

Respectful Workplace Policy



VARSCONA THEATRE ALLIANCE SOCIETY

RESPECTFUL WORKPLACE POLICY

April, 2020

THIS IS A POLICY OF VARSCONA THEATRE ALLIANCE SOCIETY AND EACH OF THE RESIDENT PERFORMANCE GROUPS AND THEATRE COMPANIES USING THE VARSCONA THEATRE, NAMELY: DIENASTY, SHADOW THEATRE, TEATRO LA QUINDICINA, AND VARSCONA THEATRE ENSEMBLE.

STATEMENT


Varscona Theatre Alliance Society (hereinafter referred to as “VTA”) commits to provide a workplace environment (the Varscona Theatre (the “Theatre”)) free from any type of harassment, violence and discrimination where all artists, staff, contractors, patrons, volunteers and directors (jointly hereinafter referred to as “Stakeholders”) are treated with respect and dignity. Hereinafter, all references to VTA shall include all member theatre companies.

In order to fulfill this commitment, the VTA has formed the “Respectful Workplace Committee” (hereinafter referred to as either “RWC” or the “Committee”). This policy is to be adopted by, and be binding upon, all theatre companies which utilize the Theatre so that none of them are required to make their own “safe space” policies.

Personal harassment, discrimination, violence, sexual misconduct and abuse of power cannot be tolerated in any workplace because they are directly injurious to victims and weaken team spirit and create an unhealthy and toxic environment. All Stakeholders, or anyone involved in activities in or associated with the VTA, have to be able to work in a safe and respectful workplace and must know the relevant process when it is necessary to report, without fear of reprisal, cases of harassment, discrimination, violence, sexual misconduct and abuse of power or any other behavior that contributes to an unhealthy work environment.

VTA commits to provide a workplace free from any type of harassment, violence and discrimination and recognizes for this purpose the following objectives:

- Providing a workplace free from any type of harassment, bullying, exclusion, isolation, shunning, violence, or discrimination for its staff;
- Providing a workplace where Stakeholders understand and apply this policy;
- Providing a workplace where Stakeholders can raise concerns about inappropriate behaviors or make a complaint without fear of reprisal;

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- In the case of a complaint alleging a violation of this policy, providing Stakeholders with a complaint process that is professional, transparent and effective;
 - In the case of a complaint alleging a violation of this policy, providing Stakeholders with a complaint process where the parties involved will benefit from the principles of natural justice, by learning of the allegations against them and having the opportunity to respond to them;
 - Keeping the parties that are directly involved informed of the complaint's progression, the conclusions of the investigation, and whenever possible, the decisions resulting from the complaint and the investigation;
 - In the case of a legitimate complaint, implementing, as soon as possible, appropriate measures that respond to allegations and eliminate all types of harassment, violence and discrimination;
 - Providing Stakeholders with a process to handle complaints and to solve the problem internally, without preventing the complainant from pursuing another recourse if he or she deems it appropriate;
 - Periodically reviewing this policy so that it can evolve and respond to Stakeholder needs in order to eliminate all types of harassment, violence and discrimination; and
 - Providing support to any Stakeholder who is affected or who anticipates being affected by a violation of this policy.

APPLICATION

This policy applies to the Stakeholders of VTA.

This policy also applies to the Board of Directors, the public, participants, volunteers and suppliers that provide services to VTA including all theatre companies, their respective board members, employees and artists who utilize the facilities of the Theatre.

This policy applies to all behaviors related to the work or functions of Stakeholders, including during meetings, rehearsals, workshops, performances, etc. at the Theatre or elsewhere, as well as during training and work trips (“workplace”).

However, this policy does not aim to limit or impede VTA's and member theatre company's right to manage. Performance reports, management, work evaluations and disciplinary measures imposed reasonably and professionally for valid reasons do not constitute harassment or discrimination in the workplace.

CONFIDENTIALITY

As part of its complaint process VTA shall ensure, whenever possible, confidentiality and the privacy of information.

The name of the complainant, circumstances of the complaint, investigation reports, complaints, witness statements and other documents or information produced in accordance with this policy will be kept strictly confidential by the Committee, except when disclosure is necessary as part of the investigation or if otherwise required by this policy, or if the information is necessary to handle the complaint, conduct the investigation, or impose disciplinary or administrative measures.

Therefore, information may be shared, notably:

- When the alleged offence might be of a criminal nature;
- When the Committee deems it necessary to protect others against harassment or acts of violence;
- When fairness and the right to natural justice must be ensured as part of the procedures within this policy;
- As provided under applicable laws regarding occupational health and safety or human rights;
- When required by law or court order;
- For the protection of VTA's interests; and
- When required pursuant to Equity or PACT Regulations.

All involved parties in a complaint must respect the confidentiality of information of other parties involved, must refrain from discussing the complaint except with those that need to be informed and must act with professionalism and discretion during the complaint process.

All media inquiries will be referred to the Committee Chair.

1. DEFINITIONS

1.1 DISCRIMINATION:

Discrimination refers to the act of treating a group or individual differently based on race, ancestry, birth place, color, ethnicity, citizenship, beliefs, sexual orientation, gender identity, gender expression, age, criminal record, marital status, family status or disability, or any other factor protected by the applicable provincial law regarding human rights, whether at the workplace or in any public communication.

This does not apply to the casting of an actor in a specific role in which a personal characteristic is a bona fide requirement.

If any staff member clearly communicates, to colleagues, pronouns by which to be addressed or referred, then those colleagues must make every reasonable effort to use those pronouns.

1.2 HARASSMENT REFERS TO:

A person engaging in a course of vexatious comments or conduct, intimidation or threats against someone in a workplace when they know or ought reasonably to know that these comments or conduct are unwelcome and includes: bullying, exclusion, isolation, and shunning.

Harassment in the workplace also includes sexual harassment on the grounds of sex, sexual orientation, and gender identity or gender expression.

Therefore, everybody has the right to be free from:

- a) sexual solicitations or advances if the person making the solicitations or advances knows or ought reasonably to know that it is unwelcome;
- b) reprisals or threats of reprisal for refusing sexual solicitations or advances made by a person in a position to grant or deny a benefit or a promotion.

1.3 WORKPLACE VIOLENCE REFERS TO:

The use or attempted use of physical force against a Stakeholder in a workplace that causes or might cause physical harm.

It also refers to comments or behaviors in a workplace that might reasonably be construed by a Stakeholder as a threat of physical force which could cause him or her physical damage.

This does not apply where simulated violence is a bona fide component of the production.

1.4 UNHEALTHY WORKPLACE REFERS TO:

A workplace where an activity or a behavior, not necessarily directed at anyone in particular, creates a hostile or offensive work environment.

1.5 ABUSE OF POWER OR AUTHORITY REFERS TO:

The act, by a person in a position of power, of inappropriately using the authority and power inherent in their position or functions to endanger someone's job, undermine their performance, put their livelihood at risk, or in any way interfere with their career or job or well-being. It refers to authority asserted in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Abuse of power is included in a broader definition of harassment. It includes: bullying, exclusion, isolation, shunning, silent treatment, intimidation, or any treatment which adversely affects an individual's psychological well-being.

1.6 STAFF MEMBER REFERS TO:

VTA staff, and staff of any theatre company utilizing the Theatre, whether they are full-time, part-time, occasional, contractual, permanent, temporary, and regardless of the contractual relation with VTA.

1.7 WORKPLACE REFERS TO:

Any place where employees work or perform tasks related to their functions. Production sites or meeting places outside of the Theatre are also included in the definition of workplace.

1.8 COMPLAINANT REFERS TO:

The alleged victim of harassment, violence or discrimination or any individual who lays a complaint of harassment, violence or discrimination.

1.9 RESPONDENT REFERS TO:

The person who is alleged by the Complainant to have committed an offense.

2. ROLES AND RESPONSIBILITIES

2.1 VTA WILL STRIVE TO:

- provide a workplace free from all types of harassment, discrimination or violence;
- ensure that staff is aware and informed of this policy;
- post this policy and all other related policies at various locations in the Theatre;
- evaluate the risks of workplace violence as often as needed in order to ensure that this policy and related policies continue to protect staff against workplace harassment, discrimination and violence;
- take all reasonable precautions to prevent workplace harassment, discrimination and violence;
- put in place forms to report incidents and follow-up procedures to help the complainant and the respondent; and
- review this policy and modify it as needed.

2.2 VTA, THROUGH ITS RWC, WILL:

- foster a workplace free from all types of harassment, discrimination and violence and set an example through their own appropriate behavior at work at all times;
- understand and ensure the application of the policy;
- communicate the policy to all staff members under their authority;
- establish the acceptable standard of conduct at the opening rehearsal of every production;
- verify that service providers and Stakeholders are made aware of this policy; review complaints, as the case may be;
- determine whether the allegations of harassment, discrimination or violence are justified;
- determine the necessary corrective or disciplinary measures;
- act and use their authority and power to prevent acts of discrimination, harassment and violence in the workplace;
- retain external experts, as appropriate, to deal with serious complaints;
- explain the investigation process and the complaint process to Stakeholders and cooperate in the investigation process; and
- provide all staff with contact information for Committee members.

2.3 ALL INDIVIDUALS IN LEADERSHIP POSITIONS WILL:

- foster a workplace free from all types of harassment, discrimination and violence and set an example through their own appropriate behavior at work at all times;
- understand and ensure the application of the policy;
- deal with, and act upon incidents of harassment, discrimination or bullying, exclusion, isolation, shunning, or workplace violence as soon as they become aware of it, whether a complaint is made or not;
- explain the investigation process and the complaint process to Stakeholders and performers; and

- allow staff members to take time off to participate in the investigation process as needed.

2.4 STAKEHOLDERS WILL:

- show respect for their colleagues by behaving appropriately at work at all times. This refers to a behavior free from harassment, discrimination or violence; and
- report to a person in a leadership position and above all not ignore situations of harassment, discrimination or violence.

2.5 STAKEHOLDERS CAN EXPECT:

- to be treated with respect and dignity at work;
- that situations of harassment, discrimination or violence will not be tolerated;
- that reports of harassment, discrimination or violence will be treated promptly; and
- not to be subject to reprisal for reporting concerns about a behavior, harassment, discrimination or workplace violence, or for having participated or not in an investigation.

3. THE RIGHT TO COMPLAIN

Individuals have the right to lodge a concern or complaint with the Committee about actual, anticipated or potential discrimination, harassment or violence.

Individuals who are members of Equity have the right to exercise the complaint process available to them with Equity. This process can be in substitution for or in addition to a complaint to the RWC.

4. COMPLAINT FILING PROCEDURES

Considering the potential scope of complaints, this procedure cannot dictate the handling of every complaint, and VTA is capable of determining the required and necessary steps to take when receiving a complaint by taking into account circumstances surrounding the events and the reported incidents, complexity of facts, seriousness of allegations and involved parties, etc.

4.1 FILING A COMPLAINT

- Anybody who believes themselves to be a victim of discrimination, harassment or workplace violence, or any witness to such incident, can file a complaint with any member of the Committee;
- In the event that any member of the Committee is involved in the case, the complainant will then turn to any other Committee member;
- The complaint may be verbal or written. If the complaint is verbal, the person receiving the complaint will record in detail the information given by the complainant;
- Any Committee member receiving a complaint shall notify the other Committee members who shall hold such complaint in confidence;
- To the extent possible, the complainant must provide detailed information, such as a description of events; date and time; location; frequency of incidents and names of everyone present (if it applies). The complaint must reflect the facts and cannot be false or defamatory in nature;
- The complaint must be reported as soon as the complainant is comfortable to file the same. VTA reserves the right to refuse to investigate allegations for which it would be, because of delays, unfair, impossible or too costly to retrieve the evidence required to evaluate the complaint;
- The Committee, according to circumstances, will notify the respondent by writing that a complaint has been made against him or her. The letter must include details of the allegations. Every effort will be made to settle the complaints of harassment in a reasonable period. For the sake of

transparency, parties will be informed of timelines and delays as part of the process undertaken by VTA;

- In light of the complaint, the Committee can determine if temporary measures are necessary and required in these circumstances in order to limit contact between the complainant and the respondent; and
- No one will be punished for reporting in good faith an incident or for participating in an investigation.

4.2 MEDIATION

- Whenever appropriate, mediation will be suggested to the parties involved to settle the complaint before proceeding with an investigation;
- The mediation process is voluntary and confidential;
- This process aims to help the parties come to a possible solution to the case reported in the complaint;
- The parties will select one (1) member of the Committee to act as mediator;
- The mediator will not participate in the investigation of the complaint; and
- Each party involved will be allowed to be accompanied and helped by a person of their choosing.

4.3 INVESTIGATION


- If the situation does not allow for mediation or if mediation does not lead to a settlement of the complaint, an investigation may be initiated by the Committee;
- Investigations into serious allegations will be led by a person with the appropriate training and experience. When the complaint is of a more serious nature, VTA may entrust the investigation to an external consultant. The investigator will meet with the complainant, the respondent and all identified witnesses. All interviewees will be allowed to review their own statement, compiled from the investigator's notes, to verify its accuracy before the end of the investigation;
- The investigator will draft a report for the Committee, which will include:
 - a description of the allegations;

- a response from the person who is the subject of the complaint;
 - a summary of the witnesses' testimonies (if applicable);
 - the investigator's conclusion as to whether there was violation to this policy
- The report will be submitted to the Committee (according to circumstances);
 - The Committee can also ask the investigator to prepare a summary report that would protect the witnesses' identity and the confidentiality of information gathered through the investigation;
 - If the investigator deems it appropriate, they can provide the Committee with recommendations;
 - The complainant and the respondent will be informed of the conclusions of the investigation and the correctives measures, when necessary; and
 - Should the Committee determine that a criminal offence may have occurred; they shall report the same to the police and shall await the results of the police investigation.

4.4 CORRECTIVE MEASURES AND FOLLOW-UP

- When a complaint is upheld, the Committee will decide on measures and follow-ups to be taken.
- Involve the Board of the relevant theatre company so that a decision can be made regarding the complaint and any actions which are to follow.
- If however, the investigation revealed that the complaint was unfounded, the Committee could also, at its sole discretion, take measures such as:
 - o provide training to employees or put in place measures to improve communication between staff members;
 - o review certain organizational practices or policies;
 - o conclude that no action is required; or
 - o any other measure that the Committee may deem appropriate in these circumstances.

4.5 REPORTS



The Committee will provide a report to the appropriate theatre company which shall, in turn, deal with it in due course. All disciplinary measures will be dealt with by the theatre company (the Committee may make disciplinary recommendations). The investigative report shall be dealt with as appropriate. Working notes and the final report will be uploaded and maintained on a confidential online drive which will be stored in a secure online depository. Access to the drive will be limited to Committee members.

5. DISCIPLINARY MEASURES

Any violation to this policy, including making a false complaint, can lead to disciplinary measures or sanctions. The disciplinary measure or sanction can range from a simple warning to a discharge, or dismissal, according to the severity, scope, recurrence, and repetition of the offence or offences committed. Anybody interviewed as part of an investigation must cooperate in the investigation process in good faith, with honesty and integrity. Anybody who provides false information or who refuses to cooperate fully during the investigation is subject to disciplinary measures.

Of course, a staff member who raises a concern in good faith related to a case of harassment, discrimination, violence or abuse of power, or who makes a complaint in this regard, will not be subject to reprisals for sharing his or her concerns.

Therefore, it is strictly forbidden for anybody to utter threats or to take actions against a staff member who invokes this policy or who participates in the investigation process. All infringement of this nature to this policy will be subject to disciplinary measures which could go as far as dismissal.

6. REQUEST FOR INFORMATION

All requests for information related to the policy and the procedures must be sent to a member of the RWC.

7. Adoption

Policy adopted on April 13, 2020

Policy revised on: N/A

Respectful Workplace Committee

Per:

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