



danse
+ théâtre



POLICY FOR THE PROMOTION OF CIVILITY
AND THE PREVENTION OF HARASSMENT AND DISCRIMINATION

FEBRUARY 2023

THIS POLICY IS AVAILABLE IN FRENCH AND ENGLISH.
IN CASE OF DISCREPANCIES BETWEEN THE TWO VERSIONS, THE FRENCH VERSION SHALL PREVAIL.

1. INTRODUCTION

Festival TransAmériques (hereinafter referred to as "FTA" or "Festival") is committed to providing respectful and civilised working conditions that are free from harassment or discrimination.

This policy also demonstrates a strong commitment to protecting those most at risk of being discriminated against, whether racialized, Indigenous, women, LGBTQIA+, non-binary or disabled.

It is in accordance with the Charter of Human Rights and Freedoms, which recognises that every human being has intrinsic rights and freedoms: right to respect, to safeguard their dignity and to the protection of their physical and psychological integrity in the case of psychological or sexual harassment, as defined by the Act respecting labour standards. In this regard, any form of discrimination, harassment or physical, psychological or sexual assault constitutes a form of violation of fundamental human rights.

The purpose of this policy is to:

- 1.1 Promote respect for human dignity and civility and maintain a workplace free from all forms of discrimination, harassment and aggression;
- 1.2 Ensure that Festival members, collaborators, artists and clients are informed that harassment and discrimination are unacceptable practices and incompatible with the standards advocated by the FTA, in addition to constituting a potential contravention of the law;
- 1.3 Raise awareness, disseminate information and provide training in the workplace to prevent misconduct and ensure that everyone has the right to be treated fairly without discrimination or harassment, regardless of gender identity or expression, sexual orientation, ethnic or national origin, disability or religious beliefs;
- 1.4 Create an environment where issues of discrimination can be addressed freely and in which everyone feels free to report abuse safely;
- 1.5 Provide the necessary support to individuals who believe they are experiencing some form of discrimination, assault or harassment by encouraging them to resolve first through discussion and then by establishing an effective and fair procedure for resolving reports and complaints.

The FTA expects its various members, collaborators, artists and clients to behave according to standards of good conduct, to maintain a work environment marked by civility and respect for others. It commits itself to take measures to make all its stakeholders aware of the obligation of respect towards all individuals.

The FTA also commits to not tolerate any form of incivility, harassment or discrimination, thus opting for a "zero tolerance" policy.

2. SCOPE

This policy applies to all Festival administrators, employees, volunteers, collaborators, artists, artistic teams, companies, venues and other temporary partners who do business with the FTA (regardless of their status), whether in the FTA's offices or in any private and public place where events are held organized solely by the FTA or organized in partnership with the FTA.

3. DEFINITIONS

- 3.1 **Civility:** Civility is etiquette, a behaviour that respects the rules of living together, a concept that expresses peaceful ties and good relations between people and others in their work environment or in society. Incivility creates discomfort for those who witness it and, if repeated, undermines the work climate and exchanges and opens the door to situations of harassment. Incivility may include, but is not limited to, the following examples:
 - Breaking others' concentration by being deliberately loud (voices or noises);

- Cutting off or monopolizing speech without taking others into account;
- Being disrespectful with a look or through speech.

3.2 **Harassment or Assault:** According to the Act respecting Québec labour standards, harassment and assault are defined as "vexatious conduct manifested in repeated behaviours, words, actions or gestures that are hostile or unwanted, that violates the dignity or psychological or physical integrity of a person and that result in a harmful working environment and exchange. More specifically, psychological harassment includes such conduct when it manifests itself in such words, acts or gestures of a sexual nature. Such serious conduct may also constitute psychological harassment if it causes such harm and has a continuing harmful effect on the person." Harassment and assault may include, but are not limited to, words or actions that are offensive, embarrassing, humiliating, degrading, malicious or inappropriate, such as:

- Rumours or gossip, cyberbullying, social exclusion of a person, discipline in public, abuse of power;
- Unwelcomed physical contact, innuendo or insinuation, unwanted and inappropriate invitations or requests, sharing of sexual images;
- Repeated behaviors, hostile or unwanted words, acts or gestures that violate the dignity or psychological or physical integrity of a person.

Harassment does not include:

- Exchanging jokes and other consensual interactions in the workplace;
- Divergent point of view, different way of doing things, disagreement;
- An isolated misjudgement or mistake;
- Relationship conflict between people stemming from divergent personalities, stress, communication problems or confusion of shared responsibilities;
- Reasonable actions taken by Management in a fair manner, such as day-to-day actions taken by a supervisor or Manager with respect to performance, absenteeism, assignments, discipline and dismissal.

3.3 **Discrimination:** Discrimination consists of engaging in any of the acts or behaviours aforementioned (see article 3.2) or commenting on a person on the following grounds, such as ethnic or national origin, sex, gender identity or expression, sexual orientation, pregnancy, marital status, age except as provided by law, religion, political beliefs, language, social condition, disability or the use of a means to accommodate for such a disability. Here are a few examples:

- Refusing a candidate because they belong to an ethnic minority;
- Preventing a colleague from participating in an activity because of their gender identity;
- Laying off an employee after being informed of their learning disability or ADHD.

3.4 **Poisoned Atmosphere (or Toxic Environment):** A poisoned atmosphere is created, inter alia, by comments or actions that may not be directed at a particular person and may come from anyone, regardless of position or status. A single comment or act, if serious enough, can create such an atmosphere. Here are a few examples:

- Encourage competition and denunciation between employees, rather than teamwork and collaboration;
- Provide unclear rules that create insecurity and unpredictability;
- Look for culprits as soon as there is an infringement.

4. ROLE OF THE FTA

The Festival is committed to implementing a comprehensive strategy to promote civility and prevent harassment and discrimination by:

- 4.1 Providing training to ensure that everyone is aware of their rights and responsibilities;
- 4.2 Conducting a regular review of organisational systems to identify potential barriers to Charter of Human Rights and Freedoms;
- 4.3 Promoting appropriate standards of conduct at all times;

- 4.4 Establishing an effective and fair procedure for resolving incidents and complaints, which could lead to an independent and anonymous assessment.

5. ROLE OF THE FTA COLLABORATORS AND EMPLOYEES

The role of all FTA volunteers, collaborators, artists, artistic teams, companies, and other temporary partners who do business with the FTA (regardless of status) includes the following with regards to preventing harassment, aggression and discrimination:

- 5.1 Refrain from harassment, aggression and discrimination;
- 5.2 Where appropriate and safe to do so, inform the instigator of the harassment, assault or discrimination that their actions are inappropriate and undesirable;
- 5.3 Make all reasonable efforts to resolve an incident if involved, with or without the assistance of the Executive Director or Chair of the Board of Directors as the case may be (see Section 6);
- 5.4 Refrain from retaliating against the Complainant, Respondent, witnesses or any other person involved in the resolution of the incident.

6. INCIDENT REPORT OR FORMAL COMPLAINT PROCESS

The FTA is in line with an approach to effective and fair resolution of reported incidents with the goal of restoring a healthy workplace. In doing so, the Board of Directors and Executive Director commit to take all necessary measures to put an end to the reprehensible behaviour and, if necessary, to take the required corrective measures.

6.1 Incident Report

A person who is presumably experiencing discrimination or harassment, or who has potentially witnessed such a situation, may, if comfortable, notify any Department Manager, Executive Director or the Chair of the Board of Directors to file an anonymous or personalised incident report or take recourse without any prejudice or reprisal being brought against themselves. This report is not necessarily a completed and signed form, but may lead to informal intervention to resolve the issue.

Upon receipt of an incident report, the Executive Director or Chair of the Board of Directors must intervene diligently to resolve the conflict brought to their attention in order to assist the parties involved to do so, whether at the request of the person who claims to be the victim of offensive behaviour or on their own initiative.

The following steps are voluntary and require the support of all those concerned.

6.1.1 Direct Discussion with the Respondent

If the Complainant feels comfortable, they may discuss with the Respondent the issues of bother and ask for the offensive behaviour to stop. The Ombudsperson¹ or

¹ An Ombudsperson is a neutral and impartial body, who accompanies individuals presumably experiencing incivility, discrimination or harassment at work or who wish to resolve a difficult situation. Services are completely free and confidential and offered to all FTA staff.

The services include:

- Listening to concerns and helping identify the options available to effectively resolve a difficult situation (conflict, incivility, harassment, discrimination, inequity, etc.).
- Coaching to help them have a difficult conversation or resolve a situation.
- Intervening as a mediator to help identify solutions to a dispute between parties.

If the complaint involves diversity and inclusion dimensions, the Ombudsperson may call on expert stakeholders when necessary and according to the needs expressed by the Complainant and to facilitate the resolution of the situation.

any other independent third party may intervene at this stage to help the person prepare for this discussion.

6.1.2 Amicable Settlement

Interventions in the context of an amicable settlement (interpersonal or group mediation, work climate analysis, settlement conference, etc.) help identify issues and possible solutions. The Ombudsperson can also intervene at this stage.

6.2 Administrative Inquiry

If the first two steps (see articles 6.1.1 and 6.1.2) have not resolved the situation or are not possible, an Administrative Investigation may be initiated. In that case, the Chair of the Board of Directors shall determine as soon as possible whether the complaint may be the subject of an Administrative Investigation in order to intervene quickly to put an end to the harassment situation and prevent the professional environment to deteriorate. If so, the complaint will be referred to an “Investigator.”

To do this, a formal complaint must be filed in writing with the Chair of the Board of Directors. The Incident Report – Complaint Form (attached below) must include the first and last names of all parties involved, dates, a description of the incidents and potential witnesses. If applicable, any other relevant documents must also be provided.

All information relating to this complaint and the identity of the parties involved shall be treated confidentially by all parties concerned, unless such information is necessary for the conduct of an investigation or the imposition of disciplinary or administrative measures.

7. ROLE OF THE INVESTIGATOR

The Investigator evaluates the merits of the complaint. If the allegations prove to be true, they shall inform the Chair of the Board of Director immediately of the measures to be put in place to end the situation of discrimination or harassment.

During the investigation, all parties concerned will be treated impartially and informed of the progress of the case and of any decision relating to the disagreement. They also have the right to be accompanied by a person of their choice when dealing with the complaint.

- 7.1 If needed, the Investigator ensures that temporary preventive measures are in place to protect the victim from discrimination or harassment;
- 7.2 The Investigator meets, if necessary, with all parties as well as potential witnesses to assess the seriousness and extent of the alleged acts and to analyse the nature, relevance and merits of the complaint;
- 7.3 If so, the Investigator shall inform the Respondent of the progress of the complaint received and must reassure the Respondent that the complaint is dealt in good faith and that they have a right to be heard at any stage of this procedure;
- 7.4 When a complaint is found to be abusive, frivolous or made in bad faith, it may be rejected by the Investigator;
- 7.5 The Investigator may make recommendations that they deem justified to the person found responsible of discrimination or harassment (e.g. written or verbal warning, explanatory meeting, temporary suspension or dismissal, etc.) or any measure deemed appropriate in the context (e.g. apology, training session on appropriate behaviour in the workplace, commitment to be part of a therapy program, prohibition to contact the victim of discrimination or harassment, etc.). These recommendations should be reasonable and respect the principle of gradation of sanctions under employment law. The Investigator submits their recommendations to the Chair of the Board of Directors.

- 7.6 The Chair of the Board of Directors shall thereafter take appropriate steps to resolve the complaint, which may include sanctions that vary according to the severity, magnitude, recurrence and recidivism of the discrimination or harassment committed. In all circumstances, it ensures the means implemented to restore a healthy climate in the workplace.

It is further understood that the Chair of the Board of Directors, the Executive Director and FTA Administrators have the right to exercise their authority as long as they do so in a respectful manner: setting objectives, assigning tasks, evaluating performance, providing advice and enforcing FTA regulations and directives, establishing all measures necessary for the proper functioning of the life of the organization.

A situation of discrimination or harassment may involve people belonging to various groups. In this context, the Chair of the Board of Directors may delegate the follow-up of the complaint resolution procedure to a person who has been designated according to the affiliation of the parties involved, particularly in the event of a conflict of interest linking the Chair of the Board of Directors or Executive Director to a Complainant.

The complaint resolution procedure is in no way a substitute for the remedies provided by provincial laws. In the event of the exercise of another remedy at the same time as the filing of a complaint under this policy, the person in charge of the complaint informs the Complainant of their decision whether or not to defer consideration of the complaint.

8. SPECIAL TERMS

The Chair of the Board of Directors, Executive Director and FTA Administrators are responsible for the application of this policy by:

- 8.1 The dissemination of this policy to all Festival Administrators, employees, volunteers, collaborators, artists, artistic teams, companies, and other temporary partners who do business with the FTA, regardless of their status;
- 8.2 The implementation of a plan to promote it;
- 8.3 The retention or, as the case may be, the destruction of any complaint file.

INCIDENT REPORT - COMPLAINT FORM

Confidential document

I hereby wish to file a complaint against: _____

Events

Date: _____

Hour: _____

Place: _____

Is this the first event? _____

Frequency? _____

Provide as accurate a description of the facts as possible (specifying the nature of the sexual, physical or psychological discrimination or harassment):

Witnesse(s), if applicable

First and last name: _____

First and last name: _____

First and last name: _____

If space is insufficient, please fill in on an attached sheet.

If applicable, provide any other relevant documents.

In light of these events, I consider myself to be a victim of discrimination or harassment.

First and last name: _____ Signature _____

Date: _____

Phone: _____ Email: _____

Please send this form and other relevant documents to presidence@fta.ca or by mail to:

Chair of the Board of Directors
Festival TransAmériques
P.O. Box 1206, Desjardins Station
Montreal (Quebec) H5B 1C3