

CANADA'S ROYAL WINNIPEG BALLET



RESPECTFUL WORKPLACE POLICY

CREATED MAY 2021

VERSION 1.0

TABLE OF CONTENTS

1. PURPOSE	1
2. SCOPE	1
3. CANADIAN CODE OF CONDUCT FOR THE PERFORMING ARTS	1
4. DEFINITIONS	2
Complainant	2
Discrimination	2
Disrespectful Behaviour	2
Disruptive Conflict	2
Harassment	3
Personal Harassment “Bullying”	3
Misconduct	3
Respondent	3
Sexual Harassment	3
Workplace Violence	4
5. RESPONSIBILITIES	4
5.1 Management Responsibilities	4
5.2 Employee and Volunteer Responsibilities	4
5.3 People Services Responsibilities	5
6. POLICY VIOLATIONS	5
7. PREVENTION OF MISCONDUCT	5
8. CONFIDENTIALITY	5
9. NO INTERFERENCE OR RETALIATION	6
10. FALSE ALLEGATIONS	6
11. APPLICATION LIMITATION	6
12. RECORD KEEPING	6
13. REVIEW AND UPDATES	6
14. OTHER AVENUES	6
15. EMPLOYEE ASSISTANCE PROGRAM (EAP)	6

16. REPORTING..... 7

- 16.1 Anonymous Complaints of Misconduct..... 7
- 16.2 Reporting Harassment and Discrimination 7
- 16.3 Reporting Workplace Violence 7
- 16.4 Reporting Other Misconduct..... 7

17. RESOLUTION GUIDELINES..... 7

- 17.1 Direct Preventative Action 7
- 17.2 Informal Resolution Process..... 8
- 17.3 Formal Resolution Process 8
- 17.4 Responding to Formal Complaints 8
- 17.5 Investigation Procedures 9

18. CONFLICT OF INTEREST 9

1. PURPOSE

The Royal Winnipeg Ballet (“RWB”) is committed to providing an environment in which every employee has the right to work in a safe, healthy and respectful environment that sustains well-being and is free from harassment, objectional conduct, discrimination, violence, bullying, disrespectful behavior and disruptive conflict. Employees are expected to respect the individual qualities, characteristics and differences of others which requires mutual respect, cooperation and understanding. Any form of Misconduct will not be tolerated in the workplace.

The RWB complies with the Manitoba Human Rights Code and the Workplace Safety and Health Act.

2. SCOPE

This Policy applies to anyone interacting within the RWB workplace, in and on all RWB premises and at any RWB sanctioned event. Misconduct can occur in places outside the physical workplace, such as:

- Work-related travel and touring
- Performance venues
- Employment-related off-site and/or social functions
- Conferences and training workshops
- RWB sponsored events
- Online via Social Media platforms
- Other locations such as private residences if there are real or implied consequences to the workplace

3. CANADIAN CODE OF CONDUCT FOR THE PERFORMING ARTS

The RWB believes that every RWB stakeholder should expect the following:

- A work environment that encourages the creative process, provides transparent communication and promotes mutual respect from everyone involved.
- A workplace free from harassment, discrimination, bullying and violence in all forms.
- When harassment, discrimination or violence takes place, empowerment to speak out, report abuses in good faith, expect thorough, timely investigations and appropriate measures and/or consequences.
- Expect those they work with to recognize the personal and physical boundaries of others.
- Never to have to be alone with individuals who make them uncomfortable or who threaten their safety.
- Never be forced to conduct work in non-professional environments in which they may feel uncomfortable or at personal risk, such as but not limited to private hotel rooms, vehicles or homes.
- Rehearsals and performances involving culturally-specific content will be conducted with advance consultation, care, sensitivity, and respect.
- Rehearsals and performances involving sensitive material – including intimacy, nudity, violence, or sexual content – will be conducted with the utmost care, advance consent and respect
- If required to engage in any form of physical contact—such as but not limited to dancers, actors, and choreographers – ensure that the contact is consensual and expect to be able to speak out against any touch to which they do not consent.

4. DEFINITIONS

COMPLAINANT

The person who has initiated the complaint and/or the identified person to whom the alleged offense has been committed.

DISCRIMINATION

Defined by *The Human Rights Code* of Manitoba (**Human Rights Code**) as the differential treatment of an individual or group on the basis of a protected characteristic under human rights legislation, rather than on the basis of personal merit. Protected characteristics include:

- a) Ancestry, including colour and perceived race;
- b) Nationality or national origin;
- c) Ethnic background or origin;
- d) Religion or creed, or religious belief, religious association or activity;
- e) Sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy or circumstances related to pregnancy;
- f) Sexual orientation;
- g) Gender-identity;
- h) Age;
- i) Marital or family status;
- j) Source of income;
- k) Political belief, activities or associations;
- l) Physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair or any other remedial appliance or device; and
- m) Social disadvantage.

Discrimination also includes the failure to make reasonable accommodation for the special needs of any individual or group, if those special needs are based upon any of the protected characteristics.

DISRESPECTFUL BEHAVIOUR

Conduct that lacks respect, is rude or impolite and that may reasonably be expected to cause offence in the workplace, either to a specific person or anyone witness to the comment or conduct. Certain forms are prohibited by legislation. Others are considered wrongful by adjudicators, arbitrators or the courts or simply inappropriate when weighed against accepted social norms.

DISRUPTIVE CONFLICT

Defined as an ongoing dispute or communication breakdown between two or more individuals that impacts the ability to work productively and cooperatively in the workplace.

HARASSMENT

Defined by *The Human Rights Code*, as a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any of the protected human rights characteristics. This includes conduct or comments that the person knew, or ought reasonably to have known, would be unwelcome and inappropriate or otherwise offensive to a person or a group of people and that have the effect of creating an intimidating, hostile, embarrassing, or offensive work environment.

Harassment is further defined under *The Workplace Safety and Health Amendment Act* as:

- a) Any vexatious behaviour in the form of hostile, inappropriate and unwanted conduct, verbal comments, actions or gestures that affects a worker's dignity or psychological or physical integrity and that results in a harmful workplace for the worker, or
- b) The improper use of the power or authority inherent in a person's position to endanger a worker's job, undermine the worker's job performance, threaten the economic livelihood of the worker or negatively interfere in any other way with the worker's career

IMPORTANT NOTE: Harassment is not reasonable action taken by management in the form of performance reviews, direction, counselling or discipline.

PERSONAL HARASSMENT – “BULLYING”

A form of harassment of objectionable and unwelcome comments or actions that excludes or isolates a person or group of people in the workplace. Behaviours are typically intended to intimidate, humiliate, offend, degrade or create a hostile environment.

MISCONDUCT

Any form of unsafe or unethical work practices, objectionable conduct or discrimination, harassment, violence, bullying, disrespectful behavior or disruptive conflict in the workplace.

RESPONDENT

The person against whom a complaint(s) is alleged.

SEXUAL HARASSMENT

Harassment of a sexual nature, defined under the Human Rights Code as a:

- series of objectionable and unwelcome sexual solicitations or advances; or
- sexual solicitation or advance made by a person who is in a position of authority, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

IMPORTANT NOTE: Sexual harassment does not include appropriate and proper touching as may be necessary during dance instruction, coaching or performance.

WORKPLACE VIOLENCE

The attempted or actual exercise of physical force against a person, and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person. Examples include but are not limited to:

- a) Causing or attempting to cause physical harm to another person;
- b) Threats of any nature, verbal, or electronic;
- c) Aggressive behaviour or statement that constitutes a reasonable fear of bodily harm to another person;
- d) Verbal assault, causing emotional duress;
- e) Intentional damage or destruction of property;
- f) Possession of an illegal weapon not intended for work or performance purposes while on RWB premises, or while conducting RWB work; and
- g) Disruptive behaviour that is not appropriate to the work environment (e.g. yelling).

5. RESPONSIBILITIES

Ensuring a safe, healthy and respectful environment is the responsibility of everyone. Within the RWB workplace, everyone is expected to set an example by modeling respectful behaviour.

5.1 MANAGEMENT RESPONSIBILITIES

- Lead by example and take reasonable measures to sustain a safe, healthy and respectful environment.
- Proactively take action against or report Misconduct appropriately, consistently and in a timely manner regardless if a formal complaint has been made or not.
- Abide by the provisions of RWB policies.
- Ensure awareness and compliance with this policy and any other legislation.
- When designated to do so, participate in training related to respectful workplace policies and procedures.
- As designated, assign investigators or conduct investigations, and work collaboratively with others involved.
- Maintain confidentiality to the extent possible under reasonable circumstances.
- Ensure no reprisal against anyone who has come forward and made a complaint in good faith.

5.2 EMPLOYEES

- Contribute to a positive and respectful environment, and not engage in Misconduct.
- When designated to do so, participate in training related to respectful workplace policies and procedures.
- Report any incidents of Misconduct, whether observed or experienced.
- Read, acknowledge, and comply with RWB policies and procedures.
- Be accountable for own actions.
- Cooperate with investigation procedures and maintain confidentiality if involved in the process.

5.3 PEOPLE SERVICES RESPONSIBILITIES

- Promote employee awareness of the policies, investigation and resolution procedures.
- Assist management in the consistent application of policies and guidelines.
- Consult with and provide advice to management on employee matters.
- Counsel affected employees on their rights and options.
- Receive concerns involving employees and ensure appropriate action is initiated.
- As designated, assign investigators or conduct investigations, and work collaboratively with others involved.

6. POLICY VIOLATIONS

Employees who experience or witness behaviours in violation of any of the provisions of this policy, including behaviours of interference or retaliation, are encouraged to address the situation through the process outlined. Disciplinary action, up to and including termination of employment may result depending on the nature and severity of each individual situation.

7. PREVENTION OF MISCONDUCT

The RWB is committed to ensuring, so far as reasonably practicable, that harassment does not occur within the workplace, and commits to the continuous development and maintenance of the following Misconduct prevention practices:

- Following consistent procedures for conducting employee screening prior to hiring;
- Developing and maintaining clear policies;
- Developing and maintaining clear and consistently applied guidelines for preventing, reporting, investigating and resolving non-compliance with policies;
- Requiring employees to read and sign-off on organizational policies;
- Employing reasonable security measures;
- Providing adequate avenues for individuals to seek assistance; and
- Providing training and information needed to sustain a safe, healthy and respectful workplace; reviewing and improving policies and guidelines as required.

8. CONFIDENTIALITY

Any reports of Misconduct, and subsequent investigations, will be kept confidential to the extent possible.

The RWB will not disclose the name of the Complainant, the Respondent, Witnesses, or the circumstances surrounding a complaint, including the investigation report, to anyone, except where disclosure is:

- Necessary for investigation;
- Necessary for disciplinary action;
- Provided for in our policies; or
- As required by law or external legal proceedings.

9. NO INTERFERENCE OR RETALIATION

The RWB will not tolerate interference with the right to bring forward a concern nor retaliation against any person who, in good faith:

- Reports acts of Misconduct
- Participates or cooperates in any investigation under this Policy
- Associates with a person who has invoked this Policy, participates or cooperates in an investigation

10. FALSE ALLEGATIONS

Should the RWB determine that any Complainant has knowingly made a false complaint, or that a complaint is frivolous, vindictive, vexatious or was made in bad faith, such actions may result in disciplinary action, up to and including termination of the Complainant's relationship with the RWB. Making a known false, frivolous or vexatious complaint is considered a serious disruption of the workplace, however, is not to be confused with situations where the facts are unclear or there is a lack of evidence to support the complaint.

11. APPLICATION LIMITATION

Reasonable conduct of any person in authority in respect to the management and direction of individuals in the workplace is not considered harassment or discrimination. Reasonable conduct includes but is not limited to setting reasonable work expectations, requests to perform work related duties and holding individuals accountable if expectations are not met.

12. RECORD KEEPING

Records of formal complaints and investigations relating to employees, including any and all oral or written information gathered, received, or compiled throughout the complaint resolution process shall be maintained in a secured file cabinet with People Services and/or if the complaint involves a student, with the School Advisory Committee. All formal investigation records shall remain on file for a reasonable time. Only official letters relating to disciplinary action will be maintained in personnel files.

13. REVIEW AND UPDATES

The RWB will monitor this Policy and will make revisions when and where required. This Policy will be reviewed, at minimum, every (1) year. Concerns with the Policy can be forwarded to the attention of the People Services or the Chief Operating Officer.

If investigations regarding Misconduct reveal inadequate preventative measures, the deficiency will be recorded, and policies and procedures will be updated within a reasonable time period and with reasonable consideration for preservation of the privacy of the complainant and respondent.

14. OTHER AVENUES

This Policy is not intended to discourage or prevent a Complainant from exercising other legal rights, actions or remedies that may be available under any other law. Anyone may have the right, subject to the provisions of the Human Rights Code, to file a complaint with the provincial Human Rights Commission. Furthermore, anyone has the right to file a complaint with the Police/RCMP or any other applicable legal or enforcement avenues.

15. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Where an employee has been subject to an act of Misconduct, in addition to filing a complaint, they are advised to consult their health care provider for treatment or referral for post-incident counselling, if appropriate. The RWB maintains an Employee Assistance Program (EAP), and details of the program are available through People Services.

16. REPORTING

16.1 ANONYMOUS COMPLAINTS

It is difficult to undertake an investigation of an anonymous complaint. However, when a potential problem is brought to the attention of People Services, it will be assessed. The potential problem will be investigated when appropriate and monitored to the extent of the information available. When necessary, steps will be taken to correct the situation.

16.2 REPORTING HARASSMENT AND DISCRIMINATION

Experienced or witnessed acts of Harassment or Discrimination must be promptly reported within a reasonable timeframe to People Services or the immediate Manager of the employee using the Misconduct Incident Report Form, see Appendix A. Delays in reporting inhibit the effectiveness of the investigation. However, due to the sensitivity of these concerns and the emotional toll such conduct may have on a person, the late reporting of complaints may not in itself preclude the RWB from taking action.

16.3 REPORTING WORKPLACE VIOLENCE

Incidents of workplace violence must be reported to People Services at the earliest possible time, preferably within 24 hours, using the Misconduct Incident Report Form. The Manager of the harmed employee and the Chief Executive Officer must be informed as soon as possible.

16.4 REPORTING OTHER MISCONDUCT

Incidents of other Misconduct must be reported to People Services, using the Misconduct Incident Report Form, at the earliest possible time, preferably within six (6) months of the most recent alleged incident, unless an alternate statutory limitation is applicable.

17. RESOLUTION GUIDELINES

There are three options that may be utilized to address concerns of Misconduct:

- a) Direct Preventative Action;
- b) Informal Resolution Process; or
- c) Formal Resolution Process.

The complainant may choose to pursue any of these options at any time and in any order.

17.1 DIRECT PREVENTATIVE ACTION

Anyone who experiences, or witnesses acts of Misconduct should first make it clearly known to the person(s) that their behavior or conduct is unwelcomed and request that it immediately stop. The individual may not realize that their behavior is in breach of policy, unwelcome and/or offensive. It is recommended that relevant details of the behaviour or conduct are documented utilizing the Misconduct Incident Report Form in the event that these details are required during the course of an investigation. Should support be required when speaking with the Respondent, support can be sought from People Services or a manager.

In situations of **workplace violence**, it may not be appropriate to engage in Direct Preventative Action. If there is an imminent risk, call 911. If there is no imminent risk, notify a manager, People Services and/or the Chief Executive Officer.

17.2 INFORMAL RESOLUTION PROCESS

If direct preventative action is difficult or inappropriate, or the unwelcomed behaviour or conduct continues after the person involved has been told to stop, the behaviour or conduct should be reported to a direct Manager or People Services. If the Manager is the Respondent, the Complainant may approach the next level of management.

An attempt will be made by the Manager of the employee to resolve the situation. Concerns will be addressed within five (5) business days. Informal Resolution Process options that may be considered include voluntary participation in one or more of the following:

- One-on-one discussions;
- Complainant/Respondent mediation led by People Services;
- Group Mediation/Conciliation: where People Services or a Third Party engages in broader reconciliation activities in order to rebuild relationships more widely affected by the conflict;
- Individual training solutions for the Respondent and/or Complainant;
- Group training solutions to address broader, systematic issues; or
- Implementation of new policies and procedures as required and/or reinforcement of policies.

If the Complainant finds that the Informal Resolution Process is unsuccessful, inappropriate or unacceptable, the Complainant has the right to proceed with the Formal Resolution Process.

17.3 FORMAL RESOLUTION PROCESS

A Complainant can proceed with the Formal Resolution Process at any time, including after attempts of Direct Preventative Action or the Informal Resolution Process. Receipt of the formal complaint will be acknowledged within 48 hours.

A formal complaint must be a written and signed letter supported by a completed Misconduct Incident Report Form and **submitted to People Services** in a sealed envelope. If the complaint involves People Services, the complaint must be submitted to the Chief Executive Officer (CEO).

17.4 RESPONDING TO FORMAL COMPLAINTS

Upon receipt of a complaint:

1. The complaint is reviewed along with any accompanying documentation.
2. A meeting with the Complainant may be required to clarify facts.
3. It will be determined if there is an immediate need or requirement to act or provide remedial relief to the complainant.
4. It will be determined if the incident warrants an investigation.
 - a. If an investigation is not warranted the Informal Resolution Process may be utilized. Decisions not to investigate will be documented, retained and secured by People Services. The Complainant will be notified of the decision not to investigate and the intended actions, if any.
 - b. If an investigation is required, an appropriate investigator will be determined, the Complainant and Respondent will be provided with written notification from the recipient of the formal complaint.

17.5 INVESTIGATION PROCEDURES

Investigations of formal complaints will attempted be done within ten (10) business days from when the written complaint is received. If it is not reasonably possible to do so, the Complainant and the Respondent will be advised of the realistic timeline for completion. At any time during the investigation the Complainant may make request to withdraw their complaint; however, the RWB may still proceed with an investigation.

1. The Complainant is interviewed.
2. The Respondent is interviewed and may be asked to respond to the complaint in writing, which may be shared with the Complainant.
3. Witnesses or anyone who may be able to provide pertinent information may be interviewed.
4. Upon completion of the investigation, a written report will be prepared and provided to People Services, or the Board Chair if a complaint is against the Chief Executive Officer. The report will be retained in accordance with Section 12.
5. The Complainant and Respondent are informed of the outcome of the investigation along with any corrective action or remedies.
6. Investigations involving incidents of violence, and following receipt of the results of the investigation, the RWB Safety, Health and Wellness Committee will be consulted to consider control measures or safe work procedures that may be required to eliminate or control future risks of violence.
7. If the complaint is unsubstantiated
 - a. No record will be kept in the personnel file of the Respondent.
 - b. No record of the complaint, investigation or decision will be kept in the personnel file of the Complainant, if the complaint was made in good faith.
8. Where the Complainant or Respondent finds that the Formal Resolution Process is unsuccessful, inappropriate or unacceptable, the Complainant or Respondent may proceed in submitting a formal complaint to the Chair of the Board. The written appeal/complaint must be received within thirty (30) days of being informed of the investigation outcome.

18. CONFLICT OF INTEREST

Investigators are expected to act objectively and disclose potential conflicts of interest if they are not able to maintain impartiality. If it is determined that there is a conflict, then an alternate investigator will be assigned. If an investigator fails to disclose a potential conflict of interest, they may face disciplinary action up to and including termination of employment.