

# **Royal MTC Harassment & Discrimination Policy**

## **Introduction/Purpose**

The Royal Manitoba Theatre Centre (Royal MTC) is committed to providing a working environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that is free of harassment, promotes equal opportunities and prohibits discrimination. Royal MTC is also committed to providing equal opportunities in employment and advancement based on appropriate qualifications, experience and performance. Royal MTC has adopted this Policy to make it clear that discrimination and harassment will not be tolerated. MTC will ensure in so far as is reasonably practical, that no employee will be subjected to harassment in the workplace.

Royal MTC encourages the reporting of all incidents of discrimination or harassment regardless of who may be involved. Royal MTC will not tolerate discrimination or harassment in the workplace by anyone, including co-workers, leadership, vendors, patrons, volunteers, contractors, or visitors. Any individual, under MTC's direction, regardless of position, found to have engaged in conduct constituting harassment or discrimination is subject to corrective action.

Leadership (The Executive Director and Artistic Director) will be responsible for assuring that all MTC Employees are aware that discrimination and harassment is unacceptable.

## **Scope**

This Policy applies to all employees, volunteers, contractors, vendors, consultants and representatives of Royal MTC. It applies to your interactions with not only Royal MTC employees but to patrons, service providers and anyone else you encounter in your work.

This Policy applies to all employment practices and procedures including, but not limited to, recruiting, hiring, compensation, training, promotions, demotions, terminations and any other practice or conduct which materially affects the terms and conditions of employment of Royal MTC employees or volunteers.

This Policy prohibits reprisals against individuals acting in good faith, who report incidents of workplace discrimination or harassment or act as witnesses. Leadership will take all reasonable and practical measures to prevent reprisals or threats of reprisal. Reprisal is defined as any act of retaliation, either direct or indirect. If retaliation occurs, corrective action will be taken.

Work related discrimination or harassment can occur in places other than the workplace. While attending on and off-site functions (during or outside of work hours) held by Royal MTC, attending training workshops, conferences, or attending on and off-site functions acting as a representative of the company, employees are expected to comply with the Workplace

Harassment and Discrimination Policy. Employees in attendance at Royal MTC sponsored events (during or outside of work hours) will remain subject to all MTC policies regarding conduct, ethical behaviour, violence, harassment and discrimination, and will remain subject to corrective action in the event of any breach of Policy.

### **Definitions**

#### **Respectful Workplace:**

A respectful workplace is an environment where all employees feel valued, safe and supported. When we share this set of beliefs, we create an environment where people do their best work.

#### **Discrimination:**

Discrimination is defined as differential treatment on the basis of an individual's ancestry, colour, perceived race, nationality, national origin, ethnic background or origin, religion, creed or religious belief, religious association or activities, age, sex, gender, gender identity, gender expression or sexual orientation, physical characteristics, pregnancy, the possibility of pregnancy or circumstances related to pregnancy, marital or family status, source of income, political belief, political association or activity, physical or mental disability (except where such differential treatment is permitted by law), social disadvantage, or any other protected characteristic as defined by provincial Human Rights law. A failure to provide reasonable accommodation for the special needs of a person when their needs are based on characteristic listed above is also considered Discrimination.

#### **Harassment:**

Harassment is defined as any unwelcome or abusive comment or conduct concerning an individual's ancestry, colour, perceived race, nationality, national origin, ethnic background or origin, religion, creed or religious belief, religious association or activities, age, sex, gender, gender identity, gender expression or sexual orientation, physical characteristics, pregnancy, the possibility of pregnancy or circumstances related to pregnancy, marital or family status, source of income, political belief, political association or activity, physical or mental disability, social disadvantage, language or linguistic origin. Harassment based on these characteristics is also considered to be a form of Discrimination under human rights legislation. Harassment also includes objectionable conduct that creates a risk to the health of a worker, or severe conduct that adversely affects an employee's psychological or physical well-being.

Harassment may occur even if no offence was intended. Harassment may occur when a person hears or sees something that he/she finds offensive even though the person to whom it was directed does not find it unwelcome or does not make a complaint.

Workplace Bullying is considered a form of harassment and includes, but is not limited to severe, repeated conduct that adversely affects an employee's psychological or physical

well-being if it could reasonably cause a worker to be humiliated or intimidated. This could be from a single occurrence, if it is shown to have a lasting, harmful effect on an employee. Examples of this include, but are not limited to, verbal taunting or threats, name-calling and put-downs, spreading of rumours, and sending embarrassing, hurtful or threatening messages using technology such as the Internet or cell phones (cyber-bullying).

Certain forms of violence may also constitute harassment. Royal MTC has a Workplace Violence Policy in place that can be referred to for more information.

**Reasonable conduct of an employer or leader in respect of the management and direction of employees or the workplace is not considered Harassment or Discrimination.** Reasonable conduct includes but is not limited to setting reasonable work expectations, requests to perform work related duties and holding employees accountable if expectations are not met.

#### **Sexual Harassment:**

Harassment under this Policy includes Sexual Harassment. Sexual Harassment is defined as one incident or a series of incidents involving unwelcome sexual advances, express or implied requests for sexual activity or other verbal or physical conduct of a sexual nature. This may include but is not limited to:

- behaviour or display of a sexual nature which may reasonably be perceived to create a negative psychological and emotional environment including unwelcome and unsolicited information of a sexual nature, written or verbal material of a sexual nature, the display of sexually suggestive or revealing objects, pictures or other material, and unwelcome and unwanted sexual jokes, innuendos, language, gestures, etc;
- Questions related to another's sexual conduct or offensive or humiliating behaviour related to a person's gender;
- Unwelcome physical contact such as touching, patting, pinching, grabbing, tickling, etc, or leering.
- Behaviour that could reasonably be thought to put sexual conditions on a person's job or employment opportunities such as exercising authority to either threaten or require a subordinate employee to submit to sexual activity (quid pro quo Harassment).

#### **Personal Harassment:**

Personal Harassment is behaviour that humiliates, intimidates, excludes and isolates an individual or group, but is not based on provincial Human Rights prohibited grounds of discrimination. Personal harassment is objectionable and unwelcome comments or actions directed towards a specific individual which serves no legitimate work-related purpose and has the effect of creating an intimidating, humiliating, hostile or offensive environment.

**Complainant:**

The person who has initiated the complaint and/or the identified person to whom the alleged offense has been committed.

**Respondent:**

The person against whom a complaint is brought forth.

**1. Respectful Workplace**

What does a respectful workplace look like at Royal MTC?

***Support and Appreciation***

Appreciate the hard work of your co-workers – and tell them! Support them when they need it and lend a helping hand. Being a caring team member also means sometimes doing things that may seem outside of your role to help out the team.

***Collaboration and Teamwork***

Collaboration and teamwork help us all get better together. There is no room for ego when we are all working to better ourselves, each other and the organization. Think about what you're doing and how it impacts the team. Seek to understand others' perspectives and be open to feedback.

***Accountability***

We are all accountable to one another. Act in the best interest of Royal MTC. Trust in each other's abilities to use good judgement and make smart decisions. Know that we all make mistakes. Take responsibility for your actions (don't pass the buck!).

***Communication***

Communicate in a respectful, kind and courteous manner. Listen to others. Share information and keep people in the loop. Give feedback in a positive and constructive manner. Talk to each other one-on-one when concerns arise.

**2. Action & Complaint Procedures**

As Royal MTC supports a caring and respectful environment, you have a responsibility to respond if you have been subjected to or witnessed an account of Harassment or Discrimination.

If you believe you have been subjected to Harassment or Discrimination you have options to address your concern:

- (a) if you are comfortable, you can tell the person responsible to stop; that his/her behaviour is unwelcome. An individual may not realize that he/she is being offensive. A frank conversation or email may resolve the concern; or

- (b) report it immediately to the Executive Director and/or Human Resources.

Your Report will be considered a complaint. A Complainant shall provide a signed complaint to the Executive Director and/or Human Resources, which should include:

- the approximate date and time of each incident
- the name of the person or persons involved in each incident
- the name of any witnesses
- a full description of each incident

The Executive Director and/or Human Resources will review the Policy and the complaint with the Respondent and will record the Respondent's statement. If the Complainant consents, the Executive Director and/or Human Resources may attempt to seek a resolution prior to the initiation of a formal investigation.

If the complaint is not resolved, the Executive Director and/or Human Resources will investigate the complaint and prepare an investigation report. The Complainant and the Respondent will both be informed of the outcome of the investigation. The Executive Director and/or Human Resources, in consultation with Leadership and the Board of Trustees as applicable will determine the course of action, if any, to be followed by Royal MTC.

The complaint may still be pursued and corrective action taken even if a resolution is achieved between the Complainant and the Respondent prior to, or after, the initiation of a formal investigation. If pursued, the Executive Director and/or Human Resources will advise the Complainant and the Respondent.

### **3. Resolution**

Where the investigation results in a finding that the complaint is confirmed, the outcome of the investigation and any corrective action will be recorded in the employee files of the Respondent and the Complainant. The Respondent will be subject to corrective action.

Employees of Royal MTC who have been found to have brought a complaint falsely, maliciously or frivolously will also be subject to corrective action.

Resolutions may include, but are not limited to:

- (a) job, department or location transfer within Royal MTC;
- (b) mandatory counseling, possibly at the employee's expense;
- (c) corrective action, including:
  - written warning;
  - suspension with or without pay; and

- termination of employment depending on the severity of the circumstances.

#### **4. Confidentiality**

Royal MTC understands that it is difficult to come forward with a complaint of Discrimination or Harassment and recognizes the interest of both the Complainant and the Respondent in keeping the matter confidential.

Royal MTC will not disclose the name of the Complainant, the Respondent, or the circumstances related to a complaint to any person except where disclosure is:

- (a) necessary to investigate the complaint or take corrective action with respect to the complaint;
- (b) provided for in this Policy; or
- (b) as required by law or any external legal proceedings.

#### **5. Protection Against Retaliation**

For the purposes of this Policy, retaliation against an individual:

- (a) for having invoked this Policy;
- (b) for having participated or cooperated in any investigation under this Policy; or
- (c) for having been associated with a person who has invoked this Policy or participated or cooperated in any investigation;

will be treated as Harassment and will be subject to corrective action.

#### **6. Time Limitation**

A complaint made pursuant to this Policy must be made within six (6) months of the most recent alleged incident. While a complaint will still be reviewed after this time frame, complaints that are brought forward in a timely manner enhance our ability to properly investigate the situation.

#### **7. Review and Updates**

Royal MTC will monitor this Policy and adjust where necessary. This Policy will be reviewed annually. If you have any concerns with the Policy, please bring them to the attention of the Executive Director and/or Human Resources.

#### **8. Other Avenues**

This Policy is not intended to discourage or prevent anyone from exercising any other legal rights pursuant to any other law. You have the right to file a complaint with the provincial Human

Rights Commission. You also have the right to file your complaint with the Police/RCMP or any other applicable legal or enforcement avenues.

**Employee Acknowledgement & Sign-Off**  
**Royal MTC Harassment & Discrimination Policy**

I acknowledge that I have read and am responsible to understand the Royal MTC Harassment and Discrimination Policy.

I also understand that Royal MTC reserves the right to change and/or amend any part of this document as needed. I am aware that changes and amendments will be communicated to me and that I am responsible to be familiar with this Policy and abide by its guidelines at all times.

I agree to adhere to this Policy in its entirety and understand that if I violate the rules set forth in this Policy, I may face corrective action up to and including termination for cause and without notice, depending on the severity of the circumstances.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date