

# **CAPITOL THEATRE HERITAGE FOUNDATION**

## **Policy Against Discrimination, Workplace Harassment and Workplace Violence** **("Policy")**

### **1. Commitment**

Capitol Theatre Heritage Foundation (the "Capitol Theatre") has zero tolerance for discrimination, workplace harassment and workplace violence. The Capitol Theatre is committed to:

- (a) providing a work environment that is safe, respectful and free from workplace discrimination, workplace harassment and workplace violence; and
- (b) preventing, identifying and correcting conduct that would result or has resulted in discrimination, workplace harassment and workplace violence.

### **2. Application of Policy**

This Policy applies to all workers, as defined below. In this Policy, a Capitol Theatre workplace includes all places where Capitol Theatre business occurs. This includes all Capitol Theatre buildings and surrounding perimeter including parking lots, sidewalks, and driveways, Capitol Theatre vehicles, Capitol Theatre-sponsored functions and recreational or social events, whether taking place on Capitol Theatre property or elsewhere and travel for Capitol Theatre business. This Policy also applies outside of working hours, through electronic communications and on social media, where there is a nexus to the Capitol Theatre workplace.

All individuals to whom this Policy applies are required to uphold this Policy and to work together to prevent workplace violence and to report any incident that may or reasonably be expected to amount to workplace violence, domestic violence, workplace harassment or discrimination. A "worker" is defined in the *Occupational Health and Safety Act* and this Policy as including a person who performs work or supplies services for monetary consideration. For the purposes of this Policy, the term "worker" is extended to include all members of the Board of Directors ("Directors"), employees, volunteers and persons who may come into any Capitol Theatre workplace including actors, visitors and patrons.

Workers are expected at all times to treat one another and the public with dignity, civility, respect and hospitality; to act with honesty, integrity and professionalism; and to conduct themselves in a manner that is in the best traditions of the Capitol Theatre, reflects positively on our public image and fully supports our mission and mandate.

### **3. Workplace Violence**

Workplace violence is defined in the *Occupational Health and Safety Act* and this Policy as follows:

- 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; or
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in the workplace, that could cause physical injury to the worker.

Violent behaviour in the workplace is unacceptable from anyone and is an occupational health and safety concern that the Capitol Theatre is committed to preventing and remedying. The Capitol Theatre will take whatever steps are reasonable to protect its workers from workplace violence from all sources.

### ***Domestic Violence***

If the Capitol Theatre becomes aware that domestic violence would likely expose a worker to physical injury in the workplace, it will take every precaution reasonable in the circumstances for the protection of its workers.

Workers will be informed by the General Manager about persons they may encounter in the workplace who have a history of violence and who pose a risk of physical injury in the workplace.

### ***Assessment of Workplace Violence***

As often as is necessary but at least annually, the Capitol Theatre will assess the risks of workplace violence, which will include the consideration of circumstances that would be common to similar workplaces and circumstances specific to the Capitol Theatre's workplace, and any other prescribed element required by law. The Capitol Theatre will reassess the risks of workplace violence as often as is necessary and at least annually.

The risk assessment will identify areas that are of particular concern. The Capitol Theatre will implement measures to control the risks and limit opportunities for violence identified in the risk assessment. Measures may include increased security protocols, implementing additional policies and procedures and providing training to all employees and other persons specified by the President or the General Manager with respect to this Policy.

The Capitol Theatre will take every precaution reasonable in the circumstances to protect a worker when becoming aware that domestic violence will likely expose a worker to physical injury in the workplace. This may require consideration of additional security measures at the workplace, notifying certain personnel within the workplace of the risk, provision of assistance, other physical or administrative measures and procedures to protect the individual worker or other workers.

The Capitol Theatre's health and safety representative(s) will be advised of any incident of workplace violence by the President or General Manager and the annual assessment of the risks of workplace violence.

Workers have the right to refuse work if they have a reason to believe they are in danger from workplace violence.

**IF YOU ARE THE VICTIM OF OR A WITNESS TO AN INCIDENT OF WORKPLACE VIOLENCE, YOU SHOULD CONTACT YOUR MANAGER/SUPERVISOR, THE GENERAL MAN-**

**AGER, THE PRESIDENT, ANY DIRECTOR OR BUILDING SECURITY IMMEDIATELY OR CALL 911.**

***Violence Risk Assessment***

Considering the type of work, conditions of work and the nature of the workplace, the risk of violence in the workplace is considered to be low.

***Controlling the Risks of Workplace Violence***

The PACT (Professional Association of Canadian Theatres) workplace physical environment is safe and the following measures are in place:

- The front door to the building is kept locked outside normal business hours. Keys or combinations are provided to selected personnel
- There is a security system that automatically turns on every night and shuts off each morning. It is tied in with the fire alarm system
- When 2 or more staff are working, all staff are working within earshot of each other when in the office area.
- There are building security measures in place after hours and on weekends when a key is needed to gain access to the building and to operate the elevators.
- Each office is equipped with a phone should any emergency arise and help is required.
- Emergency phone numbers to reach building staff are posted at the entrance to the office area; in each Green Room; in the Volunteers' Manual; at the sound booth in the Theatre; and at the Stage Manager's work station adjacent to the stage
- The area around the building is well lit and there is foot traffic on the street during the day and in the evening.

**4. Workplace Harassment**

Workplace harassment is defined in the *Occupational Health and Safety Act* and this Policy as follows:

- engaging in a course of vexatious comments or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome; or
- workplace sexual harassment.

Workplace harassment may or may not be based on a prohibited ground set out in Ontario's *Human Rights Code*. Harassment typically involves a pattern of comment or conduct that occurs over time. However, a single incident of a serious nature may be sufficient to constitute workplace harassment.

Workplace sexual harassment is defined in the *Occupational Health and Safety Act* and this Policy as follows:

- engaging in a course of vexatious comments or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expres-

sion, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

- 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual solicitation is an invitation or advance to participate in some form of sexual activity by a person in a position who has power to confer, grant or deny a benefit or advancement to the person being solicited, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

Examples of harassment include, but are not limited to:

- unwelcome remarks, jokes, name-calling or insults whether made verbally or in writing that are demeaning, degrading, embarrassing, or humiliating;
- the displaying of racist, sexist or otherwise offensive pictures, gestures or material;
- advances that are unwelcome or ought reasonably to be known to be unwelcome, including unwanted touching, flirtation, propositions, requests for sexual favour or other verbal or physical conduct of a sexual nature;
- a refusal to converse or work with an employee because of the person's racial or ethnic background, gender, sexual orientation or other personal characteristics;
- behaviour designed to intimidate, insult or berate;
- offensive or intimidating comments or jokes;
- bullying or aggressive behaviour;
- displaying or circulating offensive pictures or materials;
- inappropriate staring;
- workplace sexual harassment;
- isolating or making fun of a worker because of gender identity; or
- using the submission to or refusal to accept harassment as a basis for any employment decision including, but not limited to, matters of promotion, career progression, the type of work given, salary/wage increases, job security and benefits.

Differences of opinion and minor disagreements between co-workers are not workplace harassment.

Also, the reasonable exercise of management functions is not considered harassment for the purposes of this Policy. The reasonable exercise of management functions includes, but it is not limited to, giving reasonable instruction or supervisory direction to an employee, providing constructive criticism or counselling, enforcing workplace standards, taking corrective or disci-

iplinary action, or conducting performance appraisals.

## 5. Non-Discrimination

Discrimination is defined as any form of unequal treatment based on a ground of the Ontario *Human Rights Code*, as it may be amended in the future, which include but may not be limited to, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability (the “Prohibited Grounds”), that results in disadvantage, whether imposing extra burdens or denying benefits. It may be intentional or unintentional; direct or indirect; obvious or subtle.

It is a fundamental part of the Capitol Theatre’s philosophy that everyone should be treated with dignity and respect in the workplace. We are committed to providing a workplace that is free from discrimination, including:

- recruiting, employing, training, promoting and compensating persons for all job classifications without regard to any of the Prohibited Grounds of discrimination;
- basing employment decisions on an individual’s qualifications for the position being filled including an individual’s job performance, experience, abilities, skills, and interests, as related to the specific requirements of the position being filled; and
- providing reasonable accommodation as needed to promote the full employment of individuals with disabilities, so that qualified individuals with disabilities can participate equally in the workplace.

This Policy applies at every level of the Capitol Theatre and to every aspect of the work environment.

## 6. Roles of Workplace Parties

Everyone in the workplace must be dedicated to preventing workplace violence, harassment and discrimination. Workers (as defined on page 1) are expected to uphold this Policy, and will be held accountable by the Capitol Theatre.

Supervisors will adhere to this Policy and are responsible for ensuring that measures and procedures are followed by workers and that workers have the information and instruction to protect themselves.

Every worker must work in compliance with this Policy and the supporting program.

## 7. Incidents, Complaints and Investigation

All workers are encouraged to raise any concerns about workplace violence, harassment or discrimination to **their supervisor or the Capitol Theatre’s General Manager** and to immediately report any violent incidents or threats to **their supervisor or the Capitol Theatre’s General Manager** and/or the police as appropriate.

If comfortable doing so, a worker should advise the alleged perpetrator that the behaviour is unwelcome and should stop. If the worker is not comfortable speaking directly with the alleged perpetrator or if the discriminatory or harassing behaviour continues, the worker should make a complaint with **their supervisor** or the **Capitol Theatre's General Manager**.

If an alleged harasser or perpetrator is the employer or supervisor of the individual, the incident or complaint may be reported directly to the **Capitol Theatre's General Manager or the President**, if the subject of the incident or complaint is Capitol Theatre's General Manager. If neither the General Manager nor the President is available or if either or both is the subject of an incident or complaint, the incident or complaint should be reported to the Chair of the Human Resources Committee or to any Director.

All incidents and complaints reported under this Policy must be promptly reported by the General Manager, **to the President, the Chair of the Human Resources Committee or any other member of the Board if the subject of the incident or complaint is the President or the General Manager**. The Board, or such other persons authorized by the Board, shall determine who will investigate the incident or complaint and actions to be taken as a result of the investigation.

The Capitol Theatre may commence an investigation into any circumstances which it believes may constitute a violation of this Policy, notwithstanding that a complaint has not been made by an employee, a worker or other person. Workers must fully cooperate with any investigation.

The Capitol Theatre will investigate and deal with all incidents and complaints of workplace violence, harassment and/or discrimination in a timely and fair manner. Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or the incident, to take corrective action or as otherwise required by law.

A written report will be prepared on the findings of the investigation. The complainant and the respondent shall be advised of the results of the investigation in writing and shall include any corrective action that has been taken or that will be taken as a result of the investigation.

## **8. Investigation Procedure**

The Capitol Theatre will investigate all matters of workplace violence, discrimination and/or harassment or alleged violence, discrimination and/or harassment presented to them, as appropriate in the circumstances. The following guidelines may be used, where appropriate, to investigate an incident or complaint. Not all steps need be followed in every circumstance:

- (a) Where an individual raises a complaint, they must provide a written report of the incident including the following information:
  - (i) Name(s) of the complainant(s) and contact information;
  - (ii) Name of the alleged harasser(s), position and contact information (if known);
  - (iii) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known);

- (iv) Details of what happened including date(s), frequency and location(s) of the alleged incident(s);
  - (v) Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint; and
  - (vi) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.
- (b) Subjects of the investigation will generally be informed of the allegations at the outset of the investigation. If appropriate, the person named will have an opportunity to respond to the complaint or concern in writing, and that response or a summary thereof will be included in the final report of the investigation.
  - (c) At the conclusion of the investigation, the investigator(s) will prepare a written report summarizing the allegations and the investigation results and will forward the report to the President, the Chair of the Human Resources Committee or a Director, as appropriate. Based on the findings, the President or a Director, or the Board of Directors, as appropriate, shall determine whether the Policy has been violated and whether and to what extent there has been workplace violence, workplace harassment or discrimination.
  - (d) Upon completion of the matters described in paragraph (c) above, the Capitol Theatre may take corrective and disciplinary action, if appropriate, which may include, alone or in combination: requiring an apology; a warning or letter of reprimand; demotion; loss of merit increase; counselling; education and training; suspension with or without pay; and/or termination of employment. The investigation shall be deemed to have been completed on the date that the Capitol Theatre determines what action, if any, is to be taken with respect to the complaint.
  - (e) The complainant(s) and/or the person who allegedly experienced the workplace harassment will be informed in writing of the results of their complaint, including any corrective action taken, within 10 days of completion of the investigation.
  - (f) The Capitol Theatre may enlist employees and/or outside legal external experts or other advisors, as it deems appropriate, to assist in or conduct any investigation. The Capitol Theatre shall ensure that all reasonable efforts are made to protect the confidentiality of the complainant.
  - (g) All reports, complaints and investigations will be retained by the Capitol Theatre for the period required by law.
  - (h) All participants in an investigation shall keep the details and results of the investigation confidential except to the extent necessary to protect workers, to investigate the complaint or the incident, to take corrective action or as otherwise required by law.

## **9. Confidentiality**

The Capitol Theatre recognizes that individuals may find it difficult to come forward with a complaint under this Policy because of concerns of confidentiality. Therefore, all complaints con-

cerning workplace violence, discrimination, and/or harassment as well as the names of parties involved, shall be treated as confidential, subject to the requirements of a fair investigation and resolution process and except as required by law. The Capitol Theatre's obligation to conduct an investigation into the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel file of the complainant. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only on the file of the person who engaged in such conduct, in the same way as any other disciplinary action.

## **10. Violations of this Policy**

The Capitol Theatre will not tolerate discrimination or incidents of violence and harassment perpetrated against or by any worker (as defined on page 1) or any other person at a Capitol Theatre workplace or involved in Capitol Theatre business.

Disciplinary action for violations of this Policy with respect to acts of workplace violence, discrimination and/or harassment will take into consideration the nature and impact of the violation, and may include legal action, if law enforcement is required at the onset of the violation, a verbal or written reprimand, suspension (with or without pay), termination of employment for cause or other action as described in section 8(d) above. The Capitol Theatre may remove the perpetrator from a workplace by security or the police and/or report the conduct of any other person to their employer, supervisor and/or principal, any other person appropriate in the circumstances, and/or to the police.

## **11. No Reprisals**

This Policy prohibits reprisals against individuals, acting in good faith, who report or provide information about incidents of discrimination, workplace violence or workplace harassment. The Capitol Theatre will take reasonable and practical measures to prevent and respond to reprisals.

For the purposes of this Policy, reprisal includes:

- any act of retaliation that occurs because a person has complained of or provided information about an incident of discrimination, workplace violence or workplace harassment;
- intentionally pressuring a person to ignore or not report an incident of discrimination, workplace violence or harassment; and
- intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of discrimination, workplace violence or workplace harassment.

## **12. False Complaints**

Anyone who makes a false complaint or otherwise abuses this Policy or acts in bad faith may be disciplined up to and including dismissal from employment or the termination of the contract or engagement. Such discipline is not a reprisal or breach of this Policy.

### **13. Other Recourse**

The provisions of this Policy in no way affect the right of any person to exercise his or her rights under the *Occupational Health and Safety Act* or the *Ontario Human Rights Code*, within the time limits specified by the applicable legislation.

### **14. Training**

All Board members, workers, employees, volunteers and such other persons as the President may deem advisable will be provided with information on the application of this Policy.

### **15. Annual Review**

This Policy, at the prompting of the Chair of the Human Resource Committee, or his or her designate, shall be reviewed at least annually.

**APPROVED BY THE BOARD OF DIRECTORS ON MAY 30, 2018**

## **ACKNOWLEDGEMENT**

### **Policy Against Discrimination, Workplace Harassment and Workplace Violence**

By my signature below, I acknowledge that I have received a copy of Capitol Theatre Heritage Foundation's Policy Against Discrimination, Workplace Harassment and Workplace Violence ("Policy")

I agree to read the Policy thoroughly and further agree that if there is any part of the Policy that I do not understand, I will seek clarification from an authorized representative of Capitol theatre Heritage Foundation.

I understand and agree that I am bound by the Policy and that any breach of the Policy will lead to disciplinary action up to termination of employment or my engagement.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_