



# Policy for the prevention of harassment in the workplace

## 1. Objectives

This policy affirms the Quebec Drama Federation's (QDF) commitment to prevent and put a stop to any situation of psychological or sexual harassment within the organization, including any form of discriminatory harassment. This policy also establishes processes to be followed

when a harassment complaint is filed, or when a situation of harassment is reported to QDF or its representatives.

QDF believes that all workers are entitled to a work environment that upholds their dignity, fosters respect, and is free of harassment and discrimination. QDF commits to upholding the values of anti-oppression, anti-racism, Trans and queer inclusivity, disability justice, body-neutrality, and decolonial values, both with the implementation of this policy and as part of its work culture.

## 2. Scope

This policy applies to all QDF staff and board members, at all hierarchical levels. This includes the organization's leadership, senior management, full-time employees, temporary and part-time employees, and student employees. The policy also applies to contractors working with QDF.

The policy applies notably in the following places and contexts:

- workplaces;
- common areas;
- any other place where employees or directors are required to carry out the duties of their position (e.g. meetings, trainings, travel, workshops, events, or social activities organized by the employer);
- communications by any means, technological/digital or other.

Incidents that occur outside QDF's offices, on social media, during the course of remote work activities, at shows, and/or outside of normal working hours may constitute workplace harassment under the scope of this policy.

Behaviours from venue staff, suppliers, vendors, contractors, volunteers, event attendees, members of the broader theatre community, and/or members of the public may also constitute workplace harassment under the scope of this policy.

### 3. Definition

The Act respecting Labour Standards (ALS) defines psychological harassment as follows:<sup>1</sup>

any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.

This definition includes discriminatory harassment linked to grounds that are protected in the Quebec Charter of Rights and Freedoms:<sup>2</sup>

- race
- colour
- sex
- gender identity or expression
- pregnancy
- sexual orientation
- civil status
- age except as provided by law
- religion
- political convictions
- language
- ethnic or national origin
- social condition
- a handicap or the use of any means to palliate a handicap

<sup>1</sup> CNESST - Act respecting labour standards, section 81.18.

<https://www.cnt.gouv.qc.ca/en/interpretation-guide/part-i/act-respecting-labour-standards/labour-standards-sect-391-to-97/psychological-harassment-sect-8118-to-8120/8118/index.html>. Consulted August 10, 2020

<sup>2</sup> Quebec Charter of Human Rights and Freedoms, chapter C-12.

<http://www.legisquebec.gouv.qc.ca/en/showdoc/cs/C-12>. Consulted August 12, 2020 \_\_\_\_\_ Initials

QDF Policy for the prevention of harassment in the workplace 2

Under the ALS, behaviour must meet all of the following criteria to qualify as

harassment:<sup>3</sup> **Vexatious behaviour**

The behaviour is humiliating, offensive or abusive for the person on the receiving end. It injures the person's self-esteem and causes anguish. It exceeds what a reasonable person considers appropriate within the context of their work.

**Repetitive in nature, or one single serious action**

Considered on its own, a verbal comment, a gesture or a behaviour may seem innocent. It is the accumulation or all of these behaviours which may become harassment. However, a single serious action can constitute psychological harassment if it has a lasting, harmful effect.

**Verbal comments, gestures or behaviours that are hostile or unwanted**

The comments, gestures or behaviours in question must be considered hostile or unwanted. If they are sexual in nature, they could be considered harassment even if the victim did not clearly express that they were unwelcome.

**Affect the person's dignity or integrity**

Psychological harassment has a negative effect on the person. The victim may feel put down, belittled, denigrated, both at the personal and professional levels. The physical health of the harassed person may also suffer.

<sup>3</sup> From CNESST, Psychological or Sexual Harassment.

<https://www.cnt.gouv.qc.ca/en/in-case-of/psychological-or-sexual-harassment/index.html>.

Consulted August 10, 2020

## QDF Policy for the prevention of harassment in the workplace 3

### **Harmful work environment**

Psychological harassment makes the work environment harmful for the victim. Harassed persons may, for example, be isolated from colleagues due to the hostile verbal comments, acts or behaviours directed towards or concerning them.

Behaviour may be considered harassment regardless of the harasser's intentions, if its impact meets the criteria outlined above.

Behaviour that meets the criteria for harassment may appear neutral to some, or take place in subtle ways, such as through microaggressions.

As an example, the following behaviours (without limitation) could be considered harassment if they meet the above criteria:

#### Psychological harassment:

- bullying, cyberbullying, threats, isolation;
- offensive or defamatory remarks or gestures towards a person or their work;
- verbal violence;
- denigration or disparagement.

#### Sexual harassment:

- any form of unwanted attention or advances with a sexual connotation, e.g.:
  - insistent solicitation,
  - looks, kisses or touches,
  - sexist insults, foul language;
- comments, jokes or images with a sexual connotation shared by any means, technological or otherwise.

#### Discriminatory harassment:

- humiliating, demeaning, or ridiculing a person based on their membership in a protected grounds group, or based on characteristics related to a protected ground ● making racist, derogatory, or offensive jokes or remarks
- posting or circulating offensive materials, pictures, or language
- shunning someone because of their membership in a protected grounds group, or because of a characteristic related to a protected ground
- actions that stem from unconscious bias or systemic discrimination

The concept of harassment should be distinguished from other situations like interpersonal conflict, work-related stress, difficult professional constraints, or the normal exercise of management rights (managing attendance or presence at work, organization

of work,

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QDF Policy for the prevention of harassment in the workplace 4  
disciplinary measures, assessment and evaluation, etc.). This conduct may have unpleasant effects, but it does not necessarily constitute workplace harassment. However, workplace harassment may be present in these situations if they involve behaviour that meets the criteria provided above.

## 4. Policy statement

QDF does not tolerate or permit any form of psychological or sexual harassment within the organization, whether it is:

- by managers towards employees;
- by directors of the board towards employees;
- by employees towards their superiors, or towards directors of the board;
- by contract workers to employees or board members;
- by employees or board members towards contract workers;
- between colleagues;
- from any person associated with QDF, including members, event attendees, community partners, representatives, clients, suppliers, visitors, volunteers, or others towards an employee, board member, or contractor within a work environment.

Any behaviour constituting harassment may result in disciplinary measures, up to and including termination or any other appropriate responses, e.g. reprimand, suspension, demotion, termination of relationship with QDF, exclusion from future activities, etc.

QDF commits to taking reasonable measures to:

- offer a work environment free from all forms of harassment in order to protect the dignity, psychological and physical integrity of individuals;
- make this policy accessible to those it covers, by:
  - posting it in physical and digital common spaces (e.g. the QDF office common area, general Slack channel, etc.)
  - emailing it to staff, board, and contractors;
  - posting it on the QDF website
- prevent or, depending on the situation, put a stop to situations of harassment by:
  - establishing a procedure to deal with complaints and reports of harassment (see [section 6 - Treatment of complaints and reports](#));
  - ensuring that this policy is understood and respected by all individuals;
  - promoting respect between individuals;
  - making best efforts to offer anti-harassment training for employees and board members;

#### QDF Policy for the prevention of harassment in the workplace 5

- ensuring individuals designated to receive complaints or reports of harassment are trained and supported to fulfill their obligations under this policy;
- reviewing this policy annually to evaluate and adjust it as necessary

## 5. Expectations of individuals

Preventing workplace harassment is a shared obligation. It is the responsibility of each individual covered by this policy to behave in a way that maintains an environment free of psychological and sexual harassment.

Everyone covered by this policy is expected to:

- refrain from behaviour that could reasonably be interpreted as a violation of this policy;
- respect individuals in the course of their work;
- participate in investigations and other procedures put in place by QDF to prevent and stop harassment

Specific roles and responsibilities:

Managers and senior employees

- make employees aware of their rights and responsibilities under this policy; ● provide training and support for those covered by the policy to fulfill their obligations; ● provide training and support for the contact persons designated by QDF to receive complaints and reports of harassment;
- proactively identify risk factors, with the collaboration of board and staff;
- determine and monitor prevention and risk management measures;
- whenever possible and appropriate, intervene informally to resolve situations before they escalate;
- determine or recommend measures to be taken as a result of intervention, including disciplinary action

Person responsible for receiving reports/complaints

- receive complaints or reports on behalf of QDF;
- inform staff about company policy;
- inform the people concerned of their rights and the organizations and resources that can support them;
- decide, following a complaint or a report, on the interventions to be carried out, or recommend such interventions;
- appoint an internal or external mediator or investigator as needed

## QDF Policy for the prevention of harassment in the workplace 6 HR Committee

- support board and staff in maintaining a work environment free from harassment; • support management in assessing risk factors for harassment, including major changes that impact working conditions or workplace culture;
- advise on disciplinary measures resulting from incidents of harassment; • recommend and support restorative actions following incidents of harassment; • collaborate with the Advocacy Committee to review the policy annually and/or following incidents of harassment, and update as needed

## Advocacy Committee

- monitor changing obligations, resources, and realities relating to workplace harassment
- collaborate with the HR Committee to review the policy annually and/or following incidents of harassment, and update as needed

## 6. Treatment of complaints and reports

Whenever possible, a person who believes they are experiencing psychological or sexual harassment should first inform the other party that the behaviour is unwanted and that it should stop immediately. They should also write down the date and details of this and other associated incidents, as well as any steps taken to try to resolve the situation.

If this first intervention is not possible, or if the harassment continues, the person should report the situation to one of the responsible persons designated by QDF in order to identify the problematic behaviour and the means required to deal with the situation.

A complaint can be made verbally or in writing. The behaviour involved and details of the incident(s) should be described in as much detail as possible, so that an intervention can be carried out quickly and appropriately to stop the behaviour.

Witnesses to a situation of harassment are encouraged to intervene to stop harassment if safe and appropriate, and to engage in dialogue with the target of harassment around their needs. If the witness is a manager or executive, they must report incidents of harassment to QDF.

QDF recognizes the importance of minimizing police involvement in conflict resolution, and understands that there are other forms of justice beyond punitive actions. Without consent of the complainant, the police should be contacted only if there is an imminent and serious discernible threat including an exact action, time, and place.

QDF Policy for the prevention of harassment in the workplace 7  
The responsible persons designated by QDF are:

Patrick Lloyd Brennan, Managing Director  
[md@quebecdrama.org](mailto:md@quebecdrama.org)  
915 - 460 Sainte-Catherine O., Montreal  
(514) 875-8698

Gabe Maharjan, QDF Board of Directors, Member at Large and Advocacy Committee  
Chair [gabemaharjan@gmail.com](mailto:gabemaharjan@gmail.com)  
(514) 586-5231

If a person is not comfortable reporting the incident to either of the responsible persons above, they may contact a member of the Board of Directors Executive Committee (President, Vice-President, Treasurer, or Secretary) to request that a third party be designated to receive the complaint or report, by emailing [executive@quebecdrama.org](mailto:executive@quebecdrama.org). The Executive Board members are listed on QDF's website under [Governance](#).

More information about the roles and responsibilities of the designated responsible persons is available in [Appendix 1](#).

Anyone who needs further external support following an incident of harassment is encouraged to consult this [list of support available for Montreal survivors](#).

## 7. Principles of intervention

QDF is legally obligated to act on complaints and reports of harassment. This may include acting on informal disclosures of behaviour that may constitute harassment, and may result in an investigation involving the person experiencing the behaviour, the alleged harasser, and witnesses.

QDF commits to:

- deal with the complaint or report as soon as possible;
- preserve the dignity and privacy of all those involved (complainant, alleged harasser, and witnesses);
- ensure that all those involved are treated with humanity, fairness, and objectivity and that they are offered adequate support;



- protect the confidentiality of the intervention process, notably information related to the complaint or report. All information pertaining to the incident or complaint, and any

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QDF Policy for the prevention of harassment in the workplace 8

resulting investigation, will be kept confidential and not discussed unless required by the investigation or otherwise by law;

- offer to hold a meeting with those involved, with their consent, in order to try to resolve the situation;
- conduct, if necessary, an investigation without delay and in an objective manner, or to entrust this responsibility to an external investigator. Those involved will be informed about the conclusion and results of the investigation. If the investigation does not establish whether unacceptable behaviour has taken place, all physical evidence will be kept for two years and then destroyed;
- take all reasonable steps to resolve the situation, including appropriate disciplinary measures up to and including termination, e.g. reprimand, suspension, demotion, termination of relationship with QDF, exclusion from future activities, etc.

As a first step, QDF will consult the complainant about their needs. If an investigation is to be carried out, QDF will consult the Investigation Process outlined on p. 34 of the [CHRC HR Management Toolkit Workplace Harassment and Violence guide](#) as a baseline for its investigation procedures, ensuring they are adapted as appropriate.

All parties involved in an investigation should refrain from discussing the investigation in order to preserve confidentiality. Given that QDF is a small organization in a small community, complete anonymity may not be possible in all situations, especially in cases that result in termination or absence from events.

Anyone who violates this policy will be subject to appropriate disciplinary measures. The choice of the measure to be applied will take into account the seriousness and consequences of the behaviour, as well as the previous record of the person who committed it.

Anyone who makes false accusations with the intention of causing harm is also subject to appropriate disciplinary measures.

In the course of dealing with and resolving a situation related to workplace harassment, no one will be subject to prejudice or reprisals by QDF. Any person who commits or threatens reprisal against someone for following this policy in good faith may be subject to appropriate disciplinary measures, up to and including termination, e.g. reprimand, suspension, demotion, termination of relationship with QDF, exclusion from future activities, etc.

Non-unionized people who believe they have experienced psychological or sexual harassment related to their work can also file a complaint at any time directly with the

Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST). The complaint must be filed within two (2) years of the date when the harassment last occurred. The complaint can be

\_\_\_\_\_ Initials

QDF Policy for the prevention of harassment in the workplace 9  
filed [online at this link](#) or by phone at 1 844 838 0808. Filing an internal complaint with QDF does not prevent the complainant from submitting a complaint to CNESST as well.

\_\_\_\_\_ Employee/Contractor signature

\_\_\_\_\_ Witness signature \_\_\_\_\_ Date

## Appendix 1 - Responsible persons designated by the employer

### QDF

- will ensure that the designated responsible persons will be duly trained and have the necessary tools at their disposal to process and follow up on the complaint or report; ●
- will commit to in-depth anti-harassment and/or anti-discrimination training for these delegates and whoever replaces them if they transition out of the role;
- will free up working time so that the designated responsible persons can perform the duties assigned to them under this policy;

The following person is designated to act as those responsible as described above:

Gabe Maharjan, QDF Board of Directors, Advocacy Committee Chair  
[gabemaharjan@gmail.com](mailto:gabemaharjan@gmail.com)  
(514) 586-5231

These responsible persons must mainly:


- inform staff, board, and contractors about the organization's policy on psychological or sexual harassment;
- intervene informally to try to resolve situations;
- receive complaints and reports;
- recommend actions to be taken to put an end to the harassment.

If a person is not comfortable reporting the incident to either of the responsible persons above, they may contact a member of the Board of Directors Executive Committee (President, Vice-President, Treasurer, or Secretary) to request that a third party be designated to receive the complaint or report, by emailing [executive@quebecdrama.org](mailto:executive@quebecdrama.org). The Executive Board members are listed on QDF's website under [Governance](#).

Commitment of responsible persons

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QDF Policy for the prevention of harassment in the workplace 11  
I hereby declare my commitment to abide by this policy, and I assure that my intervention will be impartial, respectful and confidential.

 (signature) Gabe Maharjan (name)

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