

ANTI-HARASSMENT & NONDISCRIMINATION POLICY

Effective: September 2019

Last Reviewed/Updated: May 2023

Adopted by: Board of Directors of Playwrights' Workshop Montreal on November 19th, 2019

Policy Update Frequency: One year after the date of first adoption and subsequently, every three years

Applies to: All people working with and for PWM, including but not limited to: The Board of Directors, employees, contractors, volunteers, co-op students, interns, apprentices, guests, and workshop and program participants of Playwrights' Workshop Montreal (Hereby referred to as "Community").

CONTACT INFORMATION IN REGARDS TO THE POLICY:

Playwrights' Workshop Montreal Management:

Fatma Sarah Elkashef, Artistic Director: sarah@playwrights.ca ; 514-843-3685 ext 3

Alanna Wrenshall, Managing Director: alanna@playwrights.ca ; 514-843-3685 ext 2

Ombudsperson:

Caroline Lemay, info@omega-ombs.ca ; 514-716-6468 ; www.omega-ombs.ca

Board Delegates:

At any given time, there shall be two anti-harassment and anti-discrimination delegates (the “**Board Delegates**”) who have been appointed by PWM’s Board of Directors. To the extent possible, the terms of the two Board Delegates shall be staggered by one year. The Board Delegates will have to complete anti-harassment and anti-discrimination training; the training will be chosen by the Governance Committee prior to the beginning of the term of the Board Delegates.

The current Board Delegates are:

Jason Poirier Lavoie, Board President and Yumi Palleschi, Board Member :
pwmpolicy@gmail.com

1. POLICY OBJECTIVES

Playwrights' Workshop Montreal (herein after “**PWM**” or the “**organisation**”) is committed to providing a safe and healthy environment for all Community members, which is free from discrimination and harassment of any kind, and promotes relationships built on mutual respect and dialogue. This dialogue serves as a tool to solve tensions as they emerge.

The objectives of this Policy are to ensure that the members of the Community are aware that discrimination and harassment, in any form, are incompatible with the standards of the organisation.

PWM is committed to providing a safe and healthy environment by prioritising the values of respect, dignity, equity, diversity, inclusion, accessibility, safety, and benevolence as well as creativity, and innovation at the centre of its decision-making processes. This includes:

- Making the confidential services of an Ombudsperson (an objective third party who investigates, reports on, and helps settle complaints) available to the Community. This service aims to support the Community in solving the tensions that may arise at PWM through listening, advising, and assisting in both informal and formal interventions.
- Providing an effective and fair complaints procedure; and

- Promoting standards of conduct that foster trust and safety.

2. APPLICATION AND RESPONSIBILITIES

Fostering and promoting a safe and healthy environment, free of discrimination and harassment of any form is a shared responsibility.

All members of the Community, regardless of their status within the organisation, must commit to and embody attitudes and behaviours that are coherent with the principle and the spirit of this Policy. All members of the Community must also commit to this responsibility in their interactions with all people directly and indirectly involved with PWM.

People in positions of authority within PWM must model the values of a safe and healthy environment through their interactions with all members of the Community. They will also address issues or problematic situations as they arise.

In order to receive adequate support, the Community is encouraged to use the tools and people identified in this policy to receive guidance, advice and support as need arises.

This Policy applies to every level of the organisation and to every aspect of involvement with PWM, including the artistic programs, the workplace environment, and employment (recruitment, selection, promotion, training, salaries, benefits, and termination).

This Policy also applies to events that occur outside of the PWM offices, such as during organisational travel, off-site programming, and social events in which members of the Community are representing PWM.

3. PROHIBITIONS & DEFINITIONS

The Quebec Charter of Human Rights and Freedoms identifies the following as **Protected Grounds**. This Policy prohibits discrimination and harassment based on any one or combination of these Grounds for any reason.

- Age (except as provided by law)
- Race
- Colour
- National origin
- Ethnic origin
- Ancestry
- Citizenship
- Civil status
- Religion
- Political convictions
- Social condition
- Language
- Disability
- Sexual orientation
- Gender
- Family status
- Pregnancy and breastfeeding

- Record of criminal offences (except as consistent with s.18.2 of the Charter)

3.1. Discrimination

Discrimination is any form of unequal treatment of an individual or group of people based on a Protected Ground. Discrimination may be intentional or unintentional, obvious or subtle. It may involve direct actions that are discriminatory, including but not limited to imposing extra burdens or denying benefits, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain individuals or groups of people.

Notwithstanding the above, and in accordance with Article 20 of the Quebec Charter of Human Rights and Freedoms, a distinction, exclusion, or preference that is demonstrably based on the aptitudes or qualifications required for employment in a specific position is deemed non-discriminatory.

3.2. Harassment

Harassment is vexatious, abusive, humiliating, and/or hurtful conduct in the form of comments, gestures or behaviours that are one or more of the following:

- Repeated;
- Hostile, aggressive, and/or threatening;
- Adversely affect a person's dignity, self-respect, integrity, and/or physical, psychological or emotional well-being;
- Known to be unwelcome, or ought reasonably to be known to be unwelcome;
- Make the workplace harmful for a person.

A single serious incident of such behaviour could also be considered harassment. Harassment can include but is not limited to:

- Unwelcome remarks, jokes, innuendos, or taunting;
- Posting or circulating offensive pictures or materials, whether in print form or via electronic means;
- Singling out a person because they belong to a Protected Grounds group;
- Comments or "teasing" jokes, ridiculing, degrading, or humiliating a person;
- Giving someone the cold shoulder or shunning someone repeatedly;
- Cyberbullying;
- Retaliating against an individual for filing a harassment complaint;
- Filing an unfounded harassment complaint intended to cause harm.

Any of the above are still considered harassment under this Policy and are unacceptable, even if a person does not explicitly object to harassing behaviour, or appears to be going along with it.

3.2.1 Racial, Ethnic or Religious Harassment can include but is not limited to:

- Display of racist, derogatory or offensive pictures or materials;
- Unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, religion, citizenship or ancestry;
- Refusing to converse or work with a person because of their racial or ethnic background or religion;
- Insulting gestures or practical jokes based on racial, ethnic, or religious grounds which cause embarrassment, awkwardness, or harm.

3.2.2 Sexual and gender-based harassment

Sexual and gender-based harassment is offensive or humiliating behaviours that are in regards to a person's gender or gender identities and/or of a sexual nature and create an intimidating, unwelcome, hostile and/or offensive work environment

Examples of sexual or gender-based harassment can include but not limited to:

- Display of sexually offensive pictures or other materials;
- Unwelcome remarks, jokes, innuendos, or taunting about a person, their body, attire, sex or gender;
- Gender-related comments about a person's physical characteristics or mannerisms;
- Paternalism based on gender which undermines a person's self-respect or position of responsibility;
- Unwelcome physical contact such as touch, patting or pinching;
- Suggestive or offensive remarks or innuendos about members of a specific gender;
- Propositions of physical intimacy, demands for dates or sexual favours;
- Gender-related verbal abuse, threats or taunting;
- Leering or inappropriate/suggestive staring or other gestures;
- Bragging about sexual prowess or questions or discussions about sexual activities;
- Offensive jokes or comments of a sexual nature about another person;
- Rough and vulgar humour or language related to gender and/or sex;
- Intentional misuse of someone's pronouns.

3.2.3 Sexual Solicitation

In addition to constituting sexual harassment, sexual solicitation is a behaviour that could reasonably be thought of as putting sexual expectations on a person's job or employment opportunities. This includes advances by any person who is in a position to grant or deny a benefit to the recipient of such solicitation or advance, such as managers, supervisors,

mentors, and Community members where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitation are also a form of harassment.

3.3 Bullying

Bullying is a subcategory of aggressive behaviour characterised by hostile intent, imbalance (or perceived imbalance) of physical or social power and repetition over a period of time. It is often characterised by use of force, coercion, hurtful teasing and/or threat, abuse, or intimidation to hurt another individual, physically, mentally or emotionally. Bullying is harassment.

3.4. The Employer's Right to Manage

An Employer has the right to direct their employees and to make decisions to ensure the efficiency and smooth running of the organisation. It allows the employer to supervise the staff to ensure they follow the rules and responsibilities in place for employees and the organisation.

Some examples of what falls under the purview of the Employer's right to manage include:

- The assignment of tasks;
- The management of:
 - Staff performance;
 - Discipline and disciplinary measures;
 - Attendance and absences;
- Terminations, layoffs and dismissals;
- The prevention of psychological or sexual harassment.

Ensuring the health and safety of Community members at PWM is also the Employer's right to manage.

4. PROCEDURE TO DISCLOSE OR REPORT

4.1. Time to Disclose or Report

Disclosures and formal reports should be made as soon as possible. The Community is encouraged to disclose or formally report situations of discrimination and harassment they experience or witness rapidly in order to preserve the evidence available and to enable PWM to take legitimate and impactful actions on the reported misconducts. While acting swiftly is encouraged, a report or disclosure can be made at any time.

4.2. Alternative Dispute Resolution

PWM encourages conflict resolution through dialogue. Mediation will be made available to parties who experience tension as a means to come to a resolution. Mediation works on a voluntary basis and no one can suffer negative consequences for refusing to proceed through this channel. The Ombudsperson or PWM Board can be involved in the mediation process as needed with the consent of both parties.

4.3. Person to Disclose or Report to

In case a member of the Community would like to disclose a situation of discrimination or harassment they experienced or witnessed (hereafter, the “**Complainant**”), they should contact either the Ombuds, the Board Delegates, PWM’s management, or a member of PWM staff with whom they feel most comfortable discussing the situation (hereafter, the “**First Respondent**”).

In the event that the Complainant wishes to remain anonymous to PWM staff and board, they should disclose the situation directly to the Ombudsperson. The Ombudsperson will provide the necessary information to PWM management and/or Board while keeping the Complainants' identity anonymous.

In the event that a member of the Community would like PWM to take formal action, they shall be required to make a formal report.

4.3.2 Persons with Authority to Investigate and Take Action

The following persons have authority and responsibility to investigate and take actions on formal complaints:

- Ombudsperson;
- Board Delegates;
- PWM Management (Artistic Director and Managing Director).

In the event that a report is made against one of the parties above, the report will not be made to that party, and will instead go to the other two parties.

4.4. Disclosures

A disclosure is when a person reveals that they experienced or witnessed a form of discrimination or harassment, without seeking a formal intervention. The disclosure will initiate a discussion about what can be done to maintain the safety of the person disclosing and the safety of others. The First Respondent and Complainant should come to an agreement on what information will be shared with whom and obtain consent to move forward with the agreed upon course of actions.

The First Respondent is bound by confidentiality, unless it is reasonable to think that people are at risk of violence or any other criminal acts, which are beyond the scope of this Policy and must be reported to the authorities. In the case of suspected or alleged harassment of minors, the Quebec Department of Youth Protection will be contacted at 514-935-6196.

The identity and information that could identify the person who made the disclosure must remain confidential, unless a clear permission is given by the said person or in a case of violence or risk of violence.

The First Respondent will also seek the consent of the Complainant to document the disclosure and shall keep it strictly confidential with PWM Management, the Board, and/or the Ombuds. In the event that the Complainant refuses to have the disclosure shared with anyone else, or when anonymous complaints are made, they will be informed about the associated limitations of the potential actions that PWM could take.

The First Respondent is strongly encouraged to seek advice from the Ombuds before taking action.

4.5. Formal Reports

A formal report is the act of informing a person with the authority to carry out an intervention of a situation which has been witnessed or experienced with the intention of initiating a formal complaint process in accordance with this Policy. With the Complainant's consent the First Respondent can submit the formal report on behalf of the Complainant.

A formal report can be made verbally or in writing. If it is first made verbally, the First Respondent will record the information received in writing. The Complainant will review and validate the written document.

Once a formal report is received by PWM Management or a Board Delegate, they will inform the Ombuds about the reception of the complaint. If the complaint is received by the Ombuds, they will inform the PWM Management and/or Board Delegate about its existence.

The Ombuds will evaluate whether or not the complaint is substantiated and make recommendations to PWM Management and/or Board Delegates about the next actions to take. In the event that PWM Management and/or the Board Delegates considers the matter requiring investigation, the Ombuds or another external professional will be mandated to this effect.

The investigation should be completed within 30 days of receipt of the formal report. The results of the investigation will be summarised in a written report, which will conclude the investigation.

The report will make recommendations of disciplinary actions, which will be discussed and decided upon by the Board of Directors. Appropriate actions and measures will then be taken

to stop the situation and to prevent similar situations from occurring in the future (hereafter, the “**Response**”). The Response will be presented to the Complainant by PWM Management and/or the Board Delegates.

Disciplinary actions can include, but are not limited to:

- Reprimand;
- Suspension;
- Demotion;
- Dismissal;
- Training;
- Termination of the person’s relationship with PWM;
- Prohibition to participate in future PWM activities.

In the case of suspected or alleged harassment of minors, the Quebec Department of Youth Protection will be contacted at 514-935-6196.

4.6. Retaliation and Malicious Complaints

Retaliation against a person because they initiated, participated in, or were the object of a disclosure or a report will not be tolerated. The person found responsible for retaliation shall receive the appropriate sanction.

Disclosure and reports are presumed to be true and made in good faith. Individuals who are found to have engaged in retaliation, made deliberately false accusations of discrimination or harassment and/or intentionally misrepresented information will be subject to corrective and/or disciplinary action.

Allegations that a complaint has been made in bad faith, that information has been intentionally misrepresented and/or that retaliation has occurred may be addressed using the same process as outlined in the accompanying procedures that is used to investigate Complaints of discrimination or harassment.

I have read the above Anti-Harassment and Nondiscrimination Policy and I understand the disclosure and reporting procedure:

Signature

Name (printed)

Date of signature