

FOLK MUSIC CANADA

Respect in the Workplace: Harassment and Violence

Folk Music Canada (“FMC”) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. Therefore, FMC expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, discrimination, and harassment.

In order to keep this commitment, FMC maintains a strict policy of prohibiting unlawful harassment of any kind, including sexual harassment and harassment based on race, color, religion, national origin, sexual orientation, gender identity or expression, sex, age, physical or mental disability or any other characteristic protected by municipal, provincial, federal or local employment discrimination laws. This policy applies to all employer agents and employees, including supervisors and non-supervisory employees, and to nonemployees who engage in unlawful harassment in the workplace.

It is FMC’s goal to provide a healthy and safe work environment that is free of any form of harassment or violence. As such, FMC has become a signatory and adopted the Canadian Code of Conduct for the Performing Arts (<http://respectfulartsworkplaces.ca/code-of-conduct>).

Policy:

A. Scope

1. This policy applies to all employees, board directors, officers, contractors and consultants. It applies in any circumstances/location in which you are engaged in work-related activities, including office environment, performance space, board rooms, work-related social events and business travel.

B. Definitions

Discrimination

1. Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario *Human Rights Code*, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.
2. The protected grounds of discrimination are:

- creed, religion
- age
- sex (including pregnancy and breastfeeding)
- gender identity and gender expression
- sexual orientation
- family, marital (including same-sex partnership) status
- disability or perceived disability
- a record of offences for which a pardon has been granted under the federal *Criminal Records Act* and has not been revoked, or an offence in respect of any provincial enactment.

Sexual Harassment

3. Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offends him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.
4. Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.
5. Some examples of sexual harassment include:
 - sexual advances, contact or demands that the recipient does not welcome
 - threats, punishment or denial of a benefit for refusing a sexual advance
 - offering a benefit in exchange for a sexual favour
 - displaying sexually offensive material such as pictures, calendars, cartoons, or other electronic material (e.g. through email)
 - sexually suggestive or obscene comments or gestures, jokes, innuendoes, leering, propositions or taunting
 - persistent, unwanted attention after a consensual relationship ends
 - sexual assault

Discriminatory Harassment

6. Discriminatory harassment includes comments or conduct based on the protected grounds in the Ontario Human Rights Code which the recipient does not welcome or that offends him or her. Some examples of discriminatory harassment include:
 - offensive comments;
 - jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds such as race, religion or sexual orientation;
 - imitating a person's accent, speech or mannerisms.

Workplace Harassment and Bullying

7. Workplace harassment is a health and safety issue that is covered under the Ontario *Occupational Health and Safety Act*.
8. The Ontario *Occupational Health and Safety Act* defines "workplace harassment" as: "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome"
9. Some examples of workplace harassment include:
 - verbally abusive behaviour such as insults, ridicule and name calling, including remarks, jokes or innuendoes that demean or intimidate
 - workplace pranks, vandalism, bullying and hazing
 - gossiping, spreading malicious rumours; persistently excluding someone
 - making false allegations about someone in emails or other work-related documents

What isn't harassment

10. Workplace harassment should not be confused with legitimate reasonable management actions that are part of the normal work function, including:
 - measures to correct performance deficiencies such as placing someone on a performance improvement plan
 - imposing discipline for workplace infractions
 - requesting medical documents in support of an absence from work
11. Workplace harassment also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The test of harassment

12. It does not matter whether you intended to offend someone. The test of harassment is whether you knew or *should have known* that the comments or conduct were unwelcome to the other person.
13. Although it is commonly the case, the harasser does not necessarily have to have power or authority over the recipient. Harassment can occur from co-worker to co-worker, manager to employee and employee to manager.

Workplace Violence and Domestic Violence

14. Workplace violence and domestic violence that may occur in the workplace are health and safety issues which are covered under the Ontario *Occupational Health and Safety Act*.

Workplace violence

15. Workplace violence is defined under the Ontario *Occupational Health and Safety Act* as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

16. Workplace violence is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- physically threatening behaviour such as destroying property, throwing objects
- verbal or written threats to physically attack a worker, threatening notes or e-mails
- wielding a weapon at work, stalking someone
- physically aggressive behaviours, including hitting, shoving, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

17. Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

18. Workplace violence may come from many different sources: strangers or people with no ties to the workplace, customers, other employees, intimate relationships outside of work (such as intimate partners, family, and friends).

Domestic violence

19. If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, FMC will take every precaution reasonable to protect you and your co-workers in the circumstances.

20. FMC appreciates the sensitive nature of these issues and will do its best to assist you as discreetly as possible while maintaining your privacy.

C. Preventing Harassment and Violence

1. It is our mutual responsibility to ensure that we create and maintain a harassment-free and violence-free workplace, and address violence and/or the threat of violence from all possible sources (including customers, supervisors, workers, strangers and domestic/intimate partners).

FMC's Commitment

2. FMC will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making employees aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints as appropriate and imposing suitable corrective measures.

Duties of All Employees, Board Directors, Officers, Contractors and Program Participants

3. Employees, board directors, officers, contractors and program participants are expected to assist in creating a harassment-free workplace and to immediately contact the Executive Director or Board President if they receive a complaint of workplace harassment or violence, or witness or are aware of harassing or violent behaviour.

D. Procedure for Resolving and Investigating Harassment Complaints Informal Procedure

1. If you believe that you are being harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like his or her actions is often enough to stop the behaviour. (Note: If the behaviour is very serious or involves multiple people or a consultant, or it has gone on for an extended period of time, confronting the person may aggravate the situation. In such circumstances, you should seek assistance from the Executive Director or the Board President).
2. Some of the things you can say that might stop the behaviour include:
 - "I don't want you to do that."
 - "Please stop doing or saying . . ."
 - "It makes me uncomfortable when you . . ."
 - "I don't find it funny when you . . ."
3. If the harassment continues after you have confronted the individual, you may choose to provide him or her with a written statement of the situation and your request for it to

stop immediately. If applicable, you may choose to advise the individual that you plan to file a formal complaint, if the behaviour does not stop.



Formal Procedure

4. If you bring a formal complaint, provide as much written information as possible, including the name of the person you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. Provide this written information to the Executive Director. If the conduct being complained of involves the Executive Director, provide the information to the Board President.
5. It is important that your complaint is received as soon as possible so that the problem doesn't escalate or happen again. Once received, a formal investigation will be initiated if it is necessary and appropriate to do so.
6. Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, FMC may still need to investigate and take steps to prevent further harassment. For example, FMC may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.
7. Please note that it is FMC's policy not to investigate anonymous complaints unless there are extenuating circumstances.
8. If a finding of harassment is made, FMC will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.
9. If you make a complaint in good faith and without malice, regardless of the outcome of any investigation, you will not be subject to any form of discipline. FMC will, however, discipline or terminate the employment of anyone who brings a false and malicious complaint.
10. You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact the Executive Director, at which point appropriate measures will be taken to protect you and investigate the situation.

E. Confidentiality of Complaints and Investigations

1. FMC recognizes the sensitive nature of harassment and violence complaints and will keep all complaints confidential, to the extent possible. FMC will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

2. Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in investigating a complaint, maintain confidentiality throughout the investigation and afterwards.

F. Protection from Retaliation

1. FMC will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined or have their employment terminated.