differently from others (if at all)?
6. Remedy/resolutions you are seeking

Signature:

Name of Complainant:

Date [DD/MM/YYYY]:

### ORCKA Use Only

- Decision of Claimant:
- Date: