



POLICY ON HARASSMENT

HR Reps: Roberta Lloyd, TW Board member, mrblloyd@gmail.com
(one other to be named)

Theatre Wakefield Vision (updated 2021)

Theatre Wakefield (TW) is for the community, by the community. We strive to use the performing arts, including film, to bring people of all ages together, provide opportunities for young and emerging artists, and support the creative economy of La Pêche and its residents. We work with artists and community groups to create collaborative, community-focused arts programming and festivals. With everything we do, TW is committed to producing diverse and inclusive art and serves as a catalyst for community creation.

General Statement

At TW we produce mainstage performances, dramatic readings, Wakefield Doc Fest, the Ta Da! Festival, LaPêche Has Le Talent, various hosted productions and a variety of training workshops – all with great pride. First and foremost, we believe in community. When you work with us, either as an artist, participant or employee, you join a community that is vibrant, inclusive, welcoming and safe.

We seek to create and produce work that comes directly from the Gatineau Hills and speaks to the issues we face locally. In order to create and present works that address global issues from a local perspective, we believe it is imperative that we create a safe space for artists, participants and audience members alike. As an organization, we are committed to upholding safe spaces. We hope this document will be helpful in outlining what this has come to mean for us.

We believe that EVERYONE has the right to create works in a safe place where they are welcomed and respected. We believe in and support people who have experienced harassment, violence, or discrimination.

Responsibilities of the TW Board

Theatre Wakefield will:

- Promote an environment that is free of psychological and sexual harassment;
- Develop and maintain this written Harassment Policy with respect to psychological and sexual harassment in compliance with Quebec's *Act Respecting Labour Standards* under Bill 76;
- Provide participants with information and instruction regarding the Harassment Policy with respect to psychological and sexual harassment, including appropriate steps to be taken and investigation procedures;
- Ensure every artist and cultural worker reads, signs and thereby agrees to abide by our Harassment Policy before signing their contract;
- Ensure every volunteer reads, signs and agrees to abide by our Harassment Policy;

- Take every reasonable precaution for the protection of the participants;
- Ensure participants understand who to contact regarding concerns about the policy or when to report an incident;
- Ensure the workplace is free from discrimination and harassment, including sexual harassment, bullying and discriminatory harassment;
- Respond appropriately to complaints brought to their attention;
- Respect the confidentiality and sensitivity of such issues to the extent possible;
- Document all information and investigation results;
- Conduct an investigation into allegations of psychological or sexual harassment; and,
- Take action if witnessing psychological or sexual harassment or elements of a poisoned work environment.

Responsibilities of TW Participants

We ask all TW participants to adhere to the following code of conduct.

Participants in TW activities will not participate in or condone activities that discriminate on the grounds of race, colour, place of origin, gender, age, marital status, religious beliefs, citizenship, mental and physical abilities, sexual orientation, or any other prohibited grounds within the Quebec Human Rights Act.

Additionally, we will maintain TW as a safe place by:

- Maintaining positive, respectful relationships with fellow community members;
- Acting with honesty and integrity, declining to participate in or condone any activities that may be considered unethical or illegal;
- Avoiding participating in or condoning activities that may put people in harm's way or risk their physical, emotional, or mental wellbeing;
- Practicing active consent when engaging in activities of a sexual nature;
- Supporting people who have experienced or disclosed harassment, violence, or discrimination by reporting any incidents of bullying, harassment, violence, discrimination, or abuse that you witness when you are able;
- Not participating in or condoning activities that may be bullying, non-consensual, discriminate, harassing, or violent in nature.

Definitions of Harassment and a Poisoned Environment

Harassment is conduct or comment, either one time or repeating, that could be reasonably understood to be:

- Demeaning, intimidating, threatening, or abusive, whether intentional or unintentional;
- Causing offence with comments or in a manner that should have reasonably been expected to offend;
- Serving no legitimate purpose for the environment;
- A reprisal or threat of reprisal against an individual for rejecting a solicitation or advance; and
- Undermining authority or respect in the environment, limiting opportunities for advancement, or creating an intimidating, hostile or offensive environment.

Harassment also includes bullying, which is a form of aggression that may include physical, verbal, or emotional abuse. It includes, but is not limited to, speaking with anger, sarcasm, overriding others'

comments by speaking loudly, shouting. It can include persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, and/or unfair sanctions which make the individual feel threatened, humiliated, and/or vulnerable.

Harassment also includes conduct or comments, or the creation of a negative psychological and/or emotional environment that humiliates, excludes, or isolates an individual or group by focusing on their race, colour, place of origin, gender, age, marital status, religious beliefs, citizenship, mental and physical abilities, sexual orientation, or any other prohibited grounds.

Any and all of these forms of harassment extend to verbal, written (including email, text) and physical forms of abuse.

The assessment of whether harassing behaviour occurred is focused on **the impact on the target of the behaviour, and not on the intention of the person commenting/acting in a potentially harassing way**. If the recipient of the behaviour specifically states that the conduct is unwelcome, then this portion of the definition is met. However, the recipient does not necessarily have to specifically state that the conduct is unwelcome; it is enough for the recipient to make it clear that the behaviour was unwelcome through their own conduct or body language. Alternatively, this part of the definition is met if the behaviour in question is objectively harassing (i.e. whether a reasonable person would have recognized that their behaviour would be unwelcome to the recipient of the behaviour).

A poisoned work environment is created by persistent and serious wrongful comments or conduct that create a hostile or intolerable workplace. The comments or conduct need not be directed at a specific individual, and may be from any individual, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment. Conduct that creates or contributes to the creation of a poisoned work environment will not be tolerated at TW, and participants found to have engaged in such acts will be subject to discipline up to and including termination. (See page 6 for Glossary of other terms used in this document.)

Procedure for making a Harassment-related Complaint

1. We recognize the difference between a person disclosing information and a person filing a complaint. We respect everyone's right to make their own decision regarding how they choose to report an incident. TW will investigate and act expeditiously and firmly in dealing with persons harassing others.
 - If a participant believes they are being harassed, the participant should try to resolve the issue with the harasser in a calm manner. Ask them, preferably in a private setting, to stop directing this behavior at you. State firmly that the behavior is objectionable, unwelcome, and must stop immediately. **However, if the abuse is physical, do not approach your harasser.** If the participant does not feel comfortable confronting the person, or if the activity or behaviour does not stop after the person has been confronted, then the participant should follow the procedure as outlined in step 2.
 - The participant should keep a written record of the incident, along with the steps taken to stop it. If they can, they should provide evidence such as screenshots, texts, messages and eyewitness accounts.

2. The participant should discuss the incident with one of the two HR Reps on the Board of Directors or, where the alleged harasser or sexual harasser IS one of the HR Board Reps and the other is unavailable, the participant should discuss the incident with any member of the Board of Directors. For the year 2022-2023, the HR Rep on the TW Board is Roberta Lloyd. Her email is mrblloyd@gmail.com.
3. An informal resolution will first be considered as a course of action. An informal resolution allows the participants to come together with an HR Rep for an open and honest exchange, giving them a greater measure of control in the process and in the outcomes, by having each party:
 - Explain their point of view;
 - Agree to a resolution;
 - Document the resolution in writing; and
 - Sign the resolution, demonstrating their ownership for the self-enforced agreement.
4. If an informal resolution is not possible, the participant should complete a written complaint with or without the assistance of one of the HR Board Reps (or other board members) and an investigative procedure will commence. This may be sought at any time, including if an informal resolution fails.

Investigative Process

TW will ensure a full, fair, and appropriate investigation is conducted into each incident or allegation of discrimination or harassment that it becomes aware of. Investigations will be carried out according to the following guidelines:

- All investigations will be conducted promptly;
- Once a written complaint is received, and if an informal resolution cannot be agreed upon, the appropriate TW HR rep will start the investigative process within 24 hours;
- All those directly involved, and witnesses, will be spoken with;
- Notes/statements will be prepared during each interview, reviewed by the person(s) being interviewed and signed for accuracy;
- Records or other documents relevant to the incident being investigated (this may include work schedules, complaints and observation notes, and may involve taking pictures of the scene) will be reviewed;
- Relevant TW policies/procedures/contracts will be reviewed;
- A final summary of the investigation will be prepared;
- The alleged and/or actual harassed participant and the alleged and/or actual harasser will be informed separately in writing of the results of the investigation and any corrective action taken as a result of the findings of the investigation; and
- An external interviewer will be hired where appropriate for the situation.

TW will investigate the complaint diligently and confidentially to the maximum extent possible. In addition, any negative employment consequences which are found to have resulted from the harassment will be rectified as much as and as soon as possible.

Violation of Policy

Violation of this policy may result in disciplinary action, including but not limited to immediate dismissal from the site or event, banning from future participation in TW produced events or property, and/or termination of employment or position within the organization.

If any participant receives a complaint of harassment or is otherwise aware of, or informed of a harassing situation, they must inform one of the HR Board Reps immediately.

Resolutions

Interim measures may be imposed on a person alleged to have committed an infraction. The purpose of this is to ensure personal safety, discourage or prevent retaliation or further infractions, protect confidentiality, and to preserve our ability to conduct a thorough investigation. Interim measures must be appropriate and proportionate to the seriousness of the alleged conduct, and as minimally restrictive as possible to achieve their purpose. This may include, but is not limited to, removal from events, activities, or the premises for a period of time.

Confidentiality

Participants should feel secure in knowing that their concerns will be handled as discreetly and sensitively as possible. Identifying information about any individuals involved in the harassment allegation will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or as otherwise required by law.

Reprisals

This policy strictly prohibits reprisals against a participant because they have brought forward a concern or has provided information regarding a concern under this policy. Any participant who commits or threatens reprisal against another participant for following this policy in good faith may be subject to progressive discipline, up to and including termination of employment or contract.

I declare that I, _____, have read and agree to abide by this Harassment Policy.

Signature

Date

RESOURCES

Below are a few resources that may be helpful to you.

Quebec CNESST, a government agency that oversees employment and employee relations, has published a guide to psychological harassment at work (<https://www.cnt.gouv.qc.ca/en/in-caseof/psychological-harassment-at-work/index.html>).

An Act Respecting Labour Standards prohibits psychological harassment in the workplace and sets out required procedures (<http://www.legisquebec.gouv.qc.ca/en/showdoc/cs/N-1.1>).

The Charter of Human Rights and Freedoms prohibits discrimination and discriminatory harassment in the workplace (<http://legisquebec.gouv.qc.ca/en/showdoc/cs/C-12>).

Crisis Services

If you are in crisis:

- Call 911 or go to a hospital emergency room.
- Call Info-Social at 811, press option 2 to speak with a social worker 24/7.
- Call the suicide prevention line at 1-866-APPELLE (277-3553).
- Call the Distress Centre of Ottawa and Region 24/7 at 613-238-3311

GLOSSARY

Complaint:

A written or verbal statement alleging abuse, harassment, or misconduct by any person to the TW Board Rep of Theatre Wakefield (TW) for the purpose of initiating an investigation and resolution process.

Consent:

A voluntary, ongoing, active, and conscious agreement to engage in the activity in question. Agreement or a “yes” that is obtained through pressure, coercion, force, threats, or by inducing intoxication, impairment, or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent. Additionally, there is no consent when:

- It is given by someone else;
- The person is unconscious, sleeping, or lacks the capacity to consent;
- It was obtained through the abuse of a position of power, trust, or authority;
- The person does not indicate “yes,” says “no,” or implies “no” through words or behaviours; and
- The person changes their mind and withdraws their consent.

Disclose/Disclosure:

A verbal or written statement by any person to a member of the TW community that they have experienced abuse, harassment, or misconduct. TW may initiate an investigation and resolution process and will honour any requests for anonymity by the person making the report.

Discrimination:

A distinction, whether intentional or not, based on a characteristic or perceived characteristic that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society. It is the responsibility of the person/people pursuing an activity to obtain clear, voluntary consent from the other, and to recognize that consent can be withdrawn at any time.

Participants:

Any individual involved in a Theatre Wakefield rehearsal, event or production, including volunteers and those paid honoraria for their services:

- Artists and cultural workers, including actors, producers, directors, stage managers, backstage crew, front of house volunteers;

Any individual involved in supporting the organization:

- Board members, committee members, consultants, grantwriters, etc.

Retaliation:

Taking, attempting to take, or threatening to take any adverse action or retribution of any kind against anyone involved in a report of harassment, abuse, or misconduct process. This includes, but is not limited to, intimidation, pressuring, harassment made in person, electronically, or through third parties.

Solicitation:

Any comment, behaviour, or act that can be perceived as soliciting sexual favours, or placing sexual conditions onto any persons involvement in an activity, event, promotion, or employment (paid or unpaid) opportunity.

Workplace:

Any land, premises, location or thing at, upon, in or near which a participant works. This can include the rehearsal space, performance venue, space where board meetings are held, office, research site, social event locations, and also virtual spaces: zoom calls, phone calls, etc.

Workplace sexual harassment:

Defined as engaging in a course of vexatious comment or conduct against a participant in a workplace because of sex, sexual orientation, gender identity or gender expression, where the 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 advancement to the participant and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace sexual harassment can take the form of:

- Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent. This includes, but is not limited to sexual assault, sexual

harassment, stalking, indecent exposure, voyeurism, distribution of intimate images, inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity, and other analogous conduct;

- Any form of sexual contact without consent. This can include unwanted or forced kissing, fondling, grabbing, touching, vaginal or anal penetration, or oral sexual contact.

Workplace violence:

Typically defined as physical force, an attempt to use physical force, or a threat of physical force by a person against a participant, in a workplace, that causes or could cause physical injury to the participant. Workplace violence can be perpetrated by strangers, by guests or by colleagues. Similarly, domestic violence can become a workplace issue if the perpetrator of the domestic violence comes to the workplace to harm the participant, which could put others in the workplace also in harm's way.

Workplace violence includes, but is not limited to:

- harming or threatening to harm any employee or member of the public;
- damaging or threatening to damage the property of the TW or any employee or member of the public;
- possessing a dangerous weapon; and/or
- stalking an employee.

ARTISTIC EXPRESSION IN SAFE SPACES

Freedom of artistic expression is a vital component to the fabric of our community. We strongly support the spirit of TW by providing artists opportunities to showcase their work without jury or censor. We support artists and the choices they make on stage.

Theatre Artists

Artistic content may sometimes include language, characters, situations, and other elements that may be perceived as inappropriate, offensive, or triggering. By purchasing a ticket, audiences are opting to participate in a theatrical experience, including a diverse exploration of stories, vantage points, and delivery.

Artists may not extend this artistic policy beyond a performance. At no time may artistic expression or freedom violate any local, provincial, or federal law.

Our Safer Space Pledge

Creating a safe space requires the commitment, accountability, and support from each person in our community. Below is our pledge to making this a safer space. We encourage you to join us!

Safer Space Initiatives

Safe Walks

We are available to provide safe escorts to or from any vehicle, venue, or public transportation location within reason of the performance site or rehearsal. Please ask a participant if you would like a Safe Walk escort.

We commit to helping maintain a safe space that is inclusive to all, and will:

- Be mindful that our community is on Anishnabeg territory, and as such we are all Treaty persons;
- Take an active role in maintaining a safe and inclusive space that embraces all forms of diversity;
- Give individuals and groups who are speaking or performing our attention and respect;
- Listen and learn when the impact of our actions may not match our intent;
- Respect others' physical, mental, emotional, and spiritual boundaries;
- Seek out support to the best of our ability when we are in need;
- Be mindful of routes, facilities, and spaces that are designated for persons needing accessibility accommodations and avoid utilizing or blocking them;
- Use a person's correct pronouns;
- Use inclusive language and listen and learn when language used may have been exclusive;
- Engage in conversations about making our spaces more inclusive; and
- Use respectful language and a calm tone when communicating with others.