



### **CODE OF CONDUCT**

*Clay and Paper Theatre is committed to providing an environment that is free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.*

Under the Ontario Human Rights Code, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned, or ignored at Clay and Paper Theatre.

Clay and Paper Theatre is committed to a comprehensive strategy to address harassment and discrimination, including:

- regularly monitoring organizational systems for barriers relating to Code grounds
- providing an effective and fair complaints procedure
- promoting appropriate standards of conduct at all times

### **ANTI-HARASSMENT, BULLYING, AND NON-DISCRIMINATION POLICY**

The objectives of this policy are to make sure that artists, employees, participants, apprentices, interns, co-op students, board members, volunteers, audience members and other community stakeholders of Clay and Paper Theatre are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization, as well as being a violation of the law.

### **ROLES AND RESPONSIBILITIES**

All persons working or associating with Clay and Paper Theatre are expected to uphold and abide by this policy, by refraining from any form of harassment, bullying, or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.

Artistic directors, associate artists, instructors, production leaders have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. Those within supervisory and leadership positions are responsible for creating and maintaining a harassment- and discrimination-free organization and should address potential problems before they become serious.

### **APPLICATION**

The right to freedom from discrimination and harassment extends to everyone working with Clay and Paper Theatre in any capacity, including all employees (full-time, part-time, temporary, casual



and contract staff), as well as board members, volunteers, co-op students, interns and apprentices. It is also unacceptable for members of Clay and Paper Theatre to engage in harassment or discrimination with others outside of Clay and Paper Theatre, including granters, funders, sponsors, audience members, community stakeholders or others with whom Clay and Paper Theatre has professional dealings, such as students, instructors, performers, engagers, rental companies, or service providers.

This policy applies at every level of the organization and to every aspect of the workplace environment and employment relationship.

This policy also applies to events that occur outside of the physical workplace such as during travel to performance/tour locations and company parties.

**This policy prohibits discrimination, bullying, or harassment based on such grounds as the following grounds, and any combination of these grounds:**

- Age
- Creed (religion)
- Pregnancy and breastfeeding
- Sexual orientation
- Gender identity
- Gender expression
- Family status
- Marital status
- Mental, physical, developmental, language or learning ability
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)
- Association or relationship with a person identified by one of the above grounds Any other similar grounds



### **Definitions:**

The following behaviour is prohibited:

**Discrimination:** means any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

**Harassment:** means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination.

Examples of harassment include:

- Epithets\*, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a Code-protected group
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment under the Code.

(\*An epithet is "a characterizing word or phrase accompanying or occurring in place of the name of a person or thing" or "a disparaging or abusive word or phrase." <https://www.merriam-webster.com/dictionary/epithet>)

**Sexual and gender-based harassment:** sexual harassment is a form of harassment that can include:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines his or her self respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendos about members of a specific gender



- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours.

**Sexual Solicitation:** this policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

**Poisoned environment:** a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

## PROCEDURE FOR REPORTING A COMPLAINT OR CONCERN

If you feel comfortable and it is safe to do so, you may attempt to correct the issue directly by informing a harasser or abuser that their behaviour is unacceptable and that it must stop immediately. Keep a record. Write down dates, times, any witnesses, what was said or done, when and by whom. Documentation is extremely important, especially if the harasser does not stop or if the issue requires a formal complaint.

If you are not comfortable communicating directly with the harasser or abuser, or if you have and the behaviour has continued or not been addressed, you are encouraged to submit a complaint to one or both *Artistic Directors*. Where appropriate, the *Artistic Director(s)* will consult with the *President of the Board of Directors*.

All situations in which the *Artistic Director(s)* has/have been named in a complaint will be dealt with directly by the *President of the Board of Directors in consultation with the Human Resources Committee*.



### *Right to Complain*

Individuals have the right to complain about situations they believe to be discriminatory or harassing in nature.

This policy prohibits reprisals against employees because they have complained or have provided information regarding a complaint. Alleged reprisals are subject to the same complaints procedures and penalties as complaints of discrimination.

### *Reporting a Complaint*

Although individuals may first choose to make a verbal complaint, a written summary of the incident will be required. Complaints should be reported as soon as possible. If the complaint is delayed beyond three months, the complainant should outline the reason for the delay in reporting the incident(s).

A letter of complaint should contain a brief account of the offensive incident(s), when it occurred, the person(s) involved and the names of witnesses, if any. The letter should be signed and dated by the complainant.

### *Investigation*

Within three working days (or a reasonable period of time) of receiving a complaint, the *Artistic Director(s)* and/or *President of the Board of Directors* must initiate the investigation process.

The investigation may include, but is not limited to, the following:

- further conversations with the complainant to gather information;
- gathering external third party information/verification; and
- contacting the accused to discuss the complaint

### *Settlement and Mediation*

With the consent of the complainant and the respondent, the investigator may attempt to mediate a settlement of a complaint at any point prior to or during an investigation.

Every effort will be made to reach a settlement satisfactory to the complainant and the respondent.

### *Confidentiality*

Information about complaints and incidents shall be kept confidential to the extent possible.

Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.



While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. Whenever possible, investigation reports are presented in a summary format without the names of witnesses.

All records of the investigation will be kept confidential.

#### *Final Decision*

The individual(s) who filed the complaint and those named in the complaint have the right to review and comment on the investigation findings with the *Artistic Director(s)* or the *President of the Board of Directors*.

#### *Remedy*

Once the investigation is completed, a response to a founded complaint could include, but not be limited to, the following:

- disciplinary action of the person responsible for the violence (if an employee)
- requirement to provide a formal apology
- facilitation of appropriate mediation or counselling for those involved
- suspension, termination, or removal of the individual or employee from their role or position
- discussion with the aggressor regarding expected and appropriate workplace behavior and responsibilities implementation of internal policies

#### **Physical or sexual abuse will automatically trigger disciplinary action.**

If the findings do not support the complaint, Clay and Paper Theatre might:

- make a recommendation for training or better communications; or
- If applicable, there will be a follow-up put in place to monitor the working relationship of the parties involved; or
- recommend that no further action is necessary.

It may be that no action is taken against the respondent, but there might be a need for some management or systemic activity.

A person who is found to have made a frivolous or vexatious complaint may be subject to disciplinary action.



*Timeframe*

Complaints should be reported within three months of the incident. If the report is made after three months, an explanation of the delay should accompany the complaint.

Complaints will be dealt with in a timely manner.

**Notwithstanding the above, in any extremely urgent and/or life-threatening situation in the workplace or theatre, particularly with regard to serious violence, the most important and immediate concern is the safety and well-being of the affected person. If there is imminent danger to a person's safety, police, fire department or paramedics should be called.**

*Records*

When remedial action requires discipline of an employee, a record of the disciplinary action will be placed on an individual's personnel file. All other records of the investigation will be kept separate and apart from the personnel file.

*Ontario Human Rights Commission*

This internal procedure is available to individuals to resolve complaints of discrimination. Parties also have recourse to the Ontario Human Rights Commission, however, once a grievance is filed with OHRC, the internal procedure is not an option.

**This form and referenced code do not supersede an individual's right to pursue a police report and or investigation, or legal counsel.**