



Governor General's Performing Arts Awards Foundation Respect in the Workplace Policy

1. Safe and positive workplace environment

At the Governor General's Performing Arts Awards Foundation ("GGPAAF"), every individual in our workplace is entitled to a safe and positive workplace environment that is free from discrimination, harassment and violence, and that treats each individual with dignity and respect.

The GGPAAF is strongly committed to ensuring that no employee is subject to discrimination, harassment or violence from management, co-workers, suppliers or customers. One of the ways GGPAAF demonstrates this commitment is through the development and enforcement of this Respect in the Workplace Policy.

The GGPAAF does not discriminate, and will not tolerate or condone discrimination or harassment, whether verbal, physical, and institutional. Likewise, violence in our work environment is never acceptable.

The GGPAAF will take appropriate measures and disciplinary and remedial action (including, where necessary, contacting law enforcement officials or taking legal action) against anyone responsible for violating this Policy.

2. To whom does this Policy apply?

This Policy applies to:

- all GGPAAF employees at all levels, and whether full-time or part-time and regular or temporary
- all consultants, contractors, volunteers and other service-providers who may provide services in our workplace or to our organization
- all members of the Board of Directors

To be clear, this Policy also applies to customers, clients, suppliers and members of the public whose behaviour is directed at individuals listed above, and occurs at our workplace, work-related events or GGPAAF events such as the Governor General's Performing Arts Awards Gala.

3. What are the obligations of every individual?

Every individual has a responsibility to help promote a positive workplace environment. This means not engaging in, allowing, condoning, or ignoring behaviour that violates this Policy. Every individual covered by this Policy also has a responsibility to comply with and support this Policy and the attached Implementation Program.

4. What kind of behaviour does this Policy cover?

In this Policy, whenever we talk about "behaviour", we include a broad range of:

- conduct (what you or others do)
- comment (what you or others say, whether orally or in writing or via pictures and images, communicated through any form or medium)
- vocal activity (making sounds), gestures and non-vocal activity



5. When does this Policy apply?

This Policy applies to behaviour which may occur at the workplace or during the course of any GGPAAF-related business, activity or event. To be clear, this Policy also applies to conduct that occurs at the Governor General's Performing Arts Awards Gala and any other seminars or conferences hosted by the GGPAAF.

For employees who work remotely from home, while you are working, "workplace" also includes your home.

This Policy also applies to behaviour occurring outside of those situations, when the behaviour is initiated by or directed at individuals covered by this Policy, and the behaviour adversely affects the GGPAAF staff, its workplace environment or working relationships.

6. What is discrimination?

Discrimination is unfair or improper behaviour (whether intentional or not):

- that results in differential treatment of one or more employees,
- that affects working conditions, or employment decisions, or the work environment, and
- that is related to one or more of any grounds of discrimination prohibited by human rights legislation under the Ontario Human Rights Code ("**Code**") (the "**Protected Grounds**"), including:
 - race, ancestry, place of origin, colour, ethnic origin, citizenship
 - creed (religion)
 - age
 - marital status (including single status), family status, same-sex partnership status
 - sex (biological), including pregnancy and childbirth
 - gender identity and gender expression
 - sexual orientation
 - handicap or disability, which covers a broad range of conditions including, but not limited to, physical and mental disabilities

These are examples only, and additional Protected Grounds may apply. More detailed information and commentary about each of the Protected Grounds can be found at the Ontario Human Rights Commission's website: <http://www.ohrc.on.ca/en> (click under the heading "Code Grounds").

An individual does not have to intend to discriminate for the behaviour to be discrimination. It is enough if the individual knew or ought reasonably to have known that their behaviour would be inappropriate or unwelcome. Discrimination often leads to harassment.

7. What are some examples of discrimination?

It is not possible to identify each and every act that constitutes discrimination. By way of example, discrimination can include:

- derogatory comments and other vocal activity
- stereotyping (assuming an individual has certain traits, qualities or beliefs)
- racial, ethnic, or religious jokes, slurs, nicknames, or mimicry (oral or written or graphic)
- practical jokes that cause awkwardness or embarrassment
- persisting with comments or jokes after becoming aware that the behaviour is unwelcome
- offering or withholding favours or employment benefits such as promotions, favourable evaluations, favourable assigned duties or shifts, conditioned on or related to a characteristic protected by any Prohibited Ground
- any unwanted physical touching; blocking or impeding movements

Most of us are familiar with *typical and obvious* examples of discrimination. The challenge lies in recognizing *less obvious* examples of discrimination, such as making assumptions based on traits.

8. What is harassment? How is it different from sexual harassment?

Harassment and sexual harassment are forms of discrimination that are prohibited by the Code. That kind of harassment is improper behaviour (whether intentional or not) that:

- is directed toward one or more individuals, and
- is intimidating, offensive, embarrassing or humiliating, interferes with work performance or job security, or creates an intimidating, hostile or offensive working environment, and
- is related to one or more of the Protected Grounds, and
- the offender knew or ought reasonably to have known would be inappropriate or unwelcome.

Sexual harassment is another form of harassment that is *sexual* in nature – meaning it is specifically related to sex, gender or sexual orientation. Sexual harassment can be directed at people of the same sex or sexual orientation, or those of a different sex or sexual orientation.

Discriminatory harassment typically involves a course of conduct or a pattern of behaviour, including more than one incident. However, one single incident, if sufficiently serious, can constitute harassment.

9. What are some examples of (non-sexual) discriminatory harassment?

Usually, discriminatory harassment consists of the same behaviour listed under the examples of discrimination (**Section 7**, above). Again, it is not possible to identify each and every act that constitutes such harassment.

10. What are some examples of discriminatory sexual harassment?

Again, it is not possible to identify each and every act that constitutes sexual harassment.

By way of example, sexual harassment can include:

- unwelcome flirtations, advances, propositions, requests for sexual favours; lewd or suggestive comments and other vocal activity such as catcalls, whistles and kissing sounds
- vulgar or sexual jokes (oral, written, graphic or via gestures)
- continuing to express sexual interest after becoming aware that the interest is unwelcome
- retaliating against an individual for refusing a sexual advance or for reporting an incident of possible sexual harassment to the GGPAAF or any government agency
- offering or withholding favours or employment benefits such as promotions, favourable evaluations, favourable assigned duties or shifts, conditioned on the individual providing or refusing sexual favours
- any unwanted physical touching; blocking or impeding movements

Of course, the conduct described above would typically constitute “workplace sexual harassment” too.

Displaying or sharing pornography in the workplace is a form of sexual harassment. Nobody is ever allowed to use the GGPAAF workplace, equipment, systems or resources to access, create, send, display, download or store obscene and pornographic images or language, nor any form of sexually explicit or harassing images, words or any other material. Anyone who violates these rules may face criminal charges or other legal consequences, independent of any penalties imposed by us for the breach of this Policy. Remember that we reserve the right to monitor (and will, in fact, monitor) equipment and systems for various reasons, including for compliance with this Policy. ***We remind you that users of our equipment and systems can have no expectation of privacy, even if passwords and other security devices are used, and even though we permit reasonable personal use of our equipment and systems.***

11. What is workplace harassment?

Workplace harassment is another form of harassment prohibited under this Policy. This form of harassment does not need to be related to the Protected Grounds.

Under the Ontario *Occupational Health & Safety Act* (“**OHSA**”), workplace harassment means:

- (a) engaging in a course of vexatious comment or conduct against a worker in our workplace that is known or ought reasonably to be known to be unwelcome; or
- (b) workplace sexual harassment.

Under the OHSA, workplace sexual harassment means:

- (a) engaging in a course of vexatious comment or conduct against a worker in our workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

The definition of workplace harassment is broad enough to include what is sometimes called **psychological harassment** or **personal harassment** and various forms of **bullying**.

12. What are some examples of workplace harassment?

Again, it is not possible to identify each and every act that constitutes workplace harassment. However, be aware that the law takes a very broad view of what constitutes harassment in the workplace.

The conduct described earlier in **Section 10** would typically constitute workplace sexual harassment.

Non-sexual workplace harassment might include, by way of example:

- unwelcome practical jokes, mimicry or other disparaging or humiliating conduct
- use of abusive or insulting language, yelling and other aggressive or humiliating verbal conduct
- public belittlement (verbal or written), “cold-shouldering” or other deliberately isolating conduct, or other contemptuous or disrespectful treatment

13. What is not workplace harassment?

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Normally, when a manager or supervisor with the authority to do so gives appropriate guidance, feedback or instruction in the workplace, or takes appropriate disciplinary action, that is not workplace harassment. Similarly, unless improperly motivated, changes to work assignments, scheduling, inspections, implementation of dress code, and other routine workplace actions do not qualify as workplace harassment.

14. What is workplace violence?

Under the OHSA, **workplace violence** means the threat, attempt or use of physical force that might injure a worker, in the workplace. Further, although we have limited control over the outside environment, our Policy is also concerned with the possibility of violence in the course of employment outside the workplace.

The bottom line: Behaviour that affects our workplace and endangers or threatens our staff, or causes a reasonable fear or intimidation response in any of our staff, is covered by this Policy. We are committed to equipping our staff to avoid, reduce or protect themselves against the risk of workplace violence.

15. What are examples of workplace violence?

Again, it is not possible to identify each and every act that constitutes workplace violence. By way of example, it can include:

- **Intimidation** – statements or behaviour that cause a worker to reasonably fear for his/her own or others' safety in the workplace, such as:
 - prolonged staring in a hostile manner, shouting, blocking or impeding movement, or other aggressive behaviour
 - communications that endorse the use of any kind of weapons or violence in the workplace
- **Threats** – statements or behaviour that it is reasonable to interpret as a threat to exercise physical force in the workplace that could cause injury to any of our staff, such as:
 - direct or veiled verbal threats
 - threatening gestures (for example, shaking fists, throat-slitting or shooting gestures)
- **Violent acts** – such as:
 - throwing objects in a malicious manner in the workplace, regardless of the size or type of object being thrown
 - physically touching another person in an intimidating, malicious, or harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing (or any physical action that creates a reasonable apprehension that an individual is about do any of these things)
 - destroying the GGPAAF's or another worker's property in the workplace
- **Possession of weapon(s)** – whether or not it is legal or illegal to possess it/them
- **Stalking** – an unwelcome pattern of conduct over a period of time, however short, that includes any combination of physical presence, telephone calls, emails and any other type of contacts or communications sent or made by any means
- **Domestic violence** – a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. These tactics can be physical, psychological, sexual, economic and emotional. Where the abuser's tactics include any of the above-described behaviours on our premises, this Policy applies. Where such tactics include any of the above-described behaviours off premises, this Policy applies where the abuser is someone who is acting as a GGPAAF employee or representative at the time, or where the victim is being exposed to the conduct because of work for the GGPAAF, or where there is a reasonable basis for believing that violence may occur against the victim or others at the GGPAAF's workplace or at related events.

16. What should you do about discrimination, harassment or violence?

If you experience or become aware of discrimination or harassment or violence involving an individual covered by this Policy, then no matter what:

- Please do not ignore the behaviour. Typically, ignoring discrimination, harassment or violence does not make it go away and in some cases perpetuates the behaviour.
- Do not blame yourself or feel guilty about taking steps to address the behaviour. The individual who is discriminating or harassing or violent is responsible for their own behaviour.

Follow the attached Implementation Program, which is designed to support and implement this Policy.

Implementation Program

Every individual has a responsibility to comply with and support this Policy and the Implementation Program outlined below.

Quick Procedure Summary: Discrimination and Harassment

- If you're comfortable doing so, approach the person and ask them to stop the offending behaviour.
- We strongly urge you to bring it to the attention of the Executive Director.

Quick Procedure Summary: Workplace Violence

- **IF THE SITUATION REQUIRES IMMEDIATE ATTENTION, CALL 9-1-1 IMMEDIATELY;** after that, report the situation to the Executive Director.
- If you are aware of a person with a history of violence, or believe that a co-worker may be suffering domestic abuse that could result in violence in the workplace, contact the Executive Director.
- We strongly urge you to bring all concerns to the attention of the Executive Director immediately.

A. Steps to follow for any concern, incident or complaint

Note: The Executive Director is the primary contact for purposes of this Policy. If, however, the incident or complaint involves the Executive Director, then the Board Chair and CEO or a Board Member of your choice is the "**Designated Alternate**" for purposes of this Policy.

Step 1

- *Discrimination and Harassment*

If you experience or become aware of discrimination or harassment involving an individual covered by this Policy, we encourage you to immediately make it clear to the offender that their behaviour is unwelcome and offensive. Be specific about the exact behaviour you want stopped, and why. Often people will respond appropriately to a direct communication of disapproval, and in many cases, that will be enough to put an end to the matter.

However, we recognize that sometimes, either you may not feel confident or comfortable or safe in confronting the individual, or doing so simply does not work. In that case, make a written record of the date, time and details of the conduct, and witnesses, if any, and proceed to Step 2.

- *Workplace Violence*

Individuals witnessing or experiencing violence are to protect themselves first, and if possible others, departing the situation as quickly as possible. Force should not be met with force unless it is imperative to self-protection from injury. Provocative words should be met with silence, not argument which might escalate the situation.

Note: Any emergency assistance required (security, police, ambulance) is to be contacted first. **If the situation requires immediate attention, call 9-1-1 immediately;** after that, report the situation to the Executive Director.

Step 2

Where Step 1 is not appropriate or does not resolve the situation, then we strongly urge you to notify the Executive Director (or the Designated Alternate) as soon as possible, so they can provide support and assistance to address the situation.

Step 3

Once you notify the Executive Director (or the Designated Alternate) under Step 2, in appropriate circumstances you may wish to have the matter treated as an informal complaint. In that case, the Executive Director (or the Designated Alternate) will make an informal attempt to resolve the situation.

Where an informal complaint process would not be appropriate, or proves to be ineffective, the alternative (or next) step is a formal complaint.

Step 4

To file a formal complaint, provide a brief report of the concern(s) or incident(s), including:

- details of the conduct including the date(s), time(s), frequency and location(s)
- names, positions and contact information (if known) of those involved
- names, positions and contact information (if known) of any potential witness or other person you believe may have observed or have relevant knowledge, information or belief about the incident(s)
- copies of any relevant supporting documents you may have
- a list of any relevant documents you believe the alleged offender, any witness or other person may have

Sign and date the complaint and deliver it to the Executive Director (or the Designated Alternate). Keep a copy for yourself. Alternatively, if you need to provide this report verbally, the Executive Director (or the Designated Alternate) will help prepare the written report for you to sign.

Outside Assistance

A number of government agencies have been established to prevent and redress discrimination or harassment. Additionally, government resources are available to assist with concerns about workplace violence. Please understand that nothing in this Policy prevents or discourages you from contacting the appropriate government agency if you have concerns or complaints concerning discrimination, harassment or workplace violence. For contact information, see **Section I, "Where do I go for more information?"**.

B. Can you report a concern or incident or make a complaint anonymously?

Yes. However, you must understand that it is much more difficult to assess or verify anonymous reports, and as a result, we may be hampered in our ability to fully investigate and address the problem.

C. What are your rights if you report a concern or incident or make a complaint?

If you report a concern or incident or make a complaint (informal or formal), you have the right:

- to make the report or complaint and to obtain a fair and timely investigation of the report or complaint without fear of retaliation
- to be represented or accompanied by another (uninvolved) individual of your choice (including legal counsel) at any stage in the process

D. What are your rights if someone reports a concern or incident or makes a complaint about you?

If someone makes a report or complaint against you (informal or formal), you have the right:

- to be informed in a timely way once a report or complaint has been made
- to be provided with a written summary of the allegations
- to be afforded the opportunity to respond to the report or complaint

- to be represented or accompanied by another (uninvolved) individual of your choice (including legal counsel) at any stage in the process

What are your obligations if you are involved in the investigation of a concern, incident or complaint?

- *Co-operation*
All individuals are required to co-operate fully in the investigation and resolution of any concerns, incidents and complaints.
- *Confidentiality*
All individuals (including the complainant, if any, and the alleged offender) are also required to respect the need for confidentiality. This means they must refrain from discussing concerns, incidents or complaints, or the existence of (or their involvement in) any investigation of a concern, incident or complaint, except as strictly required for the purposes of any investigation and resolution, to obtain advice about their rights, or as otherwise compelled by law. This is a critically important obligation and any breach of your confidentiality obligation will be treated as serious misconduct.

F. How does the investigation process work?

When a report or complaint is received, we will take appropriate steps to investigate and address the matter in a fair and timely manner.

What is appropriate in a given situation will depend on the nature of the report or complaint and other relevant circumstances.

Note: Where the concern or incident occurred at the Governor General’s Performing Arts Awards Gala, the Executive Director will, as a first step, refer the complaint to the organization that hosted the event, so that the host can investigate the complaint under its own workplace harassment and violence policies and procedures. In such cases, the Executive Director will inform the complainant that the complaint has been referred to another organization. So as to avoid a duplication, we expect the host organization to share its findings and conclusions with us once the investigation is completed. In this regard, we reserve the right to accept or reject the findings of any such investigation in our absolute discretion. If the host organization does not conduct its own investigation for any reason, or if we reject the findings of the host organization upon review of the same, the complaint may be referred to investigation in accordance with the steps below.

All reports and complaints will be handled in as confidential and timely a manner as possible, consistent with our obligation to conduct a thorough and impartial investigation. In appropriate situations (for example, if the alleged offender is a member of the Board of Directors), we will involve external legal counsel and/or investigators. The Executive Director (or the Designated Alternate) will be responsible to arrange for the investigation.

Note that:

- To ensure fairness to all involved, disclosure of information will be minimized on a strictly “need to know” basis. We will not disclose information obtained about a concern, incident or complaint, including identifying information about any individuals involved, except to the extent necessary to protect individuals, and for the purposes of investigating a concern, incident or complaint, taking disciplinary or remedial action, contacting law enforcement officials or taking legal action, or where such disclosure is required by law.
- The complainant and the alleged offender (if a GGPAAF worker): (1) will be kept reasonably apprised of the steps to be taken and expected timetable; and (2) will be informed in writing of the results of the investigation and any corrective action that has been taken (or will be taken). However, specific disciplinary actions will not be disclosed to a complainant unless required by law. Where necessary, their supervisors and managers may also be informed.

Subject always to OHSAA requirements, the extent to which information is released, to whom it is released, and the form/content of that information, are each matters to be decided in our sole discretion (and for

clarity, the parties are not automatically entitled to receive copies of any materials, statements or reports that form part of the investigation).

While a concern, incident or complaint is being investigated, we reserve the right to take appropriate interim measures and remedial action against the offender (e.g., suspension with or without pay; temporary schedule changes or temporary re-assignment; re-training).

The complainant, any alleged offender and any witnesses will be separately interviewed. They may be asked to provide signed statements. Follow-up interviews to deal with new information or inconsistencies may be conducted.

The circumstances of the incident, complaint and investigation will be documented in detail, including responses of the alleged offender and witness statements. Once the investigation is completed, we will determine:

- whether the acts complained of constitute discrimination, harassment or violence, and if so, the appropriate disciplinary or remedial actions to be taken
- whether the complainant falsely accused the alleged offender knowingly or in a malicious or retaliatory manner, and if so, the appropriate disciplinary or remedial actions to be taken

Where a concern, incident or complaint is substantiated, we will take appropriate disciplinary and remedial action against the offender. In appropriate situations, we may contact law enforcement officials or initiate legal action.

Where a concern, incident or complaint is not substantiated, as long as the report or complaint was made in good faith, there will be no repercussions against the complainant. However, if a complainant falsely accuses someone, knowingly or in a malicious or retaliatory manner, that false accusation constitutes a breach of this Policy, and appropriate action will be taken.

We will keep a confidential record of each incident and complaint, including a copy of any report or complaint; a record of the investigation including notes; copies of any witness statements; a copy of any investigation report; a copy of the notification of results and corrective actions provided to the complainant and alleged offender; and a record of the corrective action taken. The record will be retained for no less than one year. We will not disclose this record, except to the extent necessary for the purposes of investigating a concern, incident or complaint, taking disciplinary or remedial action, contacting law enforcement officials or taking legal action, or where such disclosure is required by law.

G. What kinds of disciplinary and remedial action will you take if this Policy is breached?

Whenever any individual is found to have engaged in conduct that constitutes a breach of this Policy, we will take appropriate disciplinary and remedial action to address and correct the situation. In appropriate situations, we may contact law enforcement officials or initiate legal action.

Disciplinary steps range from informal (e.g., a verbal reprimand) to formal (e.g., a suspension without pay), and from less serious to more serious (e.g., a demotion), up to and including, in appropriate cases, termination for cause or cancellation of an engagement/contract.

Remedial steps range from unstructured (e.g., requiring an apology; rearranging work space) to more structured (e.g., rearranging reporting relationships; requiring attendance at harassment/sensitivity/anger management training sessions).

If the offender is not an employee, we will take available appropriate action (e.g., notification of the individual's employer, cancellation of a contract or a ban from the premises).

The selection of the appropriate disciplinary and remedial action, or any action to be taken, will be at our sole discretion. What is appropriate in any given situation will vary, and will depend on a number of factors including (among other things) the nature and seriousness of the problem, and whether this is a new or recurrent problem.

As noted earlier, we also reserve the right to take appropriate interim measures and remedial action against an alleged offender, while a concern, incident or complaint is being investigated (e.g., suspension with or without pay; temporary schedule changes or temporary re-assignment; re-training).

H. **What about retaliation?**

If any individual retaliates against an individual for reporting a concern or incident, filing a complaint or for participating in or co-operating with an investigation under this Policy, that retaliation constitutes a breach of this Policy.

A threat of retaliation or act of retaliation should be reported in the same way as any other breach of this Policy.

I. **Where do I go for more information?**

If you have any questions about this Policy, please contact the Executive Director (or the Designated Alternate).

If you wish to discuss a problem or incident or make a complaint, please contact the Executive Director (or the Designated Alternate) or alternatively, follow the steps outlined above.

Additionally:

- For issues concerning discrimination and harassment, you may visit this website for further information: <http://www.hrlsc.on.ca/en/OntarioSystem.aspx>.
- You may also choose to contact the Human Rights Legal Support Centre. The Centre offers human rights legal services to employees who believe they have experienced discrimination or harassment. For further information, visit this website: www.hrlsc.on.ca.
- For issues concerning workplace harassment or violence, you may visit this website for further information: <https://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>.
- For issues pertaining to domestic violence in the workplace, the Ministry of Labour references a pamphlet that may help: <http://www.pshsa.ca/products/domestic-violence/>.

You may also choose to contact the Canadian Centre for Occupational Health & Safety. The Centre offers a free, confidential service that provides answers to your workplace Health & Safety questions.

J. **How do you assess the risk of workplace violence and what safety measures do you take to reduce risks?**

We will conduct a periodic review of working conditions to determine if and where employees may be at risk of violence while working. This will be conducted annually or more often on an as-needed basis.

K. **Awareness Training Program**

We will provide information and training sessions to ensure that all staff are aware of and understand our Respect in the Workplace Policy and the Implementation Program.

All staff will also be required to complete a mandatory Health & Safety Awareness Training Program. This program will, among other things, instruct them as to their duties and rights at the workplace.

All staff will also be required to complete a mandatory accessibility and disability awareness training program. This program will, among other things, instruct them as to their duties and rights at the workplace.

For more information about any of these training programs, please contact the Executive Director.

Policy and Program Review

This Policy and our Implementation Program will be reviewed as often as necessary, but at least annually, to ensure they adequately support our goal of a positive workplace environment that is free from discrimination, harassment and violence.