

## **Code of Conduct Section A.3**

Issued: October 18, 2017

### **STATEMENT**

YPT is committed to providing a safe, healthy workplace that promotes a high level of job satisfaction and a respectful work environment. As the largest national producer and presenter of Theatre for Young Audiences, we believe that it is a shared responsibility of all personnel to work towards best practices in all endeavours. To that end, all YPT personnel must conduct themselves in an ethical and professional manner in keeping with the spirit and values essential to this organization.

### **SCOPE**

This policy applies to the following persons:

- all employees and volunteers of YPT including those employed on a contract basis and under union collective agreements;
- members of the Board of Directors;
- persons or corporations, including independent or third party contractors in a contractual relationship with YPT; and
- visitors or patrons.

### **POLICY**

Unacceptable Actions/Behaviours are classified as:

1. Hazardous to employee safety;
2. Criminal or illegal;
3. A negative influence on workplace morale; or
4. Detrimental to the success of the organization, its productions and/or programming.

YPT reserves the right to discipline and, in certain cases, terminate personnel who participate in any conduct that violates this Code of Conduct or the policies contained within the YPT Human Resources Manual.

**Unacceptable actions/behaviours** shall include, but are not limited to:

- Causing physical harm to another person;
- Threats or harassing behaviour;
- Willful damage or destruction to property;
- Possession of a weapon while on YPT premises or while conducting business on behalf of YPT;
- Disorderly, immoral or indecent conduct;
- Violation of health and safety practices, policies and procedures including, but not limited to, YPT's Child Safety Policy;
- Theft, including physical and intellectual properties;
- Insubordination;
- Dishonest, illegal or improper business activities;
- Job abandonment;
- The use, possession, sale, manufacture or dispensation of, and/or the paraphernalia associated with any illegal drugs or substances;

## **Freedom from Discrimination, Harassment & Workplace Violence Policy and Program**

### **Section A.8**

Issued: March 21, 2002

Revised: October 18, 2017

### **POLICY AND PROGRAM STATEMENT**

YPT is committed to building and preserving a safe, productive and healthy working environment based on mutual respect that fosters openness and acceptance. This policy and program is not meant to stop free speech, hinder artistic freedoms in programming-related learning or to interfere with conventional interactions. In pursuit of our goal to take reasonable steps to protect our workers, YPT does not condone or tolerate acts of discrimination, workplace violence or any form of workplace harassment against anyone at YPT.

### **SCOPE**

This policy applies to:

- all employees and volunteers of YPT including those employed on a contract basis and under union collective agreements\*;
- members of the Board of Directors;
- persons or corporations, including independent or third party contractors in a contractual relationship with YPT, and
- visitors or patrons.

\*Employees who are represented by a union may seek advice and/or request the presence of their representative.

### **POLICY**

Discrimination, workplace violence and workplace harassment in any form is unacceptable and will not be condoned. All individuals are expected to uphold this policy and to work together towards prevention.

The conduct forbidden by this policy specifically includes, but is not limited to any of the following:

- manifesting discrimination, violence or harassment through any means be they verbal/non-verbal, written and/or digital dissemination including communication such as electronic and social media;
- intimidating, hostile or violent acts or displays, that can or have the potential to endanger, including but not limited to vandalism, or that are otherwise known or ought known to be unwelcome;
- epithets, racial stories or jokes, slurs, negative stereotyping; and
- graphic material circulated or posted publicly or within the workplace via social media or messaging that may demonstrate or ought knowingly to demonstrate unwelcome hostility toward a person or persons.

*Any individual* who observes a situation involving any type of violation of this policy has a responsibility to

inform the alleged harasser of its contents, recognizing that individuals who experience discrimination, harassment or violence may often be reluctant to report it.

YPT will not retaliate in any way against anyone who files a complaint in good faith or who acts as a witness

in relation to a complaint. YPT also prohibits retaliation by anyone within YPT against another individual who makes a complaint in good faith or acts as a witness. Anyone who retaliates against a person for seeking assistance through this policy and program, or for filing a complaint, may be subject to discipline,

up to and including dismissal for cause.

## DEFINITIONS

**Condoning** refers to a situation where a person in authority knows, or should reasonably have known, that

a violation of this policy may have occurred and fails to take appropriate action. Where a person in authority has condoned discrimination, workplace harassment or violence, they may be subject to sanctions under this policy.

**Discrimination** includes where a person makes a distinction based on age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offenses (in employment only), sex (including pregnancy and breastfeeding), sexual orientation, or any other protected grounds under the Ontario Human Rights Code, that has the effect of imposing burdens, obligations or disadvantages on an individual

or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals.

**Reprisals** or threats of reprisal, particularly by a person in authority, include acts or threats designed to

punish or dissuade an individual who intends to, or has attempted to report or address discrimination, workplace harassment or workplace sexual harassment. In workplace sexual harassment cases, reprisals can also be defined as acts designed to punish an individual who has rejected sexual advances; or threats if

sexual advances are rejected.

**Workplace** includes any land, premises, location or thing at, upon, in or near which a worker works.

Without limitation, for the purposes of this policy and program, workplace harassment and violence can occur:

- At the workplace (e.g. theatre, office, workshop);
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related;
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

**Workplace Harassment** includes engaging in a course of vexatious comment or behaviour against an individual in a workplace where such behaviour is known or ought reasonably to be known to be unwelcome. Workplace harassment includes sexual harassment, such as: (a) engaging in a course of vexatious comment or conduct against an individual in a 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; and (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 individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Workplace harassment also includes all other forms of harassment that are prohibited under

applicable human rights legislation.

Behaviours that may constitute workplace harassment include:

- displaying or circulating offensive pictures or materials;
- making remarks, jokes or innuendo that demean, ridicule, intimidate or offend;

- sending or making offensive or intimidating emails or phone calls;
- making unwelcome sexual flirtation, advances or propositions, or engaging in any other unwelcome verbal, visual or physical conduct of a sexual nature, including unnecessary touching of an individual, sexually-oriented comments or teasing, jokes about gender specific traits, displaying sexually suggestive objects or pictures, sexually explicit or offensive jokes, stories, cartoons, nicknames or comments of a sexual nature; and
- bullying.

Workplace harassment does not include reasonable action taken by YPT or a supervisor relating to the management and direction of employees or the workplace.

**Workplace Violence** includes the attempted or actual exercise of physical force by a person against an individual in a workplace that causes or could cause physical injury to the individual and any statement or behaviour that a person could reasonably interpret as a threat to exercise physical force against an individual in a workplace.

Behaviours that may constitute workplace violence include (but are not limited to):

- engaging in physical assault or aggression;
- threatening verbal communications or gestures, e.g. shaking one's fist;
- leaving threatening notes or sending threatening emails in the workplace; and
- domestic violence is considered workplace violence if a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm that worker at work.

Workplace violence does not include:

- accidental situations, even if a worker is hurt as a result of the accident; or
- staged fights or violent acts which are an element of a stage performance, or their related rehearsals or warm-ups.

### **Reporting & Investigation Process**

An individual must immediately report all incidents of workplace violence or threats of violence, including if they witness, receive or have been told that another person has witnessed or received threats of violence, to their supervisor and/or a member of Senior Management, as listed in Section A.6.

***Threats or violence of a serious nature should be reported by calling 911 immediately.***

Please notify

your supervisor, and/or a member of Senior Management, as listed in Section A.6, as soon as possible about the incident afterward.

Any individual who believes that he or she has been the victim of workplace harassment or has witnessed such behaviour directed at others should report the conduct to your supervisor, or to a member of Senior Management, as listed in A.6.. If the alleged harasser is your supervisor (or any other individual to whom you would have ordinarily reported the incident), you may report the incident to any of the other key contacts listed below. Individuals also have the option to resolve the matter directly with the alleged offender if the individual is comfortable doing so, by requesting that the alleged offender stop the behaviour in question.

Complaints of workplace harassment and incidents of workplace violence will be promptly investigated by YPT. Any person who engages in or threatens workplace violence will generally be asked to leave the workplace and/or to cease performing any work on behalf of YPT and will be prohibited from returning pending the outcome of an investigation. All individuals are expected to cooperate fully in any investigation. If after investigation YPT finds that a violation of this policy and program has occurred, it will determine what remedial action should be taken to avoid future incidents and to protect the health

and safety of all workplace parties. Any worker determined by YPT to be responsible for a violation of this policy and program will be subject to appropriate disciplinary action, up to and including termination of employment for cause.

Following the conclusion of the investigation, the individual who has allegedly experienced workplace harassment or workplace violence and the alleged perpetrator will be informed in writing, where legally required, or as otherwise appropriate in accordance with applicable laws, of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

To protect the interests of all involved, confidentiality will be maintained through the complaint, investigatory and disciplinary process to the extent practicable and appropriate in the circumstances. Information obtained about an incident or complaint of workplace harassment or workplace violence, including identifying information about any individuals involved, 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 is otherwise required by law. However, investigation of complaints may require disclosure of certain information to the accused party and to other witnesses in order to gather pertinent facts.

The following forms should be used to report incidents or raise concerns. They can be found in the Shared Drives here: [S:\Human Resources\HR Policy Workgroup\Discrimination Violence Harassment\DVH forms](#)

Forms include:

- Complainant Form (Step 1 of 4)
- Respondent Form (Step 2 of 4)
- Witness Statements Form (Step 3 of 4)
- Recommendations Form (Step 4 of 4)
- Workplace Violence and Harassment Complaint Investigation Template
- Workplace Violence and Harassment Risk Assessment Form

## **KEY CONTACTS**

In an emergency, please call 911 immediately.

Senior Management, per Section A.6 – Artistic Director, Executive Director, Director of Administration

## **REVISIONS TO THE POLICY AND PROGRAM**

Young People's Theatre reserves the right to amend this policy and program and related procedures at any

time. This policy and program will be reviewed as often as is necessary and, at a minimum, annually.

## **POSTING**

This policy will be posted in a conspicuous location in the workplace on all Health and Safety Boards.

## **YOUNG PEOPLE'S THEATRE CHILD SAFETY CODE OF CONDUCT**

As a reputable child-serving organization, YPT has developed the following code of conduct to guide our workers, which includes contractors and volunteers. The safety, rights and well-being of the young people

we serve are at the core of our daily operations. We nurture supportive relationships with them while balancing and encouraging appropriate boundaries.

All processes and procedures mentioned in this Policy are contained in the Child Safety Manual which can

be found here: <S:\Human Resources\YPT Child Safety Policy.pdf>.

### **YPT workers must:**

- Adhere to the organization's policies and procedures in dealing with children.
- Report any allegations of misconduct or potential policy violations.
- Treat all allegations or suspicions of sexual misconduct seriously. It is a worker's responsibility to report allegations or suspicions to a direct Supervisor or Department Head.
- Treat children with dignity and respect. Consider the final outcomes of any behaviour, as well as a child's reaction to any activities, conversations or interactions so as to avoid embarrassing, shaming or humiliating the child.
- Establish, respect and maintain boundaries with all children.

### **YPT workers must not:**

- Engage in any activity that goes against the organization's mandate, policies, or code of conduct.
- Engage in any activity that endangers a child or makes a child feel uncomfortable.
- Make any sort of remark, comment, or joke to/regarding a child that is in any way suggestive, explicit, or sexual.
- Engage in any sort of physical contact with a child that may make the child feel uncomfortable, or that violates reasonable boundaries.
- Conduct their own investigation into allegations or suspicions of sexual misconduct — it is a worker's duty to report concerns to management, not to investigate.
- Place a child in danger through actions made by anyone either within or outside of the organization.
- Offer any child "special" treatment that falls outside of the organization's mandate, or that may (or may appear to) place a child at risk of exploitation.

### **YPT workers should consider whether:**

- The activities they are engaging in with a child are known to, or approved by, supervisors and/or parents. Child interactions should not be kept secret. They should be transparent.
- Activities would raise concerns in the mind of a reasonable observer as to their appropriateness.
- YPT may be detrimentally affected by the worker's activities.
- The activity may be reasonably regarded as posing a risk to the personal integrity or security of a child.
- The activity may contribute to a child's discomfort.
- The activity may appear inappropriate to YPT, the child's family or the public.

**Worker misconduct will not be tolerated, especially as it relates to the well-being of children in the organization's care. Misconduct refers to inappropriate behaviour and includes but is not limited to:**

- Communication that goes beyond the worker's workplace responsibilities with the child and/or does not occur within the context of their duties and responsibilities such as:
  - Writing personal letters or text messages to a child.
  - Making personal phone calls to a child.
  - Having personal internet exchanges with a child (email, instant messaging, chatting, social networking, etc.).
  - Sending personalized gifts to a child. It is, however, not considered misconduct to give a contextually appropriate thank-you card, birthday card, seasonal card or other nominal gift to a child. Such gestures would be considered reasonable provided that they are not excessive in number and any such exchanges are carried out within the workplace, in the presence of others and with the knowledge of YPT.
  - Offering unauthorized rides to an individual child.
  - Spending time with a child outside of designated work times and activities (except where such activity, e.g. coaching, results from a parent-initiated request where the activity has been disclosed to and approved by YPT in advance).
  - Favouring a child.
  - Telling sexual jokes to a child.
  - Showing a child sexually explicit or sexist material, signs, cartoons, calendars, literature, or photographs or displaying such material in plain view.
  - Taking pictures of a child, except when specifically requested to do so by YPT using company equipment. Under no circumstances may a worker use his/her cellular phone or personal camera to take pictures of a child without YPT's consent; take pictures of a child for any purpose other than for YPT's activities; or upload or copy any pictures she/he may have taken of a child to the internet or any personal storage device.)

Failure to adhere to the Child Safety Policy by any worker will result in an investigation and disciplinary action up to and including termination and may be further subject to criminal and/or civil liability. Appropriate employment consequences/disciplinary actions are to be determined by Senior Management, and will be based on the nature and severity of the incident.