

Tarragon Theatre

Workplace Harassment Policy and Procedures

Our Policy:

Tarragon Theatre (Tarragon) is committed to providing a safe and healthy Workplace that is free from Harassment and will take reasonable precautions to prevent Workplace Harassment or Workplace Sexual Harassment in the workplace.

Tarragon will not tolerate incidents of Workplace Harassment or Workplace Sexual Harassment perpetrated against or by any staff member, visitors (for example, artists, members, customers, patrons, volunteers), contractors, vendors and delivery persons. Where Tarragon concludes that a staff member or management has committed an act of Workplace Harassment or Workplace Sexual Harassment, the perpetrator will be subject to appropriate disciplinary action, which may include termination.

In addition, Tarragon is committed to providing all our people with a working environment that promotes equitable opportunities and prohibits discrimination. Discrimination includes harassment relating to all prohibited grounds of discrimination contained in the applicable human rights legislation and includes, but is not limited to, sex, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, gender expression, gender identity, family status, disability, sexual orientation or any other grounds prohibited by law.

Tarragon Approach:

This Policy is intended to:

1. Provide a definition of Workplace Harassment including Workplace Sexual Harassment;
2. Create and foster a work environment free from Workplace Harassment and Workplace Sexual Harassment;
3. Establish and detail the responsibilities of all persons in Tarragon workplaces to maintain a workplace free of harassing comments or conduct;
4. Ensure that incidents of Workplace Harassment and Workplace Sexual Harassment are reported to the Managing Director and/or the President of the Board of Directors and/or law enforcement as appropriate; and
5. Ensure that complaints of Workplace Harassment and Workplace Sexual Harassment are handled in a timely and equitable manner by Tarragon.

Scope and Application of Policy

Tarragon values the health and safety of its staff, and expects that its workplaces will be free of Workplace Harassment and Workplace Sexual Harassment.

This Policy applies to all staff regardless of level, position, classification or union membership. This Policy also applies to all persons who attend a Tarragon workplace including, but not limited to, all visitors (for example, artists, members, customers, patrons, volunteers), contractors, vendors and delivery persons.

For the purposes of this Policy, the “workplace” includes all places where Tarragon business occurs and includes all:

- Tarragon buildings (whether owned or leased), including the surrounding perimeter such as any parking lots or driveways that are under the control of Tarragon;
- Off-site locations where Tarragon business occurs;

- Locations where Tarragon-sponsored functions or recreational or social events occur, whether taking place on Tarragon grounds or elsewhere; and
- Travel for Tarragon business.

This Policy also applies to personal relationships between staff and/or between a staff member and management, where one is in a position of power over the other. A staff member or manager is in a position of power if he/she has a supervisory relationship with an individual or has influence over an individual's career progression or compensation. Accordingly, if a staff member or manager has or develops a personal relationship with anyone in Tarragon over whom he/she is considered to be in a position of power, both individuals are expected to immediately declare the conflict to the Managing Director and take the appropriate steps, with the assistance of the Managing Director, to remove the conflict. The intent of this Policy is to prevent the serious negative perceptions and consequences that can arise if people in positions of power develop a conflict of interest, both during a consensual relationship and after the end of that relationship.

Workplace Harassment Defined and Workplace Sexual Harassment Defined:

Workplace Harassment means engaging in a course of vexatious comments or conduct against a staff member in a workplace (or any person who attends a Tarragon workplace) that is known or ought reasonably to be known to be unwelcome. Reasonable discipline or performance management is not Workplace Harassment.

Workplace sexual harassment means (a) engaging in a course of vexatious comments or conduct against a staff member in a workplace because of sex, sexual orientation, gender identity or gender expressed, 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.

Examples of harassment, including Sexual harassment, may include, but are not limited to:

1. Demeaning remarks, jokes or innuendoes, either directly to the individual or in the presence of others;
2. Inappropriate electronic communications;
3. Displaying pornographic, racist, derogatory or offensive pictures, graffiti or materials;
4. Unwelcome sexual advances or comments;
5. Derogatory or degrading remarks directed towards members of any gender or sexual orientation.
6. Sexual assault;
7. Unwelcome remarks, jokes, innuendos, or taunting about a person's body, attire, or sex;
8. Practical jokes of a sexual nature that cause awkwardness or embarrassment;
9. Obscene jokes or sexual depictions;
10. Persistent leering or other gestures;
11. Unnecessary and unwelcome physical contact such as touching, patting, pinching or brushing against the body;
12. Unwelcome sexual flirtations, advances, propositions;
13. Persistent unwanted contact or attention after the end of a consensual relationship.

Responsibilities and Obligations:

Every person at Tarragon is responsible for acting in compliance with this Policy. In particular, it is the responsibility of:

1. Tarragon

- To assist and support a person affected by Workplace Harassment or Workplace Sexual Harassment;
- To take reasonable preventative measures to protect staff, management and others from Workplace Harassment and Workplace Sexual Harassment;
- To ensure that all staff and managers are trained in this Policy;
- To post this Policy in a conspicuous place in the workplace;
- To ensure that this Policy is communicated to artists, volunteers, contractors and other persons who attend Tarragon workplaces;
- To establish a process for reporting, investigating, documenting, and responding to incidents of Workplace Harassment;
- To appropriately investigate all incidents of workplace harassment, reported formally or informally, and prepare a written report setting out the findings of the investigation;
- To ensure the process for reporting and responding to incidents of Workplace Harassment and Workplace Sexual Harassment is communicated, maintained and followed; and
- To ensure that this Policy is reviewed at least annually.

2. Managers/Supervisors and above

- To understand and abide by the requirements of this Policy;
- To encourage staff and management to report complaints or incidents of Workplace Harassment and Workplace Sexual Harassment;
- To respond to all complaints or incidents of Workplace Harassment and Workplace Sexual Harassment in a professional manner appropriate for the circumstances of the complaint or incident; and
- To promptly report all complaints or incidents of Workplace Harassment and Workplace Sexual Harassment they receive or witness to the Managing Director and/or to the President of the Board of Directors.

3. All Staff (Including Managers/Supervisors and above)

- To comply with this Policy at all times;
- To immediately notify their supervisor and/or the Managing Director and/or the President of the Board of Directors of any incident of Workplace Harassment and Workplace Sexual Harassment, regardless of whether the notifying staff member is the victim or not; and
- To fully cooperate in any investigation of complaints or incidents of Workplace Harassment and Workplace Sexual Harassment or breaches of this Policy.

Reporting and Investigation Workplace Harassment or Workplace Sexual Harassment:

A manager or staff member who feels he/she has been subjected to Workplace Harassment or Workplace Sexual Harassment is encouraged to indicate to the individual that his/her comment(s) or behaviour is unwelcome, that it makes him/her feel uncomfortable and that the comment(s) or behaviour must stop. If the comment(s) or behaviour persists, or the management or staff member feels it is inappropriate to approach the individual, it is the responsibility of the management or staff member to report the Workplace Harassment or Workplace Sexual Harassment to Tarragon in accordance with this Policy.

1. Reporting Workplace Harassment or Workplace Sexual Harassment:

- Tarragon encourages staff and management to report complaints of Workplace Harassment and Workplace Sexual Harassment immediately but no later than one year of the last incident to their manager or the Managing Director or the President of the Board of Directors;

- The responsibilities of the Managing Director include receiving complaints of harassment, facilitating the resolution of complaints where appropriate, conducting investigation of complaints and making recommendations for resolution. In its discretion, Tarragon may appoint another individual or a third party to conduct an investigation;
- The responsibilities of the President of the Board of Directors include receiving complaints of harassment and, where the Managing Director is not the alleged perpetrator or said to be involved in the complaint, inform the Managing Director of the complaint for the Managing Director to facilitate the resolution of the complaint as per the Managing Director's responsibilities;
- All situations in which the Artistic Director has been named in a complaint will be dealt with directly by the President of the Board of Directors in consultation with the Managing Director. All situations in which the Managing Director has been named in a complaint will be dealt with directly by the President of the Board of Directors;
- All complaints and incidents are to be recorded in writing by the person reporting the incident, as well as by the person receiving the report. The date, time, location, identity of the alleged perpetrator, potential witnesses and nature of the incident should be documented; and
- If an incident of Workplace Harassment or Workplace Sexual Harassment involves a person who is not a staff member or manager of Tarragon, the Managing Director will report the incident to that person's employer and/or such other person as Tarragon determines is appropriate in the circumstances.

2. Investigation:

- All complaints or incidents of Workplace Harassment or Workplace Sexual Harassment (including claims of reprisals) will be promptly investigated (no later than 90 days from complaint to completion of investigation unless there are extenuating circumstances such as, illness, complex investigation, etc.) as confidentially as possible in the circumstances. Tarragon will maintain the confidentiality of the incident and all of the information collected during the investigation unless the disclosure is necessary for purposes of investigation or taking corrective action or is otherwise required by law.
- The investigation will include:
 - a. A documented interview with the complainant and/or victim;
 - b. A documented interview with the alleged perpetrator(s);
 - c. A documented interview with any witnesses with relevant information to provide; and
 - d. Any other step(s) the investigator(s) deems necessary to fully and fairly investigate the complaint or incident;
- At the conclusion of the investigation of an incident or complaint, the investigator will prepare a written report which will include: a summary of the steps taken during the investigation, the complaint, the complaint's allegations, the response from the alleged harasser, the evidence of any witnesses, and any other evidence gathered. The report will also set out the findings of fact and come to a conclusion about whether Workplace Harassment or Workplace Sexual Harassment was found. After evaluating existing policies, procedures, staff training, physical premises and devices, and consultation with the Health and Safety Committee at the workplace, make any suggestions to deal with the matter and/or prevent Workplace Harassment or Workplace Sexual Harassment;
- All documents, including the content of complaints, meetings, interviews and recommendations shall be treated in confidence to the extent possible, recognizing that confidentiality cannot be guaranteed due to the investigation and the obligation of Tarragon to deal appropriately with a complaint; and
- Within 10 days of the conclusion of the investigation, both the complainant and the alleged harasser (so long as he or she is an employee or management of Tarragon) must be informed in writing of the results of the investigation and of any corrective action that has been or will be taken but the investigator's report will not be provided.

The policy, complaint and investigation procedure as laid out within this Policy shall apply in all cases of alleged harassment, irrespective of whether the complaint is made against a staff member, management

or third party such as a supplier or others who conduct business within Tarragon. In circumstances of alleged harassment by a supplier, the investigator may involve the manager responsible for the supplier relationship in investigating and resolving the complaint.

Zero Tolerance:

Tarragon will not tolerate incidents of Workplace Harassment or Workplace Sexual Harassment perpetrated against or by any staff member, visitors (for example, artists, members, customers, patrons, volunteers), contractors, vendors and delivery persons. Where Tarragon concludes that a staff member or management has committed an act of Workplace Harassment or Workplace Sexual Harassment, the perpetrator will be subject to appropriate disciplinary action, including any or all of the following:

- reporting the conduct of the perpetrator to his/her Manager, the Managing Director, the President of the Board of Directors and the Executive Council of the Board of Directors ;
- requiring the perpetrator to attend counselling or training; and/or
- disciplining the perpetrator, including a demotion, transfer, change in reporting relationships or termination from Tarragon.

Where the perpetrator is not a Tarragon management or staff member, the perpetrator may be prohibited from attending at any Tarragon Workplace(s) in the future, either for a certain period of time or indefinitely.

No Reprisal:

Workplace Harassment including Workplace Sexual Harassment and this Policy are serious matters. This Policy prohibits reprisals against staff or management who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment or Workplace Sexual Harassment. Staff or management who engage in reprisals or threats of reprisals may be disciplined up to and including termination from Tarragon.

A Reprisal includes:

- Any act of retaliation or negative consequence that occurs because a person has complained of or provided information about a possible incident of Workplace Harassment or Workplace Sexual Harassment in good faith;
- Intentionally pressuring a person to ignore or not report a possible incident of Workplace Harassment or Workplace Sexual Harassment; and
- Intentionally pressuring a person to misrepresent the truth or provide less than full cooperation with an investigation of a complaint or possible incident of Workplace Harassment or Workplace Sexual Harassment.

A staff member or management who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including termination from Tarragon. Such discipline is not a reprisal or breach of this Policy.

Policy Review and Approval:

This Policy will be reviewed at least annually.

This Policy is dated, approved and signed by the highest level of management of Tarragon as follows (as required under the Ontario Health and Safety Act (OHSa)):

A handwritten signature in blue ink that reads "Fred Vago". The signature is fluid and cursive, with the first name "Fred" and last name "Vago" clearly distinguishable.

Managing Director

September 5, 2018

Date

Last updated September 2018