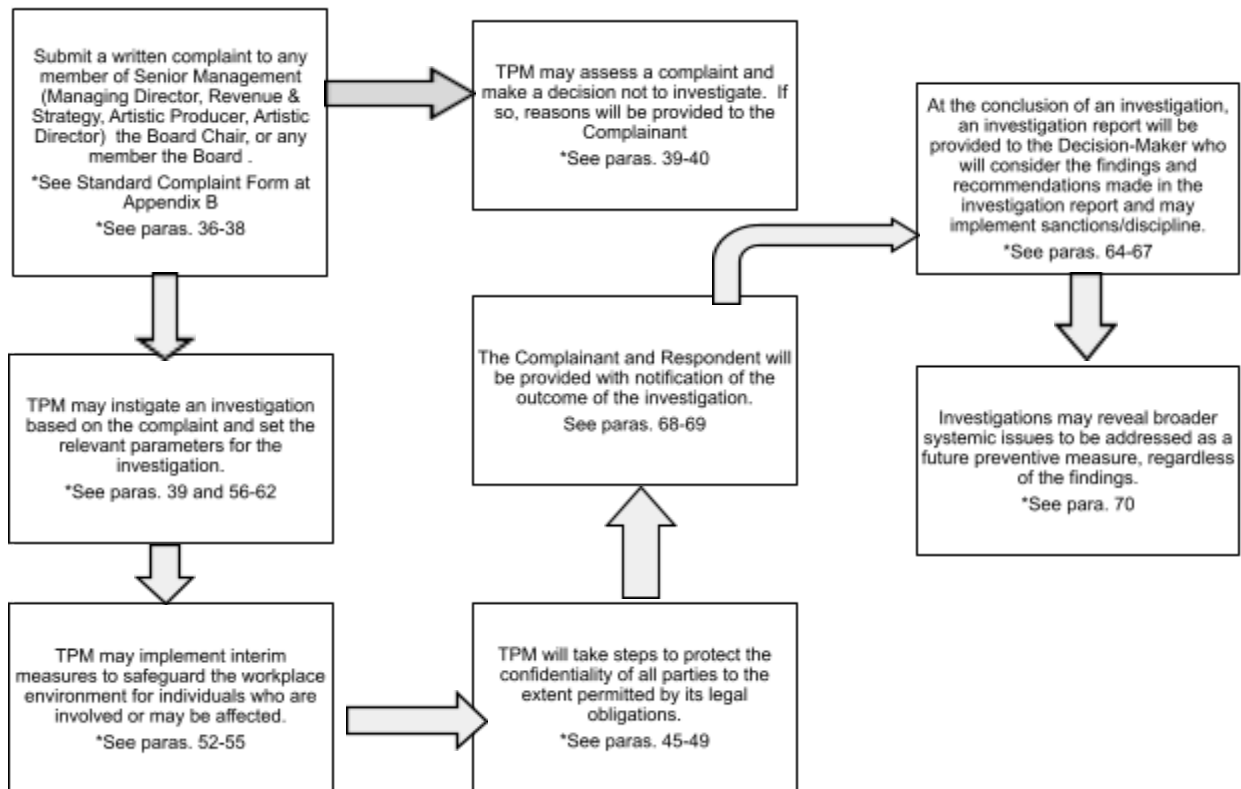


Theatre Passe Muraille Policy on Discrimination, Harassment, and Violence

The following document addresses prevention, protocols, and responses to allegations of harassment, violence, and discrimination.

FLOWCHART FOR FORMAL COMPLAINT PROCESS



A. RATIONALE AND OBJECTIVE

1. Theatre Passe Muraille (“**TPM**” or the “**Theatre**”), is a member of The Professional Association of Canadian Theatres, and works under the guidelines of Canadian Actors’ Equity Association (“**Equity**”). TPM is committed to the pursuit of safe and respectful workplaces and creative spaces. We will not tolerate conduct that undermines the dignity or self-esteem of an individual, or which creates an intimidating, hostile, or offensive environment. Artists and engagers are encouraged to speak up against discrimination, harassment, and violence and stand together in addressing problems when they arise. TPM relies on individuals or groups coming forward with their concerns so that they can be addressed and is committed to supporting those who have experienced or witnessed toxic behaviours when they come forward with concerns.

2. Leadership and Managers at TPM are trained in the company's anti-harassment policy and are committed to supporting those who come forward with concerns about breaches of the policy. Please reach out to us if you experience or witness questionable behaviour. Those who come forward with concerns about having experienced or observed discrimination or harassment are protected against any reprisals or retaliation both under this policy and under the law in Ontario. TPM is committed to the pursuit of safe and respectful workplaces and creative spaces but can only take direct steps to address specific incidents of harassment and violence if it is aware that an incident has taken place. TPM also strongly values individuals' lived experiences which can provide crucial context in seeking to identify and address an incident of harassment or violence.
3. Should you experience or witness unwelcome behaviour we encourage you to reach out in directly to the Leadership Team (Managing Director, Revenue & Strategy (currently Michelle Knight, who can be reached at michellek@passemuraille.on.ca), Artistic Producer (currently Indrit Kasapi, who can be reached at indritk@passemuraille.on.ca), or Artistic Director (currently Marjorie Chan, who can be reached at marjoriec@passemuraille.on.ca) or Board Chair (currently Susan Moellers, who can be reached at board@passemuraille.on.ca))
4. Thank you for being an integral part of this cultural shift both within TPM and within our industry more broadly. Together we will make our creative workspaces respectful spaces.

B. SCOPE

5. This policy applies to complaints of discrimination, violence, harassment, sexual harassment, sexual violence, and reprisals as defined below that involve individuals who are performing work on behalf of TPM in whatever capacity, including as freelancers, service providers, consultants, and volunteers, as well as individuals or companies who are on contract. It covers all workspaces and work-related activities such as rehearsals, workshops, performances, auditions, tours, employer-organized social events, and online work-related interactions.
6. This policy may apply irrespective of whether the harassment or violence:
 - is caused by an employee, or any other individual, and
 - originates in the workplace and carries over to an employee, contractor, or volunteer's personal life or vice versa.

7. This policy may apply to occurrences outside of the workplace or work-related spaces only where and to the extent that the interactions or their repercussions have a potential to or do in fact impact the workplace.
8. This policy operates in conjunction with any parallel policies applicable to unionized employees under any applicable collective agreement(s) or policies, including Equity's Respectful Workplace Policy.

C. DEFINITIONS

Allegation is an unproven claim or assertion that someone has done something wrong.

Complainant is anyone who makes a complaint under this policy.

Respondent is anyone who has a complaint made against or about them under this policy.

Supervisor is a person who has charge of a workplace or authority over workers.

D. PROHIBITED CONDUCT

9. This policy applies to allegations regarding any of the following:

i) Harassment

10. Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
11. For the purpose of this policy, harassment includes comments or conduct initiated by one or more person towards another, which one knows or ought to know would cause humiliation, offence, or embarrassment, or which has the purpose or effect of unreasonably interfering with the person's work and/or creating an intimidating, humiliating, hostile, or offensive environment. Ordinarily, repeated conduct is required to demonstrate harassment, however single serious acts may also constitute harassment.
12. Harassment may include, but is not limited to:
 - physically intimidating behaviour and/or threats;
 - use of profanity (swearing) or vulgarity;
 - ridiculing, taunting, belittling, or humiliating another person;
 - derogatory name-calling;
 - inappropriate or insulting remarks, gestures, jokes, innuendo, or taunting;
 - unwanted questions or comments about a person's private life; and/or

- posting or displaying materials, articles, or graffiti etc. (including on social media/online), which may cause humiliation, offence, or embarrassment.

13. The assessment of whether harassing behaviour occurred is focused on the impact on the target of the behaviour, and not on the intention of the person commenting or acting in a potentially harassing way. If the recipient of the behaviour specifically states that the conduct is unwelcome, then this portion of the definition is met. However, the recipient does not necessarily have to specifically state that the conduct is unwelcome; it is enough for the recipient to make it clear that the behaviour was unwelcome through their own conduct or body language. Alternatively, this part of the definition is met if the behaviour in question is objectively harassing (*i.e.* whether a reasonable person would have recognized that his or her behaviour would be unwelcome to the recipient of the behaviour).

ii) Sexual Harassment

14. Sexual Harassment means engaging in a course of vexatious comment or conduct in the workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. It also includes 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 individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

15. Sexual harassment may include, but is not limited to:

- reprisal or threat of reprisal for the rejection of a sexual solicitation or advance, particularly where the reprisal is made by a person in a position to grant, confer, or deny a benefit or advancement;
- unwelcome remarks, jokes, innuendo or taunting about a person's body, attire, gender or sexual orientation;
- unwelcome or unwanted physical contact or sexual advances, including but not limited to patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact or written solicitation normally considered unacceptable by another individual;
- unwelcome inquiries or comments about a person's sex life or sexual preference;
- leering, whistling, or other suggestive or insulting sounds or gestures;
- posting or displaying materials, articles or graffiti etc. (including on social media/online) that is sexually oriented and outside of an approved or curated artistic expression;
- asking someone out on a date (or proposing any other romantic or sexual interaction), where you have control over that person's retention or

progression and they would reasonably think that refusing the offer might prejudice their career;

- making sexual or romantic solicitations or advances to a co-worker after it has been made clear by the co-worker that such solicitations and advances are unwelcome or after an initial advance has been refused;
- singling out a subordinate for unwarranted special attention or engaging in grooming behaviours; and/or
- requests or demands for sexual favours, which include or strongly imply promises of rewards for complying and/or threats of punishment for refusal.

16. Because the definitions of both harassment and sexual harassment in the workplace are centered on the idea of unwelcome behaviour, it is important to understand that courteous, mutually respectful, non-coercive interactions that are acceptable to both or all parties involved are not considered to be harassment or sexual harassment. However, the consent of a party to behaviour that could potentially be considered unwelcome, such as a hug from a co-worker at a workplace event, may be withdrawn at any time.

17. It is important to be mindful that, where an imbalance of power exists between the individuals within the workplace, the ability for both parties to provide meaningful consent may be limited. TPM will take any imbalance of power into consideration in its application of this policy.

iii) Discrimination and Discrimination-based Harassment

18. Harassment may also relate to a form of discrimination as set out in the *Ontario Human Rights Code*, which prohibits discrimination and harassment on the following protected grounds: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offences, sex (including pregnancy and breastfeeding), and sexual orientation. Discrimination and harassment based on any of the above-noted grounds is prohibited under this policy.

iv) Systematic Discrimination

19. Systemic discrimination includes policies, practices, procedures, actions, or inactions that may appear neutral, but which effectively create conditions of discrimination. These practices are often embedded in an institution or sector and may be invisible to the people who do not experience their discriminatory impacts, and even to the people who may be affected.

20. To combat systemic discrimination, we are committed to creating a climate in which the diverse needs of people are considered in all aspects of operations, where negative practices and attitudes can be challenged and discouraged, and

where systemic barriers to the full participation of our colleagues and community can be dismantled.

v) *Poisonous Workplace or Environment*

21. Any or all of the above conditions can have the effect of poisoning the work environment for everyone. A person does not have to be a direct target of harassing or discriminatory behaviour to be adversely affected by a negative or poisoned environment.

vi) *Workplace Violence*

22. Workplace violence is typically defined as physical force, an attempt to use physical force, or a threat of physical force by a person against a worker¹ or a volunteer, in a workplace, that causes or could cause physical injury to the worker or volunteer. Workplace violence can be perpetrated by strangers, by guests, or by colleagues.

23. Similarly, domestic violence can become a workplace issue if the perpetrator of the domestic violence comes to the workplace to harm the worker or volunteer, which could put others in the workplace also in harm's way.

24. Workplace violence includes, but is not limited to:

- harming or threatening to harm any employee, volunteer or member of the public;
- damaging or threatening to damage the property of the organization or any employee, volunteer or member of the public;
- possessing a dangerous weapon; and/or
- stalking an employee or volunteer.

v) *Reprisals*

¹ “Worker” as defined under the *Occupational Health and Safety Act* means any of the following:

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.

25. A reprisal² is any adverse action taken against an individual because they reported unwelcome behaviour or possible violations of this policy, submitted a complaint about unwelcome behaviour or possible violations of this policy in the workspace, or participated in an investigation or legal proceeding relating to a complaint, including as a witness. Reprisals also include adverse action taken against someone who is associated with the individual opposing the unwelcome behaviour, such as a family member.
26. Examples of reprisal include: termination from the production; denial of future work opportunities whether within TPM or efforts to deny future work elsewhere; and any other adverse action that would discourage a reasonable person from opposing the unwelcome behaviour, including the spreading of unwelcome gossip or rumours.

E. EARLY WARNING SIGNS AND INFORMAL RESOLUTION PROCESS

27. It should be noted that informal resolution is only appropriate in some situations. In situations where it is believed that addressing the other person could lead to an escalation of the comment or conduct, or to safety risks, this informal approach is not recommended.
28. Acting on early warning signs can successfully diffuse situations that have the potential to escalate. Also, occasionally, there could be circumstances where misunderstood or unintended conduct could be resolved informally through communication between the parties, and informal resolution of issues may be an appropriate step where the conduct may constitute a misunderstanding. Taking informal action does not preclude or limit a complainant's right to raise the same issue with management.
29. Individuals who have experienced unwelcome comments or conduct by another person are encouraged, although not obliged, to make it known to the other person that their behaviour is unwelcome. For example, there could be an employee who has the habit of speaking in close proximity to others, which to some may feel like an invasion of their personal space. In this context, individuals who experience uncomfortable or offensive interactions are encouraged to and

² Under the *Occupational Health and Safety Act*, prohibited reprisals are as follows:

- 50 (1) No employer or person acting on behalf of an employer shall,
- (a) dismiss or threaten to dismiss a worker;
 - (b) discipline or suspend or threaten to discipline or suspend a worker;
 - (c) impose any penalty upon a worker; or
 - (d) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations

supported in communicating to the offending party that the behaviour is unwelcome and should stop. Support in this context could mean having someone in authority in the workplace facilitating a discussion between the parties to assist with resolving the issue. Those who do not feel comfortable initiating a conversation with the offending party can also report the incident(s) to any member of management or the Board and request assistance in facilitating this informal process.

30. If an individual is asked to stop behaviours which could reasonably constitute a violation of this policy, TPM requires that they consider any such request seriously. Even if an individual does not have ill intent, their behaviour could be perceived as harassment by another person. People come from different backgrounds and have different experiences and, even though an individual's behaviour may seem acceptable to them, it may be upsetting to another person.

F. FORMAL OPTIONS FOR ADDRESSING HARASSMENT OR VIOLENCE

31. An individual or group who believes there has been a violation of the Policy and for whom an Informal Resolution Process is either inappropriate or has not addressed the issue have a number of options available to them. These include but may not be limited to:

- a) Mediation (which can occur at any point before or after the filing of a formal Complaint),
- b) Filing a formal Complaint, and/or
- c) Other External Options, such as filing a grievance pursuant to a collective agreement or making a criminal report.

32. Prior to pursuing one of the options set out in more detail below, it is important to be aware that, depending on the circumstances and nature of the incident disclosed, TPM may be obliged to:

- a) initiate a Theatre-led investigation of the incident regardless of whether or not the individual making the disclosure chooses to participate in the process; and/or
- b) in a very narrow set of circumstances, TPM may need to notify Police Services of the allegation and name of the individual who is the subject of the allegation and/or contact other relevant agencies to fulfill legal obligations.

i. Mediation

33. In certain circumstances, a Complainant(s) and Respondent(s) may be interested in attempting a resolution of a Complaint at any time before or after the initiation or completion of an Investigation.

34. The following conditions must be present before considering if Mediation is a viable option:

a) the Theatre is able to meet its responsibilities pursuant to the *Occupational Health & Safety Act* as well as any other relevant legislation; and

b) the Complainant and the Respondent both agree to:

(i) attempt to reach a resolution in good faith; and

(ii) the methods to be used to seek resolution.

35. Mediation is a flexible process which can be adapted to best meet the needs of the parties. A meeting between the Complainant(s) and the Respondent(s) will not be a requirement for Mediation. Options for dispute resolution in the context of a Mediation may include some fact-finding discussion, clarification of the issues, facilitated conversations, coaching, reconciliation, workplace restoration processes, settlement discussions, etc.

ii. Complaint

36. A Complaint is made when an individual submits a written statement of Complaint to a member of Senior Management or the Board, making an allegation of a breach of this Policy because they wish to initiate a formal complaint process which may require an investigation into the allegations and finding of facts. This may be done by filling out and submitting the Complaint Intake Form enclosed at Appendix B to this Policy or by submitting any other written statement setting out in as much detail as possible the alleged conduct and why it is believed to violate this Policy.

37. Individuals may choose to contact any member of Senior Management or the Board to make a Complaint pursuant to the Policy. The person who receives the Complaint will either become or appoint the Decision Maker who will ensure that Complaint is dealt with in accordance with the Policy.

38. There is no time limit for bringing forward a complaint; however, timeliness can impact the Theatre's ability to effectively investigate the complaint.

39. Complaint Intake Forms will be reviewed by the Decision Maker, who will review and assess the Complaint in a timely manner in order to, as appropriate:

a) confirm that it fits within the scope of the Policy;

b) consider requirements pursuant to the *Occupational Health and Safety Act* or any other applicable law or policy;

- c) consider whether the matter may be resolved through Informal Dispute Resolution or Mediation, whether the parties are interested in these forms of voluntary resolution, and whether either is feasible/appropriate in the circumstances;
- d) determine if an investigation is required, and, if so, set parameters accordingly (including, for example, internal or external investigator; timelines, mandate, and scope for the investigation); and
- e) consider and coordinate appropriate accommodations and/or Interim Measures as they relate to all parties involved in the matter.

40. An investigation into the Complaint may be initiated. However, in some circumstances, a decision may be made to not investigate. The decision will be communicated in writing in addition to any alternate form of communication as may be required to accommodate an employee's accessibility needs, with reasons, to the Complainant by the relevant Decision-Maker.

iii. Theatre Initiated Investigation

41. The Theatre may become aware of situations where a Theatre-initiated Investigation may be warranted including, but not limited, to circumstances where:

- a) allegations are made about the conduct of an employee or contractor by an individual who is not, or is no longer, an employee;
- b) one or more individuals disclose experiences of Discrimination and/or Harassment involving the same individual or group of individuals but the Theatre has not received a formal Complaint with respect to the alleged conduct;
- c) the Theatre has a duty to investigate pursuant to the *Occupational Health and Safety Act*;
- d) the power differential in the alleged incident indicates the potential for a pattern of repeated Discrimination and/or Harassment; and/or
- e) situations reveal broader or systematic issues to be addressed, including concerns with respect to a Poisoned Environment.

42. A Decision-Maker(s) will determine whether an investigation is warranted, on the basis of both the circumstances and nature of the allegations.

43. Individuals have the right not to participate as a Complainant in any Theatre-Initiated Investigation that may occur though, as set out below, all employees, contractors, and suppliers are expected to meet with an Investigator if requested to do so and to participate in good faith in a Theatre-Initiated Investigation.

iv. Other External Options

44. Individuals may exercise other options external to this Policy e.g. a criminal complaint or a formal complaint to the *Ontario Human Rights Commission*, (please note that timelines may be affected by the guidelines set out by the *Ontario Human Rights Commission*) or the grievance provisions of other applicable collective agreements, etc.. Nothing in this policy should be understood to preclude any individual from pursuing these external options, though the initiation of an external option may impact which action, if any, it is appropriate for the Theatre to take in the circumstances.

v. Confidentiality (Limitations)

45. The Theatre recognizes the importance of confidentiality both for individuals coming forward to report an experience of discrimination, harassment, violence, or reprisal, as well as for individuals who are Respondents/the subject of a Complaint. The Theatre will take steps to protect the confidentiality of all parties to the extent permitted by its legal obligations outlined below.

46. The Theatre and its employees and agents will protect personal information and handle records in accordance with any applicable privacy legislation and with the provisions of any applicable collective agreements.

47. Individuals may speak in confidence to a member of management or the Board, subject to the provisions of this section and the limitations set out therein. The Theatre will share identifying information only in circumstances where it is necessary in order to administer this Policy (including to conduct a proper and procedurally fair investigation), or to address safety concerns. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed.

48. As part of the Theatre's internal responsibility to maintain an environment free from Harassment and Violence, information shall be shared on a need-to-know basis.

49. Procedural limits to confidentiality may also occur if, for example, the Theatre is subject to legal proceedings that, in the opinion of management and/or the board, require the disclosure of information.

vi. Right to a Support Person

50. An individual who is a party or witness to a Complaint may be accompanied by a support person, union representative, or legal counsel at any stage of any of the procedures outlined in this Policy provided that this support person agrees to abide by this Policy as well as any rules communicated by the Investigator which are designed to protect confidentiality and procedural fairness and so long as the support person does not interfere with the investigation process or the

administration of the Policy. TPM will cover the costs of any accompaniment up to \$1000 CDN. Any additional costs of the accompaniment are to be borne by the party. The Theatre or the Investigator may object to the choice of a particular support person if they have reason to believe that the choice of support person will impact the party's evidence or otherwise compromise the integrity of the investigation.

vii. Reprisal

51. The Theatre prohibits reprisal or threats of reprisal against any person who, sincerely and in good faith, makes use of this Policy or participates in any process initiated under the Policy. Any individual who is concerned that they are the subject of reprisals or threats should report their concerns to any member of management and/or the Board or hotline. Where appropriate, sanctions under the relevant policy or contract may be applied against the individual(s) responsible for the reprisal.

viii. Interim Measures

52. At any stage in the proceedings under this Policy, it may be necessary to put in place Interim Measures in order to safeguard the workplace environment for individuals who are involved or may be affected by an ongoing investigation. Interim Measures or a lack thereof shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.

53. Interim Measures will be reviewed on an ongoing basis throughout the process to ensure that the measures remain necessary and appropriate in the circumstances. Interim Measures are temporary and do not extend beyond the final resolution of a Complaint.

54. Interim Measures may include, but are not limited to, the rearrangement of responsibilities or oversight, a non-disciplinary leave of absence, and/or adjustments in Theatre activities (e.g. attendance at social events).

55. In the event an Employee is directed to take a non-disciplinary leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of an applicable collective agreement, (e.g. where the employee is not a member of a Union) the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an Interim measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved.

ix. Investigation Procedures

56. Respondents have the right to know the case against them, and to produce any relevant documentation, evidence, or other information, and identify witnesses to the Investigator in response to any allegations (it is at the discretion of the Investigator to speak with anyone who they believe has relevant evidence.)
57. The Investigator will impartially collect evidence and interview those witnesses they deem relevant and pertinent to the Complaint keeping in mind the desire to maintain both confidentiality and proportionality. The Investigator may request that the appropriate authority at the Theatre adjust the scope and the manner in which the investigation will be conducted in order to ensure a proportionate, thorough, and fair investigation process in the circumstances.
58. All employees, contractors, and suppliers are expected to meet with the Investigator if requested to do so and to participate in good faith.
59. As set out in the above section on the Right to a Support Person, Complainants, Respondents, and witnesses have the option of being accompanied by an appropriate support person or advisor, provided that this support person agrees to abide by this Policy as well as any rules communicated by the Investigator which are designed to protect confidentiality and procedural fairness.
60. All those who meet with an Investigator, including support persons and advisors, are required to keep confidential the Investigation and any information shared with or questions asked by the Investigator, to ensure the integrity of the investigation. Failure to do so could be considered a breach of this Policy and could be subject to a sanction, discipline, or termination of the investigation in some circumstances.
61. An individual who was not previously identified as a Respondent but who, during the course of an Investigation, is identified as a potential Respondent (by the Investigator and with the approval of the Theatre) will be notified and given an opportunity to meet with the Investigator and to respond to any allegations.
62. If, during the course of the Investigation, the Investigator believes the Complaint is frivolous, vexatious, or has been initiated in bad faith, the Investigator shall refer the matter back to the Decision Maker(s) to determine the next steps.

x. Data Gathering & Record Keeping

63. All notes, materials, investigation reports, and decisions created or received by employees or Board Members of the Theatre in the course of their administration of this Policy will be kept by the Theatre for at least seven years. These records may be retained longer, subject to the discretion of the appropriate member of senior management or the Board of directors.

xi. Reviewing Outcome of Investigation and Determining Sanctions, if Necessary

64. An Investigation Report will be prepared by an Investigator appointed under this policy and provided to the Decision-Maker(s) to consider the findings and recommendations contained in the report.

65. In light of the Report, Decision-Maker(s) shall decide, on a balance of probabilities, whether the alleged violation of the Policy has occurred. If the Decision-Maker(s) makes a finding of violation of the Policy, the Decision-Maker(s) will recommend the appropriate sanctions and/or remedies as appropriate and with consideration of relevant legislation and/or collective agreement(s). When the Respondent is not currently an employee or contractor, the Decision-Maker(s) will consider the recommendations (if any) contained in the Report and will consider steps which can be taken to address or remedy the violation or prevent similar violations in the future.

66. Any sanctions imposed shall be proportional to the severity of the Policy violation, considering any aggravating, mitigating and/or contextual factors. Previous findings of a violation of this Policy will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation, may be varied and, depending on the nature of the Respondent's relationship with the Theatre, may be administered under more than one process.

67. Sanctions may include, but are not limited to:

- a) a written reprimand or warning;
- b) inclusion of the decision, or summary of the decision as appropriate to comply with confidentiality requirements, in a specified file (e.g. the employee file of the Respondent, for a specified period of time;
- c) the exclusion of the Respondent from, or oversight during, one or more designated Theatre activities or duties;
- d) restrictions on employment-based activities, attendance at specific meetings or events, or direct or indirect contact with a specific individual or group of individuals in the course of their employment or Theatre-related engagement;

- e) suspension (which involves relieving the Respondent of their Theatre duties and denying them access to Theatre facilities and services for a stated period of time) which may be with or without pay and/or benefits (a recommendation for suspension of an employee shall be dealt with in accordance with any applicable collective agreement or employment contract where applicable); and/or
- f) dismissal or termination of employment or engagement, which shall be dealt with in accordance with any applicable collective agreement or contract, where applicable. This could include the termination of a rental agreement pursuant to the terms of the applicable rental agreement.

xii. Notification of Outcome

Respondent

68. Respondents will receive a written decision in addition to any alternate form of communication as may be required to accommodate an employee's accessibility needs, from the relevant Decision-Maker, that will include:

- a) a summary outlining the findings of the Investigator;
- b) the decision with respect to whether there has been a finding or no finding of a violation of the Policy;
- c) if the outcome is no finding of violation of the Policy, the matter will be closed;
- d) if the outcome is a finding of violation of the Policy, the Respondent will be informed of the sanction or of the process by which sanction(s) and/or remedies will be recommended; and
- e) where relevant, confirmation of any Interim Measures that will remain in place until sanctions are imposed.

Complainant

69. To the extent required under the *Occupational Health and Safety Act*, the Complainant will be informed of the findings that are directly related to their Complaint. Information about any sanctions/remedies that have direct impact on the Complainant or the continuation or lifting of any Interim Measures impacting the Complainant will be provided to them.

Systemic and Preventive Interventions

70. Investigations may reveal broader systemic issues to be addressed as a future preventative measure, regardless of whether or not there has been a finding of Discrimination, Harassment, Violence, and/or Reprisal. In such instances, appropriate intervention measures may be recommended by Decision-Maker(s).

Appendix "A"

ROLES AND RESPONSIBILITIES FOR ADMINISTRATION OF THIS POLICY

Senior Management and the Board of Directors

Senior Management and the Board of Directors have overarching responsibility for maintaining a working environment in which discrimination, harassment, and violence are unacceptable, for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through its internal procedures.

In addition, Senior Management and the Board of Directors are responsible for enabling the workplace to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the Theatre's expectations and providing education and training to all employees and contractors on issues related to Discrimination, Harassment, and Violence.

Decision-Makers for Intake and Investigations

The Decision-Makers are, as applicable, the:

- a) Managing Director, Revenue & Strategy, and/or
- b) Artistic Director, and/or
- c) Artistic Producer, and/or
- d) The Chair of the Board of Directors.

More than one Decision-Maker may be involved in a case.

Decision-Makers are responsible for receiving Complaints, determining appropriate next steps, assigning or engaging an Investigator, advising the investigator on the mandate and scope of an investigation, reviewing and responding to Investigation Reports (see Investigation Procedures) and authorizing appropriate Interim Measures.

Should there be a conflict of interest with a Decision-Maker, an appropriate non-conflicted member of management or of the Board of Directors shall assume the responsibilities of the Decision-Maker under this Policy. Complaints about a member of the Board of Directors should be brought to leadership or another member of the Board.

Investigators

All Investigators, whether internal or external to the Theatre, will have training in the areas of discrimination and harassment, and in using an intersectional, anti-oppressive,

and a trauma-informed approach to investigation processes. Investigators will follow the mandate and scope of the investigation as determined by the Theatre.

Supervisors

All supervisors are responsible for:

- a) modeling acceptable standards of behaviour;
- b) supporting any employee or individual who, in good faith, reports a potential violation of the Policy;
- c) contacting a Decision-Maker for guidance and advice to address the matter(s) as appropriate in the circumstances, and cooperating during the facilitation of an Informal Resolution process, during Investigations, and/or in the implementation of Interim Measures, and/or sanctions;
- d) completing all required training and ensuring that the people they are supervising are trained appropriately on the Policy; and
- e) being aware of their roles and responsibilities as set out in the *Occupational Health and Safety Act* with respect to workplace harassment and violence.

Employees

Employees are required to complete initial and periodic refresher training in violence and harassment prevention.

All Employees are responsible for contributing to and maintaining an environment that is free of Discrimination and Harassment, and for participating in education and training programs offered on these topics.

In accordance with the *Occupational Health and Safety Act*, all employees of the Theatre shall report any incident of workplace harassment and/or workplace violence to their supervisor or to a Decision-Maker.

Contractors and Volunteers

All Contractors and Volunteers are responsible for contributing to and maintaining an environment that is free of Discrimination and Harassment, and for participating in education and training programs offered on these topics.

Theatre Passe Muraille

Joint Health and Safety Committee Review

August 24, 2023