



ONTARIO BASKETBALL EQUITY POLICY

Policy Statement

Ontario Basketball (OBA), through its Board of Directors, is committed to fostering respect and dignity for each of its employees and members. This policy is intended to guarantee equal opportunities and a working environment free of discrimination to all those employees and members.

Discrimination on the grounds of sex, race, ethnic origin, class, age, sexual orientation, family status, religion or disability is expressly forbidden in the OBA workplace, in any work-related activity, in any of the employment or recruitment practices of Ontario Basketball or in any OBA-sanctioned basketball programs and services. In addition, Ontario Basketball will take positive measures to ensure that employment opportunities with OBA are equally available to all employees and prospective employees.

Defining the Term

A. Right to Equal Opportunity

OBA prohibits any treatment which has a discriminatory effect on any person based on any of the following prohibited grounds: sex, race, ethnic origin, class, age, family status, sexual orientation, religion, or disability.

In addition to the rights ensured by this policy, applicants and employees have a legal right to equal opportunities at work. Discrimination is prohibited by several pieces of legislation, including the Canadian Human Rights Act and provincial human rights acts. Providing equal opportunities also mandates that Ontario Basketball identify and address any barriers to success in and access to employment at Ontario Basketball and to participation in any OBA-sanctioned basketball programs and services.

Said mandate shall be done both in response to and prior to complaints being made about those barriers.

B. Discrimination

Discrimination is defined as any distinction that disproportionately and negatively impacts on an individual or group in a way that it does not impact on others. Whether or not such discrimination is intentional is irrelevant. Rather, the effect of the acts on the target of the discrimination is the relevant criterion.

i. Direct Discrimination

Direct discrimination occurs where an individual is treated less favorably than others on the basis of a prohibited ground. If, for example, a prospective employee was refused a job because Ontario Basketball said that members would be uncomfortable with any one or more of the prohibited ground of discrimination, direct discrimination would be operative.

ii. Indirect Discrimination

Indirect discrimination occurs where practices or acts not reasonably related to job requirements or participation in any OBA-sanctioned basketball programs and services have a negative impact on individuals or groups on the basis of a prohibited ground of discrimination. For example, an unnecessary height restriction that eliminates most women from consideration for a job is an example of indirect discrimination.

iii. Systemic Discrimination

Systemic discrimination may occur where long-term practices have resulted in structures of work that disadvantage individuals because they are members of certain groups. For example, long, unpredictable and inflexible hours of work may systematically prevent women with childcare responsibilities from pursuing career opportunities.

iv. Adverse Effect Discrimination

Adverse effect discrimination occurs when the application of an apparently neutral law or policy has a disproportionate and harmful impact on individuals from particular social groups. For example, a dress code that required all employees or members to wear a particular type of hat would adversely impact on persons who, for religious reasons, wear turbans.

v. Retaliation

Retaliation occurs where a person has made a complaint of discrimination and the party who is alleged to have committed the discriminatory act takes further or increased harmful action toward the complainant because of that complaint.

C. Pregnancy Discrimination Is Sex Discrimination

Where opportunities are denied to a woman because of a pregnancy or an anticipated or possible pregnancy, that woman has been discriminated against on the basis of sex. Sex discrimination is prohibited.

D. Sexual Harassment Is Sex Discrimination

Sexual harassment in the workplace, either in the form of direct sexual demands or threats related to employment advantages or disadvantages, or in the form of sexist attitudes or treatment that poisons a workplace atmosphere, constitutes sex discrimination and is prohibited. A workplace free of sexual discrimination is an employee's right. Ontario Basketball, through its Board of Directors, is committed to ensuring that no sexual harassment occurs in any work-related exchange and any Ontario Basketball sanctioned basketball programs and services. Any complaints concerning allegations of sexual harassment will be dealt with through the complaints process in Ontario Basketball's sexual harassment policy.

E. Special Programs

Employment discrimination involves distinctions that negatively impact on particular people or groups based on prohibited characteristics unrelated to the job. Where special programs make distinctions based on the same characteristics but which are intended to address past restrictions and expand employment opportunities, the program is remedial rather than one that perpetuates discrimination.

F. Employment Decisions Covered

All employment decisions made by Ontario Basketball are covered by this policy. These decisions include but are not limited to: job advertising, recruitment, hiring, remuneration, benefits, availability of support services, availability of leave, professional opportunities and advancement. Any decisions made in any of these areas must be made on the basis of performance-based criteria such as qualifications, experience, and merit, rather than on stereotypes or any other discriminatory considerations.

Implementation

A. Recruitment

All OBA promotional materials will attempt to encourage diversity among applicants to Ontario Basketball. They will state that Ontario Basketball is an equal opportunity employer that welcomes applicants from diverse backgrounds and with non-traditional qualifications.

B. Interviewing

Recognizing that most human rights legislation prohibits making employment decisions on the basis of characteristics such as family status, sexual orientation, or religion, questions that even indirectly solicit such personal information are to be avoided by those interviewing for the firm.

Instead, open-ended questions that allow an applicant to offer what, if any, personal information that person feels is appropriate should be asked. The interviewer will outline Ontario Basketball's expectations and job description in some detail. Evaluation criteria will be carefully explained. The applicant will have an opportunity to explain why she or he is especially qualified for the job. The interview will focus on its intended purpose, which is to discover the most qualified candidate for the job. Where questions relating to personal commitment or future plans are necessary at an interview, all applicants will be asked identical questions.

C. Hiring

All persons making hiring decisions for OBA will receive education and training to assist them in overcoming discriminatory attitudes. Recognizing that this is a difficult task, hiring, as well as evaluations, remuneration, and professional development will be carried out by committees representing as much of the diversity within Ontario Basketball as possible. The objective of this policy is to have traditionally under-represented groups represented, to the greatest extent possible, on all OBA committees and at all levels of Ontario Basketball. The Employment Equity clause of this policy will be applied in all decisions regarding hiring and promotion.

D. Ontario Basketball Policies

i. Employment Equity

Ontario Basketball is committed to taking steps to remedy any lack of diversity in its workplace and work-related activities. Therefore, where job candidates are of equal or substantially equal merit, but where one candidate is a member of one of the groups intended to be protected by this policy and from which increased representation is sought, that person will be chosen.

ii. Sexual Harassment Policy

In recognition of the fact that sexual harassment is an under-reported but common problem, Ontario Basketball has instituted a sexual harassment policy. This policy is intended to convey the message that sexual harassment will not be tolerated at OBA in any workplace activity, work-related activity and in any Ontario Basketball sanctioned basketball programs and services. Ontario Basketball is responsible as an employer to take all reasonable measures to ensure that no one at OBA is the target of that sort of discriminatory behaviour and that no one from OBA perpetrates such acts.

E. Evaluations

Evaluations of employees will be conducted by the Board of Directors of OBA and/or its designate(s). Evaluations of employees at OBA will be conducted annually to ensure that problems are identified at an early stage and can be rectified. Open discussion with employees will be encouraged at each evaluation to allow employees to notify the Board of Directors of OBA of any area of dissatisfaction. The expectations of the Board of Directors of Ontario Basketball will be explained in detail at the initial interview. These same expectations will be formalized into evaluation criteria which are applied to all employees and will be discussed with the employee at each evaluation. Evaluations will be based on performance, and recommendations and evaluations will be kept on file.

F. Remuneration

All compensation decisions, including salary levels and bonuses, will be made by Ontario Basketball in accordance with the evaluation criteria presented first at initial interviews and later used in performance reviews. These criteria are intended to be neutral and merit based.

G. Recruitment of Volunteers

All members making decisions regarding the recruitment of volunteers for any OBA sanctioned basketball programs and services will do so in accordance with this policy.

H. Budgets

All decisions made by OBA concerning the allocation of its financial resources to various Ontario Basketball programs and services will be done in accordance with this policy.

I. Sponsorships

Ontario Basketball is committed to ensuring that all sponsorship decisions will be made in accordance with this policy. This may include, but is not limited to, requesting from potential sponsors such information, as OBA deems necessary, concerning potential sponsors' sexual harassment and workplace equity policies.

Monitoring / Complaint Procedures

Where an employee or member believes that there has been a failure of the policy, the employee or member should follow the complaint procedures identified in Ontario Basketball's sexual harassment policy. Ontario Basketball will treat all such complaints in a serious manner, will investigate all formal complaints, and will discipline any person found in breach of this policy without regard to their status within Ontario Basketball. Any person who feels that she or he has suffered from discriminatory treatment should also be reminded of the remedies available to him or her under the applicable human rights legislation.

Where a member or employee of OBA has been discriminated against by a non-member or employee of Ontario Basketball, OBA will support and assist the person alleging discrimination in whatever manner seems appropriate.

Conclusion

This policy is deemed to be remedial in nature and shall receive a fair, large and liberal construction and interpretation as will best ensure the attainment of its true intent, meaning and spirit. There is zero tolerance of discrimination and barriers to equal opportunity at OBA. To support values of equality and justice, OBA will apply those values in its own employment decisions and to any OBA-sanctioned basketball programs or services. OBA will review this policy on an annual basis to ensure that it is accomplishing that goal.