

SAINT JOHN THEATRE COMPANY ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

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PURPOSE

The Saint John Theatre Company ("SJTC") expects that its employees, volunteers, board members, guest artists, contractors and rental clients will at all times conduct themselves in an appropriate, professional and respectful manner while engaged in any work or activity associated with the SJTC. The SJTC is committed to maintaining an environment that is free from discrimination, harassment and inappropriate sexual behaviour.

SJTC productions and workshops may involve relationships between and amongst cast members, directors or choreographers that are intense or intimate in nature. SJTC cast members, directors and choreographers are required to treat such relationships professionally and respectfully at all times.

SJTC productions and workshops may involve circumstances, such as the sharing of dressing rooms or back-stage changes, where it is not always possible to ensure complete privacy amongst performers and production crew. SJTC employees, volunteers and guest artists are expected to approach such occasions in a professional manner and shall respect the privacy of other performers, volunteers and guest artists to the extent permitted in the circumstances.

SJTC expects that its employees, volunteers, board members, guest artists, contractors and rental clients will create and maintain an environment that is free from discrimination or harassment, including sexual harassment. To fulfill this commitment, the SJTC has adopted a policy and practices which prohibits discrimination and harassment, including sexual harassment. SJTC shall impose consequences on any SJTC employee, volunteer, board member, guest artist or contractor who is found to have engaged in discrimination or harassment or sexual harassment, up to and including dismissal for cause in the case of employees, guest artists or contractors, expulsion from the SJTC in the case of volunteers or board members, and immediate termination of rental agreements without recourse in the case of rental clients.

Should the SJTC reasonably believe that any person associated with SJTC has engaged in any behaviour which is or could be a violation of the Criminal Code of Canada, or any other penal statute, the SJTC shall notify the appropriate police service of such behaviour. Where the lawfulness of any conduct is unclear, the SJTC may obtain an independent legal opinion if necessary.

The Artistic Director shall ensure that information setting out the rights and obligations of anyone affected by this policy is posted online and in a conspicuous place on the premises of SJTC and shall also ensure that notice of the right to make a complaint, and the process for doing so, is also posted in a conspicuous place. The Artistic Director will make this policy available to anyone inside or outside of the organization who wishes to learn more about the anti-discrimination and anti-harassment policies and practices of the SJTC.

All members of the SJTC shall be made aware of this policy and required to acknowledge its force and effect when agreeing to, among other things, volunteer, perform with, or be employed by the SJTC. This policy shall be raised at all initial cast and production meetings of performances

All third parties entering into contracts for the use of SJTC facilities shall be made aware of this policy and required to acknowledge its force and effect.

This policy is subject to ongoing review and evaluation and may be amended from time to time.

DEFINITIONS

DISCRIMINATION includes discrimination as defined in the New Brunswick Human Rights Act, and, for greater certainty, also includes any words, whether written or verbal, or actions,

- that exclude, or have the effect of excluding, any person;
- that deny, or have the effect of denying, equal access to any person;
- that are based on stereotyping of any person or group; or
- that demean, humiliate or offend any person or group;

on the basis of their gender, gender identity, sexual orientation, race, colour, religion, national origin, ethnic origin, ancestry, place of origin, age, physical disability, mental disability or marital status.

HARASSMENT includes any conduct or comment that is known, or ought to be known, to be offensive, intimidating, humiliating, or hurtful. Harassment may happen once or be repeated, continuous or persistent. Harassment may take various forms, but may include:

- unwelcome remarks, jokes, innuendoes or taunts, particularly ones that are discriminatory or would tend to be disrespectful or demeaning of a person or group based on their personal or group characteristics (stereotyping);
- electronic or printed material or literature that are discriminatory, promote discrimination or would tend to be disrespectful or demeaning of a person or group based on their personal or group characteristics;
- verbal abuse, threats or intimidation;
- refusal to work or converse with a person based on a prohibited ground of discrimination or for any other improper purpose;
- imitation of a person's accent or mannerisms;
- mocking a person's appearance or abilities;
- any physical, unwanted touching up to and including assault.

Harassment does not include appropriate direction, evaluation, appraisal or discipline by a supervisor, manager or person in a position of authority.

SEXUAL HARASSMENT includes sexual harassment as defined by the New Brunswick Human Rights Act, and for greater certainty, also includes any unwanted conduct, comment, gesture or contact of a sexual nature that is known or ought to be known, to be offensive or humiliating. Sexual harassment may happen once or be repeated, continuous or persistent. Sexual harassment takes various forms, but may include:

- conduct, comments, gestures or contact that constitutes, or may constitute, sexual assault under the Criminal Code of Canada;
- unwelcome touching, rubbing, patting, pinching, caressing or kissing;
- requests for a sexual favour, particularly requests or suggestions made by a person in authority that place, or reasonably appear to place, a condition of a sexual nature on employment, advancement or on an opportunity for training, promotion, bonus or financial reward, or on a volunteer opportunity (abuse of authority);
- hostility or bullying of a sexual nature, including creeping or stalking in person or online;
- sexist or dirty jokes that are embarrassing, humiliating or offensive;
- leering (suggestive staring);
- sexually derogatory or degrading remarks directed toward members of one sex, sexual orientation or gender identity;
- unwelcome inquiries or comments about a person's sex life, including comments or innuendo with respect to a past, or implied, sexual relationship between the speaker and the subject of the comments;
- unwelcome sexual flirtation, advances or propositions;
- printed or electronic material containing images or text of a pornographic, sexually suggestive, explicit or offensive nature; or
- persistent unwanted contact or attention after the end of a consensual relationship.

PROHIBITIONS

PROHIBITION ON DISCRIMINATION – No employee, volunteer, board member, guest artist, contractor or rental client shall discriminate against any other person while engaged in any work, including voluntary work, with, for, on behalf of, or in connection with the SJTC or while in attendance at any rehearsal, performance, event, or social occasion connected or associated with the SJTC, whether on SJTC premises or otherwise.

PROHIBITION ON HARASSMENT – No employee, volunteer, board member, guest artist, contractor or rental client shall harass any other person while engaged in any work, including voluntary work, with, for, on behalf of, or in connection with the SJTC or while in attendance at any rehearsal, performance, event, or social occasion connected or associated with the SJTC, whether on SJTC premises or otherwise.

PROHIBITION ON SEXUAL HARASSMENT – No employee, volunteer, board member, guest artist, contractor or rental client shall sexually harass any other person while engaged in any work, including voluntary work, with, for, on behalf of, or in connection with the SJTC, or while in attendance at any rehearsal, performance, event, or social occasion connected or associated with the SJTC, whether on SJTC premises or otherwise.

PENALTY

Any employee, guest artist or contractor who violates any of the prohibitions set out in this policy, or violates this policy in any way, including breaching confidentiality or refusing to cooperate in any investigation, shall face discipline up to and including termination for just cause.

Any volunteer or board member who violates any of the prohibitions set out in this policy, or violates this policy in any way, including breaching confidentiality or refusing to cooperate in any investigation, shall face a penalty up to and including expulsion from the SJTC.

VEXATIOUS, FRIVOLOUS OR MALICIOUS COMPLAINTS – No person shall make any complaint that is frivolous, vexatious or is brought for any ulterior or malicious reason.

RETALIATION – No employee, volunteer, board member, guest artist, contractor or rental client, shall retaliate against any person who makes a complaint of discrimination or harassment or any person who cooperates or participates in an investigation. It shall not be considered retaliatory where discipline or expulsion is imposed against any person who is found to have made a frivolous or vexations complaint or to have brought a complaint for any ulterior or malicious reason.

SJTC may terminate without notice the rental contract of any rental client who violates any of the prohibitions set out in this policy, or violates this policy in any way, including breaching confidentiality or refusing to cooperate in any investigation, and the rental client shall have no claim against the SJTC for any loss or damage suffered as a result of such termination.

MAKING A COMPLAINT

SJTC encourages reporting of incidents of discrimination or harassment regardless of who the offender may be.

Any employee, volunteer, board member, guest artist, contractor or rental client who believes they are being discriminated against, harassed or sexually harassed by any person, should take the following steps:

- if comfortable, tell the person, at the time that the discriminatory or harassing behaviour occurs, or as soon as possible afterwards, preferably in the presence of a witness, that the behaviour is unwanted and inappropriate and ask that it stop;
- keep a written record or written notes of the discriminatory or harassing behaviour, including relevant dates, times and circumstances, along with the names of any witnesses;

REPORTING A COMPLAINT - Where the discriminatory or harassing behaviour does not stop, or where the subject of the behaviour is not comfortable confronting the offender, that person shall, either verbally or in writing and as soon as circumstances permit, report the behaviour to the Artistic Director or to any person designated by the Board to receive a complaint under this policy.

Where requested by the person to whom the discriminatory or harassing behaviour was reported, the complainant shall make a complaint in writing.

DESIGNATED INDIVIDUALS

Any complaint of discriminatory or harassing behaviour should be made to the Artistic Director. Where the Artistic Director is the subject of the complaint, or where for any other reason the complainant is uncomfortable making the complaint to the Artistic Director, the complaint shall be made to the Board President or any other person that the Board of Directors may designate from time to time (the "Board Designee").

Where any person (for instance, a stage manager, director, etc.) receives a complaint, that person is responsible for bringing the complaint to the attention of the Artistic Director, the Board President or Board Designee as soon as possible after receiving the complaint.

Every employee, volunteer, board member, guest artist, contractor or rental client, who experiences, witnesses or learns that any person has engaged in any behaviour which may violate this policy, must bring such behaviour to the attention of any person designated by this policy or by the Board to receive a complaint under this policy as soon as circumstances permit.

Every employee, volunteer, board member, guest artist, contractor or rental client, has an obligation to cooperate in any investigation started pursuant to this policy, including delivering any documents requested by the person charged with investigating a complaint. Failure to cooperate in an investigation shall be considered a violation of this policy, and such individual may be disciplined up to and including termination or expulsion from the SJTC.

Every employee, volunteer, board member, guest artist, contractor or rental client shall keep all information pertaining to a complaint or an investigation confidential. Failure to maintain confidentiality shall be considered a violation of this policy, and such individual may be disciplined up to and including termination or expulsion from the SJTC.

Any person in receipt of a complaint shall maintain confidentiality over the information received from the complainant, the respondent and any witnesses. No information concerning a complaint shall be shared with the Board of Directors, except to the extent necessary for the Board to take appropriate disciplinary action where the complaint is determined to be valid and founded.

The Artistic Director and/or Board Designee is authorized to seek independent advice from any relevant human resource or legal professional, where appropriate and necessary, with respect to the processing of complaints or any other aspect of this policy.

PROCESSING A COMPLAINT

The Artistic Director, the Board President or the Board Designee, as the case may be, shall be responsible for investigating the complaint. The Board of Directors may appoint an independent investigator who shall be responsible for investigating the complaint.

Any person charged with investigating the complaint is hereinafter referred to as the "Investigator".

The Investigation should begin within five business days of the receipt of the complaint and the investigation should be concluded in a timely manner. If the investigation is not completed within 30 days of receipt of the complaint, the investigator shall notify the parties of the reason for the delay.

The Investigator shall keep the complaint, the identities of the complainant, the person complained against and any witnesses, and any information obtained during the investigation, in confidence unless disclosure is necessary to aid in the investigation or to take disciplinary action.

The Investigator will notify the person who is the subject of the complaint (the "Respondent"), in writing, that a complaint has been made. This notice shall summarize the complaint and advise the Respondent as to the investigation process.

The Investigator may suggest to the parties that the dispute be mediated, and the parties may request that the dispute be mediated at any time.

The Respondent will be provided with an opportunity to respond to the complaint, in writing, within 10 days of receiving notice of the complaint from the Investigator.

The Investigator will interview, separately, the complainant, the Respondent and any witnesses identified by the parties, to collect facts and information relevant to the complaint and the Investigator may request documents be provided by any person.

The Investigator will prepare a report setting out a summary of the allegations, the response and the information learned from witnesses and documents and a decision, on a balance of probabilities, as to whether a breach of this policy did occur. The report shall remain confidential and shall not be disclosed to the parties or to any other person, with the exception of the Board of Directors where necessary to consider appropriate discipline or penalty.

In the event the complaint is substantiated, in whole or in part:

- the Artistic Director, or where the Respondent is the Artistic Director, the Board of Directors, shall consider and decide the appropriate discipline or penalty to be imposed upon the Respondent;
- the Artistic Director or the Board President, as appropriate, shall notify the person who has been found to have violated this policy of the results of the investigation and the penalty or discipline imposed; and
- the Artistic Director or the Board President, as appropriate, shall notify the complainant that the complaint has been substantiated, in whole or in part, but the complainant has no right to be informed of the penalty or discipline imposed on the Respondent.

In the event the complaint is not substantiated, the Artistic Director or the Board President, as appropriate, shall report this finding to the complainant in writing. If the Investigator concludes that the complaint was frivolous, vexatious or was brought for any ulterior or malicious reason, the Artistic Director or Board President, as appropriate, shall determine and notify the complainant of the penalty or discipline to be imposed upon the complainant.

MEDIATION

In the event the parties agree to participate in mediation, mediation will be voluntary and confidential. The investigation will be placed in abeyance pending the outcome of the mediation.

In the event that the parties are unable to settle the dispute, the mediator will so notify the Investigator who shall then continue with the investigation.

The mediator will be a member of the Board of Directors agreed upon by both parties. The mediator will not be involved in investigating the complaint or determining a penalty or discipline, if any.

TRAINING

The SJTC shall implement a training program with respect to this policy for each employee, and shall maintain a record of that training.

ANNUAL REVIEW

The SJTC shall review this policy on an annual basis to monitor any change in conditions in the workplace that may affect the provisions of this policy, and will adopt such changes as the SJTC determines are necessary to address such circumstances.