

Code of Conduct and Ethics			
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1 POLICY

- 1.01 Physical and Health Education Canada (PHE Canada) is committed to providing an environment in which all Individuals are treated with respect, dignity and free of Maltreatment.
- 1.02 Every Representative, as defined, has a responsibility to help promote a safe environment. This means not engaging in, allowing, condoning or ignoring behaviours that violate this Code.
- 1.03 PHE Canada will not tolerate, ignore or condone any form of Maltreatment perpetrated by a Representative against another Representative, within the scope of application of this Code. It is a violation of this Code for Representatives to engage in Maltreatment.
- 1.04 PHE Canada has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), as amended from time to time, provided as **Appendix A**. The UCCMS will be incorporated into this Code by reference as if set out in full herein. Any modifications or amendments made to the UCCMS by the Sport Dispute Resolution Centre of Canada (SDRCC) will come into effect immediately upon their adoption by the SDRCC and automatically without the need for any further action by PHE Canada.

2 PURPOSE

- 2.01 The purpose of this Code is to promote and ensure a safe and positive environment within PHE Canada's programs, activities and events, by making all Representatives aware that there is an expectation, at all times, of appropriate behaviour consistent with PHE Canada's values.
- 2.02 The purpose of this Code is to reinforce that PHE Canada supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

3 SCOPE

- 3.01 PHE Canada has designated specific organizational representatives as UCCMS Participants. **UCCMS Participants** include employees, board members, identified volunteers, consultants and active event participants.
- 3.02 This Code applies to **Representatives'** conduct during PHE Canada business, programs, activities, and sanctioned events including, but not limited to, conferences, travel associated with PHE Canada activities, PHE Canada office environment, and any meetings.
- 3.03 This Code applies to **Representatives'** conduct outside of PHE Canada business, programs, activities, and sanctioned events when such conduct adversely affects relationships within PHE Canada (and its work environment) and is detrimental to the image and reputation of PHE Canada. Such applicability will be determined by PHE Canada at its sole discretion.

4 RESPONSIBILITY

4.01 **Representatives** have a responsibility to:

- (a) Maintain and enhance the dignity and self-esteem of PHE Canada members and other individuals by:
 - (i) Demonstrating respect to individuals regardless of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability;
 - (ii) Focusing comments or criticism appropriately and avoiding public criticism of organizers, volunteers, employees, or members;
 - (iii) Consistently demonstrating ethical conduct;
 - (iv) Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory; and
 - (v) Consistently treating individuals fairly and reasonably.
- (b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination or any form of Maltreatment, or Prohibited Behaviour under this Code and the UCCMS.
- (c) Know what actions or behaviours constitute Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination, any form of Maltreatment, or Prohibited Behaviour.
- (d) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
- (e) Not consume alcohol or cannabis in the Workplace (subject to any requirements for accommodation), not consume alcohol or cannabis in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol and cannabis in adult-oriented social situations associated with PHE Canada sanctioned events.
- (f) Respect the property of others and not wilfully cause damage.
- (g) When driving a vehicle with an Individual:
 - (i) Not have a suspended license;
 - (ii) Not be under the influence of alcohol or illegal drugs or substances; and
 - (iii) Have valid car insurance.
- (h) Report to the Independent Case Manager any concerns, incidents and/or knowledge of Maltreatment, including threats of Maltreatment.
- (i) Cooperate fully with any PHE Canada investigation, and discipline and appeal process.
- (j) Adhere to all federal, provincial, municipal and host country laws.
- (k) Comply, at all times, with PHE Canada's bylaws, policies and procedures, as adopted and amended from time to time.

4.02 In addition to section 4.01 (above), **PHE Canada Directors, Committee Members and Employees** will have the additional responsibilities to:

- (a) Function primarily as a Director or Committee Member of PHE Canada; not as a member of any other particular membership or constituency.
- (b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of PHE Canada's business and the maintenance of Individuals' confidence.
- (c) Ensure that PHE Canada's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
- (d) Conduct themselves openly, professionally, lawfully and in good faith in the best interests of PHE Canada.
- (e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
- (f) Behave with decorum appropriate to both circumstance and position.
- (g) Keep informed about PHE Canada's activities and general trends in the sectors in which they operate.
- (h) Exercise the degree of care, diligence, and skill required in the performance of their

- duties pursuant to the laws under which PHE Canada is incorporated.
- (i) Respect the confidentiality appropriate to issues of a sensitive nature.
- (j) Respect the decisions of the majority and resign if unable to do so.
- (k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
- (l) Have a thorough knowledge and understanding of all PHE Canada governance documents.
- (m) Adhere to the bylaws, policies and procedures approved by PHE Canada.

5 DEFINITIONS

- 5.01 **Representative:** Individuals employed by, or engaged in activities with PHE Canada including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of PHE Canada.
- 5.02 **Bullying:** Offensive behaviour and/or abusive treatment of a representative that typically, but not always, involves an abuse of power.
- 5.03 **Complainant:** An Individual or observer who makes a report of an incident of Maltreatment or suspicions of an incident of Maltreatment.
- 5.04 **Consent by a Person over the Age of Majority:** Consent is 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: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; 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.
- Sexual activity with a minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.
- 5.05 **Disclosure:** 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.
- 5.06 **Discrimination:** Unfair or improper behaviour, whether intentional or not, that results in differential treatment of an Individual based on one or more of any grounds of discrimination prohibited by human rights legislation, including, but not limited to: race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identify or expression, marital status, family status, genetic characteristics or disability. A person does not have to intend to discriminate for the behaviour to be discrimination. It is enough if the person knew or ought reasonably to have known that their behaviour would be inappropriate or unwelcome.
- 5.07 **Duty to Report under Child Protection Legislation:** 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.

- 5.08 **Duty to Report Concerns Outside of Child Protection Legislation:** 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.
- 5.09 **Grooming:** 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.
- 5.10 **Harassment:** A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
- (i) Written or verbal abuse, threats, or outbursts;
 - (ii) Repeated offensive or intimidating emails, phone calls, remarks, jokes, comments, innuendo, or taunts;
 - (iii) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
 - (iv) Leering or other suggestive or obscene gestures;
 - (v) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - (vi) Pranks, hazing or practical jokes which endanger a person’s safety, or may negatively affect performance;
 - (vii) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - (viii) Deliberately excluding or socially isolating a person from a group, team or work-related social gatherings;
 - (ix) Deliberately withholding information that would enable a person to do his or her job, perform or train;
 - (x) Sabotaging someone else’s work or performance;
 - (xi) Gossiping or spreading malicious rumours;
 - (xii) Persistent sexual flirtations, advances, requests, or invitations;
 - (xiii) Physical or sexual assault;
 - (xiv) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
 - (xv) Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
 - (xvi) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and

- (xvii) Retaliation or threats of retaliation against a person who reports harassment to PHE Canada.
- 5.11 **Minor:** 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.
- 5.12 **Neglect:** Any pattern or a single serious incident of lack of reasonable care, inattention to a 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.
- 5.13 **OSIC:** Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner.
- 5.14 **Physical Maltreatment:** 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.
- 5.15 **Power Imbalance:** 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 Athlete 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).
- 5.16 **Psychological Maltreatment:** 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 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.
- 5.17 **Reporting (or Report):** The provision of information in writing by an Individual to a relevant independent authority (the independent person or position charged with receiving a report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) 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 investigative process, which could result in disciplinary action being taken against the Respondent.
- 5.18 **Respondent:** An Individual who is alleged to have engaged in Maltreatment and thereby to have violated the Code of Conduct and Ethics.

- 5.19 **Sexual Harassment:** A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- (i) Sexist jokes;
 - (ii) Threats, punishment, or denial of a benefit for refusing a sexual advance;
 - (iii) Offering a benefit in exchange for a sexual favour;
 - (iv) Demanding hugs and physical contact;
 - (v) Bragging about sexual ability;
 - (vi) Leering (persistent sexual staring);
 - (vii) Sexual assault;
 - (viii) Display of sexually offensive material;
 - (ix) Distributing sexually explicit messages or attachments such as pictures or video files;
 - (x) Sexually degrading words used to describe an individual;
 - (xi) Requiring identification of gender identity, unwelcome inquiries into or comments about an individual's gender identity or physical appearance;
 - (xii) Inquiries or comments about an individual's sex life;
 - (xiii) Persistent, unwanted attention after a consensual relationship ends;
 - (xiv) Persistent unwelcome sexual flirtations, advances, or propositions; and
 - (xv) Persistent unwanted contact.
- 5.20 **Sexual Maltreatment involving a Child:** 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.
- 5.21 **Sexual Maltreatment involving a person over the Age of Majority:** Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a Individual without the Individual's Consent. It includes any act targeting a Individual's sexuality, gender identity or expression, that is committed, threatened or attempted against a 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).
- 5.22 **UCCMS:** Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC.
- 5.23 **UCCMS Participant:** A representative affiliated with the organizations who has been a) designated by the organization and b) who has signed the required consent form. UCCMS Participants may include an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing the organization in any capacity.
- 5.24 **UCCMS Prohibited Behaviours:** Include, but are not limited to:
- (i) Physical Maltreatment
 - (ii) Psychological Maltreatment
 - (iii) Neglect
 - (iv) Sexual Maltreatment

- (v) Grooming
- (vi) Boundary Transgressions
- (vii) Discrimination
- (viii) Failing to Report
- (ix) Aiding and Abetting
- (x) Retaliation
- (xi) Interference with or Manipulation of Process
- (xii) False Reports

In addition to the Prohibited Behaviours as defined by the UCCMS, this Code sets out other expected standards of behaviour and conduct for all representatives and any failure to respect these expected standards of behaviour by a representative may constitute a breach of this Code.

- 5.25 **Workplace:** Any land, premise or location at, in or near which Workers perform their job duties or where activities related to work take place – including travel and social activities – and in some cases, online spaces.
- 5.26 **Workplace Harassment:** Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. See the definition of Harassment for types of behaviour that constitute Workplace Harassment when they occur in the Workplace.
- 5.27 **Workplace Violence:** The use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
- (i) Verbal or written threats to attack;
 - (ii) Sending to or leaving threatening notes or emails;
 - (iii) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
 - (iv) Wielding a weapon in a Workplace;
 - (v) Hitting, pinching or unwanted touching which is not accidental;
 - (vi) Dangerous or threatening horseplay;
 - (vii) Physical restraint or confinement;
 - (viii) Blatant or intentional disregard for the safety or wellbeing of others;
 - (ix) Blocking normal movement or physical interference, with or without the use of equipment;
 - (x) Sexual violence; and
 - (xi) Any attempt to engage in the type of conduct outlined above.

6 REFERENCES

None.

7 PROCEDURES

- 7.01 A Representative who violates this Code may be subject to sanctions pursuant to PHE Canada's Discipline and Appeals Policy.
- 7.02 It is a violation of this Code for any Representative to place another individual in a situation that makes them vulnerable to Maltreatment.

7.03 An employee of PHE Canada found to have engaged in Maltreatment against any other employee, worker, contractor, member, customer supplier, client or third-party during business hours, or at any PHE Canada sanctioned event, will be subject to appropriate disciplinary action subject to the terms of PHE Canada's Human Resources Policy as well as the employee's Employment Agreement (if applicable).

7.04 **Retaliation, Retribution or Reprisal**

It is a breach of this Code of Conduct and Ethics for any Representative to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Representative from filing, in good faith, a complaint pursuant to any organization policy. It is also a breach of this Code of Conduct and Ethics for a Representative to file a complaint for the purpose of retaliation, retribution, or reprisal against any other Representative. Any Representative found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

7.05 **Privacy**

The collection, use and disclosure of any personal information pursuant to this Policy is subject to PHE Canada's Privacy Policy.

8 ATTACHMENTS

Appendix A – Universal Code of Conduct and Address Maltreatment in Sport



Appendix A

Universal Code of Conduct and Address Maltreatment in Sport
<https://sportintegritycommissioner.ca/uccms>