



*Connecting the Canadian Live Performing Arts Community
Réunir le milieu canadien des technologies scénographiques*

Anti-violence, Harassment, Psychological Harassment and Sexual Harassment Policy - Administration Guideline

This policy guideline applies to all CITT/ICTS Associates. CITT/ICTS will not tolerate violence, harassment or bullying of any kind.

CITT/ICTS will not tolerate any form of harassment or discrimination against job candidates or employees on any grounds listed in the definitions for violence and harassment, whether during the hiring process or during employment. This commitment applies to such areas as training, performance assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All CITT/ICTS employees and Board of Directors are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

For the purposes of the policy, harassment and bullying can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, or in email or social media conversations, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Rights

Everyone has the right to:

- An environment that is free from harassment
- File a complaint when the environment is not free from harassment
- Be informed of complaints made against them
- Obtain an investigation of the complaint without fear of embarrassment or reprisal
- Have a fair hearing
- Be kept informed throughout the process and of remedial action taken
- A fair appeal process for both the respondent and complainant
- Confidentiality to the degree possible under the circumstances
- Representation by a third party

Investigating Reports of Violence or Bullying

The organization shall:

- Investigate all reported acts and incidents of violence and bullying, and consult with other parties (e.g., legal counsel, health and safety consultants, employee assistance provider, human rights office, local police services).
- Take all reasonable measures to eliminate or mitigate risks identified by the incident.
- Document the incident, its investigation, and corrective action taken.
- Submit a report of the incident to the Ministry of Labour where an employee incurs a lost time injury as a result of violence in the workplace.

- Review this policy and hazard assessment annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.
- Review annually the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.
- Recommend corrective measures for the improvement of the health and safety of workers.
- Respond to employee concerns related to workplace violence and communicate these to management.

The associates of the organization have the responsibility to ensure the safety and health of all those who come in contact with CITT/ICTS.

Reporting Discrimination or Harassment

Associate responsibilities:

All Associates are responsible for contributing to a positive work environment and for identifying and discouraging comments or activities that are contrary to the **Anti-violence, Harassment, Psychological Harassment and Sexual Harassment Policy**. This includes advising people or the alleged harasser that his/her behaviour is unwelcome.

Where a situation occurs, or where an Associate believes a situation has occurred, he/she is obligated to report it to the National Coordinator/Executive Committee. If a situation occurs which involves the National Coordinator/Executive Committee, or if the National Coordinator/Executive Committee does not intervene appropriately, the Associate may report the situation to another officer or director with CITT/ICTS.

Supervisors and Director/Officer responsibilities:

Supervisors and CITT/ICTS Board of Directors are expected to eliminate any aspects of the work environment that are not in keeping with the policy, whether or not a complaint has been made. Supervisors and CITT/ICTS Board of Directors are obligated to implement the policy under the direction of the Executive Committee

Informal Procedure

If you believe you have been personally harassed you may:

- Confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the harasser's supervisor, your supervisor or an Officer of the Board of Directors.

Any Associate who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to your supervisor, or to another Officer of the Board of Directors if the complaint relates to your supervisor.

Formal Procedure

If you believe you have been personally harassed, you may make a written complaint. The written complaint must be delivered to the attention of the CITT/ICTS President, or another Officer of the Board of Directors if the President is involved. Your complaint should include:

- The approximate date and time of each incident you wish to report;
- The name of the person or persons involved in each incident;
- The name of any person or persons who witnessed each incident; and
- A full description of what occurred in each incident.

Investigating Reports of Discrimination or Harassment

Once a written complaint has been received an Investigative Committee will be struck. The CITT/ICTS Investigative Committee will include select members of the Executive Committee or Directors at Large as assigned by the President, Vice President, Treasurer or Secretary, and, will complete a thorough investigation. It will include a minimum of three (3) members and a maximum of five (5). The organization will ensure that, where practicable, the investigation is completed within 90 days of the complaint being filed.

Harassment should not be ignored, as silence can and often is interpreted as acceptance. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

CITT/ICTS will ensure that all information obtained by the Investigation Committee during the course of an investigation will not be disclosed outside of the Investigative Committee, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section the following definitions apply:

Complainant – The person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, or harassment against them.

Respondent – The person whom another individual has accused of committing an act of violence, discrimination, or harassment.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses; and
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.
- A copy of the complaint, detailing the complainant’s allegations, is then provided to the respondent.
- The respondent is invited to reply in writing to the complainant’s allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- The organization will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
- During the investigation, the complainant and the respondent will be interviewed separately, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
- If necessary, the company may employ outside assistance or request the use of legal counsel.
- Outside assistance may include the use of a mediator.
- Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.
- Upon completion of the investigation, CITT/ICTS Officers of the Board of Directors will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.
- Where practicable, the complainant and respondent will receive notification of the results of the investigation within 10 days of the investigation being completed.

If the complainant decides not to lay a formal complaint, CITT/ICTS Board of Directors may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

Seeking Immediate Assistance

Canada’s *Criminal Code* addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor, client, or customer, an immediate call to “911” is required.

The Right to Refuse Unsafe Work

- The right to refuse unsafe work is a legal right of every worker provided by the *Occupational Health and Safety Act* CITT/ICTS is committed to ensuring a safe workplace.

Special Circumstances

Should an employee have a legal court order (e.g., a restraining order, or “no-contact” order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the CITT/ICTS Officers of the Board of Directors. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at CITT/ICTS, in direct violation of the court order, so that CITT/ICTS may take all reasonable actions to protect the employee. Such information shall be kept confidential and protected in accordance with all applicable legislation.

If any visitor to a CITT/ICTS workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Board of Directors.

All records of harassment and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, CITT/ICTS will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Fraudulent or Malicious Complaints

The CITT/ICTS Anti-violence, Harassment, Psychological harassment and Sexual Harassment Policy must not be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of personal harassment may cause both the accused person and the organization significant damage. If it is determined by the organization that any Associate has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken.

Disciplinary Measures

When considering the appropriate action, the Investigative Committee member(s) will consider the evidence, the nature of the harassment, whether physical contact was involved, whether the situation was isolated, and whether there was an abuse of power.

Actions may include:

- Verbal or written apologies
- A letter of reprimand or suspension
- A referral to counselling
- Sensitivity training
- Demotion or transfer
- Termination of employment, volunteer activity and/or membership
- Referral to police or other legal authorities
- Other sanctions

Record Keeping

CITT/ICTS will ensure that appropriate records of complaints and investigations relating to workplace harassment and sexual harassment are kept, including:

- A copy of the complaint or details about the incident;
- A record of the investigation including notes;
- A copy of the investigation report (if any);
- A summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if the alleged harasser is a worker of the employer; and
- A copy of any corrective action taken to address the complaint or incident of workplace harassment.

Confidentiality

CITT/ICTS will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. CITT/ICTS will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the

person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action recommended by the Investigative Committee will need to be ratified by the Executive Committee and will be proportional to the seriousness of the behaviour concerned.

CITT/ICTS will also provide appropriate assistance to any Associate who is the victim of violence, discrimination, or harassment while participating in CITT/ICTS activities..

Strict confidentiality cannot be guaranteed to anyone who wants to make a complaint of harassment. If a complaint goes through an investigation, the respondent and other people involved will have to learn about the complaint. The complainant can be assured that only people who 'need to know' will be told of the complaint.

No investigation information is to be kept on the employee/volunteer's personnel file with the exception of official disciplinary/termination papers. Similar to problem resolution cases, harassment investigation information should be kept indefinitely in a separate file. Proven allegations of harassment or sexual harassment, including disciplinary action taken shall be documented and form part of the employee/volunteer's permanent record.

Managing and Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager's or supervisor's duties or responsibilities to manage or discipline staff or members in these areas.

Human Rights Commission

Nothing in the policy or guideline shall be deemed to limit the right of an Associate to seek assistance from the provincial/territorial Human Rights Commission.