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Volcano Non-Profit Productions Inc.

Workspace Anti-Harassment and Anti-Violence Policy

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Andrew Adridge
Emilie Aubin
Tatanniq Idlout
Erika Morey
Natasha Adiyana Morris
Andrea Nann
Ross Manson
Meredith Potter
Steven Smits
Abigail Whitney
Melissa Williams

Volcano Non-Profit Productions Inc.
Charitable No: 898194972 RR0001
401 Richmond Street West #350
Toronto ON M5V 3A8 Canada
416 205 0266 | info@volcano.ca | volcano.ca

Staff
Ray Bramble, General Manager
Ross Manson, Artistic Director
Marissa Trott, Communications Manager

Board of Directors
Andrew Adridge | Sidhartha Goyal
Matthew Lella | Isabelle Ly | Yanna McIntosh
Constance Wansbrough (Chair)
Melissa Williams

Volcano Non-Profit Productions Inc.

Workspace Anti-Harassment and Anti-Violence Policy

This policy should be read in conjunction with your Room Agreement, as well as Volcano's Anti-Racism Policy.

Volcano's mission is to nurture the emergence of ideas and art-making through collaboration across intersectional identities, varied artistic practices, and borders of all kinds, in service of a future built on justice and well-being. To achieve this, we will center well-being, care, equity, diversity, inclusion, anti-racism, and collaborative creativity. Robust Workspace Safety policies are foundational to this mission.

Volcano is committed to providing a work environment in which everyone is treated with respect and dignity. Workspace Harassment and Violence will not be tolerated from any person in the Workspace. This policy includes measures and procedures to first and foremost prevent Workspace Harassment and Violence from taking place; but also includes measures to protect Workers, a means of summoning immediate assistance for violent incidents, and graduated conflict resolution options for Workers to raise concerns, including a formal complaint and external investigation process. This policy is trauma-informed, and aspires to promote resolution, accountability, and healing for all parties involved.

Definitions

Workers are defined as Volcano **employees, independent contractors, Board members, volunteers, and workshop participants.**

The definition of a **Workspace for Volcano** is any land, premises, location, or thing at, upon, in or near which a Worker works, including online social platforms and digital communication channels such as email, text, or workgroup spaces. For Volcano, this includes (but is not limited to) the office, rehearsal hall, theatre venue, event space, telephone calls, Facebook, Twitter, Instagram, volcano.ca, blogs, and Zoom / Teams meetings.

Definition of the parties to a Disclosure or Report: **Person A** refers to the person who has experienced the act/s of harassment and/or violence; and **Person B** is the person who allegedly inflicted the act/s of harassment and/or violence upon Person A. In legal terms, Person A is the Complainant, and Person B is the Respondent.

Workspace harassment means engaging in a course of vexatious (troublesome/disagreeable/ tormenting) comment or conduct against a Worker in a Workspace that is known - or ought reasonably to be known - to be unwelcome. Volcano recognizes 11 forms of harassment as outlined in Appendix A, and this policy is applicable to all forms listed.

Additionally, under Ontario's Occupational Health and Safety Act, **Workspace sexual harassment** is defined as:

- a) engaging in a course of vexatious comment or conduct against a Worker in a Workspace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) 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.

Criminal Harassment is covered by the Canadian Criminal Code and defined in Appendix A.

Reasonable actions taken by managers, team leaders (for example directors, choreographers, instructors), or supervisors relating to the management and direction of Workers in the Workspace is not Workspace harassment.

Workspace Violence is defined in the Ontario Health and Safety Act as the exercise or attempted exercise of physical force by a person against a Worker, in a Workspace, that causes or 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 the Worker, in a Workspace, that could cause physical injury to the Worker.

Examples of Workspace Violence under this definition may include but are not limited to:

- Threatening behaviour – gestures that indicate threats of harm; body language or physical behaviours – such as punching a wall - that leave little doubt in the mind of the Person A that the Person B intends to cause physical injury, or seek to intimidate other Workers physically
- Verbal or written threats – any expression of intent to inflict physical force that could cause physical injury
- Physical attacks – including hitting, shoving, pushing, kicking, biting, pinching.

Reporting Managers are trained Workers within Volcano’s core team who - either individually or in teams - will steward a report from Person A through the prescribed steps laid out in the policy through to completion.

Disclosure versus filing a Report: Workers should feel free to confidentially disclose situations that make them uncomfortable without triggering formal consequences. A **Disclosure** is a confidential communication between Person A and a Reporting Manager that does not, by itself, lead to any prescribed course of action by the Reporting Manager or Volcano. Should Person A seek a formal response from Volcano, they should submit an **Incident Report** (see Appendix E for the Incident Reporting form) to a Reporting Manager, which is the only mechanism that will result in a formal conflict resolution process under this policy. Reporting Managers are obligated to treat Person A’s communications as strictly confidential until a Report is filed, and to seek Person A’s active and ongoing consent before sharing disclosed information with other Volcano staff.

Objectives of this Policy

If Workers have experienced harassment or violence during the course of their work with Volcano, they are encouraged to consult this policy and review the graduated conflict resolution options for discourse, mediation, and investigation, and the time frames associated with each level. The Reporting Managers listed in the policy are here to support Workers in the wake of an incident and help them to navigate the procedures listed in the policy.

Volcano’s Reporting Managers will facilitate the process with all complaints or incidents of Workspace Harassment and Violence in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect Workers, to investigate the complaint or incident, to take action, or as otherwise required by law.

- All Volcano Workers will adhere to this policy and be held responsible by the organization for not following it.
- Workers will not be penalized or disciplined for disclosing or reporting an incident, or for participating in an investigation involving Workspace harassment or violence.
- Future employment with Volcano will not be jeopardized as a result of reporting an incident of Workspace Harassment and Violence.

Signed on behalf of the Volcano Non-Profit Productions Inc. Board of Directors:

Constance Wansbrough Board President
Volcano Non-Profit Productions

Date

Workspace Harassment and Violence Prevention Program

1. Roles and Responsibilities: Workspace Harassment and Violence

Shared Responsibilities:

- To ensure the preservation of a productive, safe, and peaceful art-making environment.
- Everyone involved with Volcano shares a responsibility for creating and maintaining an environment free of Workspace Harassment and Violence.
- Every effort must be made to work toward the resolution of complaints by all those affected.
- Anyone who has harm inflicted upon them through Workspace Harassment and Violence (Person A) or a Worker who witnesses Workspace Harassment and Violence (Witness) is responsible for bringing it to the attention of one of the following **Reporting Managers:**

Ross Manson, Artistic Director – ross@volcano.ca

Ray Bramble, General Manager – ray@volcano.ca

Marissa Trott, Communications Manager – marissa@volcano.ca

Constance Wansbrough, Board Chair – connie@volcano.ca

Andrew Adridge, Board member – andrew@volcano.ca

It is the decision of Person A or the Witness to select the Reporting Manager/s (up to 2) with whom they would like to communicate and work with throughout the disclosure or reporting process.

Reporting Managers' Responsibilities

Reporting Managers who are selected by Person A to receive their Disclosure or Incident Report of Workspace Harassment or Violence are responsible for stewarding the complaint through the processes laid out in this policy. The selected Reporting Managers do not represent - nor advocate for - Person A or Person B. Reporting Managers are Volcano's representatives overseeing the process of resolving conflicts arising from Disclosures or Incident Reports of Workspace Harassment and Violence, and are the people to whom any questions or concerns regarding the process or its progress should be directed by Person A or Person B.

The Reporting Managers are responsible for ensuring:

- that they have Person A's active and ongoing consent before sharing disclosed information with any third party and throughout the disclosure, reporting and conflict resolution processes, to reinforce Person A's choice and agency in the process;

- that the conflict resolution method chosen by Person A is initiated, executed, and fully evaluated in a timely manner, following the timelines and deadlines laid out in this policy to the best of their ability;
- that Person A and Person B are kept informed of the progress of the process throughout its duration, as well as informed of any actions to be taken by Volcano arising from the conflict resolution process;
- that accurate records are kept of any Incident Report; the conflict resolution process; any further actions taken arising from the conflict resolution process; and any feedback received from either Person A or Person B on the process as a whole; and
- that confidentiality is maintained at a high standard, which includes requesting consent from Person A prior to sharing details of a Disclosure or Incident Report ~~with~~ other Reporting Managers to support the process; anonymizing Incident Reports of Workspace Harassment and Violence in any information shared with the Volcano Board; and anonymizing all records of Incident Reports 12 months after their conclusion. (The exception to this anonymization is in the case of Workers whose actions resulted in serious disciplinary action (eg. termination) and/or criminal conviction.)

Reporting Managers may also provide advice/opinion to Volcano's management regarding decisions on harm reduction (see Section 3 under Reporting) to Person A and/or Person B during the conflict resolution process.

Management Responsibilities

Ross Manson, Ray Bramble, and employed stage managers are responsible for understanding what constitutes violent behaviour and communicating to Volcano Workers that Workspace Harassment and Violence will not be condoned or ignored. Ross Manson and Ray Bramble will make every effort to prevent Workspace Harassment and Violence by:

- Communicating this policy and program to everyone who works with and for Volcano.
- Being role models with respect to appropriate conduct at work and promoting a non-violent Workspace.
- Assessing specific risks for each engagement and reviewing/revising the assessment as is necessary but at a minimum, annually.
- Implementing Workspace arrangements and appropriate procedures that minimize the risk of Workspace Harassment and Violence including Domestic Violence that may result in physical injury in the Workspace.
- Monitoring the effectiveness of this program and applicable procedures on an ongoing basis and recommending changes as required.
- Encouraging and providing opportunity for participation in education and training programs offered by third parties such as PACT, CAEA, TAPA, CHRC etc.
- Taking all complaints of Harassment and Violence seriously, and promptly and diligently following the procedures laid out in this policy.
- Implementing any follow-up actions as required by this policy (see Appendix D - Action Item List).
- Keeping detailed, confidential records (anonymized for Board and any other reporting purposes, then permanently anonymized 12 months after the complaint's conclusion) of any incidence of Workspace Harassment or Violence and any subsequent actions or investigations.

The Managers are also responsible for keeping the Volcano Board of Directors updated on new, active and recently resolved incidents, with Person A and Person B remaining anonymous throughout. In the case of a Disclosure, they must update the Board at the next scheduled Board meeting, In the case of an

Incident Report, the Board should be notified by Ross Manson or Ray Bramble via email, letting the Board know the reporting Manager/s who is/are stewarding the process; and Ross and Ray must then provide updates to the Board as the Conflict Resolution process proceeds (and eventually is concluded).

Worker Responsibilities

All Workers share the responsibility to create a Workspace that is free from Workspace Harassment and Violence. Workers are responsible for understanding what constitutes Workspace Harassment and Violence and conducting themselves in accordance with the spirit and intent of the policy. Worker responsibilities include:

- Being a role model with respect to appropriate conduct at work and promoting a safe and respectful Workspace.
- Providing input as requested to assess specific risks for their engagement/project with Volcano.
- Co-operating with the Reporting Managers in meeting the requirements of this program to investigate and resolve matters arising under the program. In co-operating, Workers may choose to engage representation in the matter.
- Abiding by the requirements of this policy and applicable procedures.
- Reporting any incidents of Workspace Harassment and Violence that have been experienced or witnessed in accordance with the applicable procedures. This includes Domestic Violence that may result in physical injury in the Workspace (see below).
- Participating in training as required.
- Seeking support and assistance from community services when experiencing stress or other personal difficulties that may contribute to Workspace Violence.

Domestic Violence

Volcano recognizes that a Worker experiencing domestic abuse may be reluctant for safety and other reasons to disclose the problem to a Reporting Manager. Although Volcano respects a Worker's need for confidentiality and self-determination, a Worker is responsible for disclosing any situation which threatens the safety of a Volcano Workspace. **A Worker therefore has an obligation under this policy to inform a Reporting Manager if they have received threats to the safety of the Workspace; or applied for - or obtained - a restraining order that lists a location used/rented by Volcano as being a protected area, or that requires a person to remain a certain distance away from the Worker at all times including during the workday.**

When Reporting Managers are notified of the potential of a Domestic Violence situation in the Workspace, they shall take specific steps to protect the individual Worker and co-Workers which may include accommodating the Worker in alternative work arrangements (schedule flexibility, changes in hours, transfer of location, etc.)

The obligation to take every precaution reasonable in the circumstances to protect a Worker from Domestic Violence may outweigh an individual's expectation of privacy. The privacy of the Worker must be balanced with ensuring the safety of others.

- Reporting Managers should treat the situation with the utmost confidentiality and communicate only to those who are required to know in protecting Workers from potential physical injury.
- Reporting Managers may collaborate (i.e. break confidentiality by sharing the information among Volcano's Reporting Managers cohort) if this is necessary to respond to a situation of Domestic Violence that may risk the safety of Workers in the Workspace.

2. Identifying Risk Factors for Workspace Harassment and Violence

All Workspaces must be assessed for risk factors pertaining to Workspace Harassment and Violence. Certain types of work or conditions can put Workers at higher risk from Workspace Harassment and Violence. The list below identifies some of the risk factors for Workspace Harassment and Violence:

- handling money or valuables
- mobile Workspaces - transporting passengers and/or touring shows
- direct contact with audience/participants with the likelihood of dealing with irate persons
- working alone or in small numbers

3. Workspace Harassment and Violence Risk Assessment

The overall responsibility for coordinating the risk assessment process shall rest with Ross Manson and Ray Bramble (the Managers), and shall be updated annually. The Risk Assessment will involve four steps as follows:

1. Internal Examination of Documentation
2. Solicit Input from Workers
3. Complete Workspace Harassment and Violence Risk Assessment
4. Annual Report on Workspace Harassment and Violence at the Volcano Annual General Meeting.

4. Training and Prevention

- All Workers will be provided with Volcano's Workspace Harassment and Violence policy.
- Based on the Workspace Risk Assessment, management may determine that the potential exposure to Workspace Harassment and Violence necessitates the need to develop specific skills and knowledge.
- Depending on the level of risk of Workspace Harassment and Violence, Worker training can range from reviewing relevant safety tips to scheduling classroom training or arranging for specialized training.
- Workers are required to enroll in the appropriate training course identified by their Manager, based on the results of the risk assessment for their job.

Reporting Workspace Harassment and Violence

1. Levels of Conflict Resolution, Subsequent Actions, and Timelines

Volcano values open and honest communication. Should Person A want to engage in dialogue with Person B about the incident, Volcano provides options for discourse to resolve the matter, including facilitated external mediation. If discourse fails or is not appropriate, an Incident Report Requiring External Investigation form may be lodged, which, with Person A's consent, would set in motion a process that would include the external investigator's findings.

The five levels of conflict resolution are:

A. Verbal Communication - Room Agreement Conflict Resolution Tools

Each project team working with Volcano works under a Room Agreement, which is emailed to every member of the group either by the Producer or Stage Manager or Team Leader. The Room Agreement captures: the values that the group would like to embody in its work with Volcano; a

set of communication protocols for well-being check-ins and group information sharing; practical tools and exercises that address issues that may arise such as interpersonal conflict or frustration with self and/or others in the work day; and other grievances regarding the workspace culture or reality. The first option for Person A to address harm that Person B has inflicted will be found in the Room Agreement tools, and assistance in navigating these can be requested from one of the leaders of the team (i.e. Director or Producer of the show, Artistic Director of the workshop) or a member of the Stage Management team if applicable.

B. Confidential Disclosure to a Reporting Manager

Should Person A feel reticent about openly communicating concerns about a situation to team leaders as outlined in **(A.)**, they may approach any of the listed Reporting Managers to make a confidential Disclosure of their concerns. The Reporting Manager will then have responsibility for taking next steps based on the active and ongoing consent of Person A, strictly maintaining the confidentiality of Person A's Disclosure unless Person A consents to the sharing of information with other parties. The Reporting Manager also bears responsibility for responding promptly to communications from Person A. Should a Reporting Manager judge that they cannot address Person A's concerns without sharing information with another Reporting Manager, they may inform Person A of their inability to proceed and seek consent to share information confidentially with a second Reporting Manager.

C. Group Discourse with Reporting Managers

Person A can require a meeting with – or without - Person B and no fewer than 2 Reporting Managers to discuss the incident. This requirement by Person A does not have to be made in writing to the Reporting Managers, who will be responsible for scheduling the in-person or Zoom meeting with all parties within 2 days of the receiving the requirement from Person A. The aim of this discussion is to resolve the matter to the satisfaction of Person A and to provide support to both Person A and Person B. This level of reporting is for incidents that ~~would~~ not result in significant accommodations to separate Person A and Person B in their daily work, but may result in actions that support Person A's and Person B's well-being and mental health; and potentially provide further education to Person B in Workspace Harassment and Violence. Managers will file an anonymized report (via the Reporting Manager's Group Meeting Report Form) about the incident, the outcomes of the meeting, and any significant learnings from the process. If Person A does not have satisfactory resolution after this group meeting process has concluded, they may pursue alternate reporting methods.

D. External Mediation

Person A can require mediation between themselves and Person B with a third-party external mediator. This requirement will be made in writing via the Incident Report Requiring Mediation form (which can be filled out by Person A or by a Reporting Manager on behalf of Person A) and submitted to a Reporting Manager/s. It will be the responsibility of the Reporting Manager/s to select a Mediator who shall be approved by Person A and engaged within 7 days of receiving Person A's complaint. The Reporting Manager/s will be present at the mediation session/s only with the permission of Person A. The Mediator will provide a written report on the session/s to the Reporting Manager/s at the conclusion of the process, including the outcomes of the process and any recommendations for Person A and Person B continuing to work together, and any actions recommended for either Person A or Person B, such as further education/training, or access to therapy services to be provided by Volcano (for a limited time). If Person A does not have satisfactory resolution after the mediation process has concluded, they may submit an Incident Report Requiring External Investigation form.

E. Full External Investigation with Findings

Person A can require an external investigation of an incident of Workspace Harassment and Violence by filing an Incident Report Requiring Investigation. The process of this level of reporting is explained in detail in Section 5 below. It will be the responsibility of the Reporting Manager/s to select an investigator who shall be approved by Person A and – to the best of their ability – engaged within 7 days of receiving Person A’s complaint. The timeline of the subsequent investigation will aim to be completed, along with the delivery of the investigator’s findings in writing, within 14 days of commencing the investigation.

2. Complaints or Incidents that Pose an Immediate Risk of Physical Injury

Workers, a Reporting Manager, or Witnesses shall immediately call 911 police/emergency services if an incident or a complaint poses an immediate risk of physical injury, or if criminal harassment (see Appendix A) is in progress. If a Worker initiates contact with the police, the Worker shall notify a Reporting Manager immediately. In a situation where the police are contacted, no other investigation should proceed until the police complete their investigation. Volcano acknowledges there is risk posed by police officers in their treatment of racialized Workers and seeks to keep ALL Workers – whether identified as Person B or not – safe from racism and police brutality.

3. Harm Reduction Prior to and During an Investigation

Volcano’s management (Ross Manson and Ray Bramble) commits to immediately taking necessary action to reduce or eliminate continued harm after a Report has been made. This could take the form of reallocating rooms on tour; suspending a workshop; creating separate rehearsal rooms; or continuing to pay Person A, Person B, or both, but not requiring them to attend work while the complaint is addressed. Management’s decisions regarding harm reduction will be made in consultation with those involved, and may be informed by the Reporting Manager/s’ advice/opinion.

4. Timeliness of Reporting

An incident or a complaint of Workspace Harassment and Violence should be reported as soon as possible after experiencing or witnessing an incident, regardless of the method of conflict resolution. However, Person A is not limited in making ~~a report~~ an Incident Report once Person B is no longer working with Volcano. Person A’s complaint will be accepted by the Reporting Manager/s, and a response, which may or may not involve a conflict resolution process with Person B, may be initiated by Volcano.

5. How to File an Incident Report Requiring External Investigation

Person A can - either verbally or in writing - file a complaint of an incident of Workspace Harassment and/or Violence for which they require an external investigation. If submitted verbally, Person A’s elected Reporting Manager/s, in consultation with Person A, will create a written Report for the file using the Incident Report form

The Report of the incident should include the following information (with contact information for all Workers named in the complaint to be added post-submission by the Reporting Manager/s) :

- i. Name(s) of Person(s) A, and their position(s)
- ii. Name (s) of Person(s) B, and their position(s)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any)

- iv. Details - as many or as few as Person A is willing to give - of what happened, ideally including date(s), frequency and location(s) of the alleged incident(s) and:
 - a. Any supporting documents/evidence that Person A may have in their possession that is relevant to the complaint.
 - b. A list of any documents/evidence that a witness, or another person, or Person B may have in their possession that may be relevant to the complaint.

6. Person B is a Reporting Manager

If one of Volcano's Reporting Managers is named as Person B in a Report, Person A must elect at least **TWO** Reporting Managers for their complaint to ensure a high level of transparency and accountability from Volcano. Neither of the selected Reporting Managers can be under the direct supervision of Person B. If Person A is unsure about how to proceed with a complaint against a Person-B-Reporting-Manager, it is recommended that Person A elect at least one Reporting Manager who is also a Volcano Board member (i.e. Constance Wansbrough or Andrew Adridge). Any Incident Report involving a Reporting-Manager as Person B will trigger an external investigation, conditional on consent from Person A.

7. External Investigation Process

Requirement to Investigate

Upon receipt of an Incident Report Requiring External Investigation, the Reporting Manager/s will engage an External Investigator from the list in Appendix B, subject to approval by Person A. Person A will not unreasonably withhold their approval.

Timing of the Investigation

The external investigator shall be engaged by the Reporting Manager/s on behalf of Volcano – to the best of their ability – within 7 days of receiving the complaint from Person A. The External Investigator shall be charged by Volcano to complete their investigation and provide a written report of their findings within 14 days of commencing the investigation.

Investigation Process

The external investigator will, at minimum, complete the following:

- i. Ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. Interview Person A, Person B, and any witnesses – Volcano Workers or otherwise - named in the complaint.
- iii. Communicate to Workers that they may choose to have representation present during interviews.
- iv. Collect and review any relevant documents.
- v. Take appropriate notes and statements during interviews with Person A, Person B, and witnesses.
- vi. Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of Person A, the response from Person B, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether Workspace Harassment and Violence was found or not.

Results of the Investigation

- i. Upon completion of the investigation, Person A and Person B will be advised, in writing, of the conclusions reached and whether any-action has been taken or will be taken as a result of the investigation.
- iii. Should the investigation substantiate the complaint, appropriate action will be taken, which may include (but not be limited to): a formal apology from Person B; a recommendation for counselling for those involved; mediation with both parties; Volcano management having discussions with Person B regarding expected and appropriate Workspace behaviour and responsibilities; and/or disciplinary action, up to and including termination. The final determination of an adequate resolution will be at discretion of Management, informed by consultation with Person A.
- iv. Either Person A or Person B may request a new investigation from the Reporting Manager. Volcano's Management will determine if a second investigation will go forward.
- v. Reports that are found to have been made dishonestly may result in Volcano taking action involving Person A. The insufficiency of evidence to prove a complaint does not mean that Person A's complaint was submitted in bad faith. A malicious or bad faith complaint means that a person has made a complaint knowing that it was untrue.
- vi. A copy of the Incident Report, and formal responses, witness statement(s), investigator's notes, and the final report (including the conclusion) shall be kept in a secure file, and 12 months after the conclusion of the complaint all names will be removed from the file so that the complaint and outcomes remain on file, but those Workers who were involved will henceforth be anonymous. The exception to this anonymization is in the case of Workers whose actions resulted in serious disciplinary action (eg. termination) or criminal conviction.

8. Confidentiality

Information about Incident Reports shall be kept confidential to the extent possible. Information obtained about an incident or complaint of Workspace Harassment and Violence, 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.

9. Worker Support Post-Incident

Workers who experience (or perpetrate) a traumatic incident of Workspace Harassment and Violence will be offered therapy services through Volcano for a limited time, and they may access additional community services, listed in Appendix C.

10. No Reprisal

Reports of Workspace Harassment and Violence are serious matters. This ~~program Policy~~ prohibits reprisals against Workers who have reported incidents or provided information regarding a complaint or incident. Workers who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workspace Harassment and Violence, including being overlooked for future employment/engagements.

- Intentionally pressuring a person to ignore or refrain from reporting an incident of Workspace Harassment and/or Violence.
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workspace Harassment and/or Violence.

11. Remedial Action and Prevention Plan

When a violent incident occurs it is important to review the safety protocols in place to ensure their effectiveness. Management shall:

- review the incident
- outline what corrective or remedial actions are necessary to prevent or minimize the impact of repeat occurrences
- identify new or previously undefined risks and reassess the risk assessment criteria
- review employee training and education programs and determine if they are adequate or if additional training should be provided.

12. Notice of an Injury as a Result of Workspace Violence

Management must inform the Volcano Board immediately in the event of an incident of Workspace Violence that results in injury or death. In addition, Management must complete the WSIB Form 7 - Employers Report of Injury/Disease, and submit to WSIB as soon as possible.

Types of Harassment

11 Types of Workspace Harassment

Adapted from: <https://i-sight.com/resources/11-types-of-Workspace-harassment-and-how-to-stop-them/>

1. Discriminatory Harassment

Racial Harassment

Racial harassment is discriminatory behaviour directed towards a person because of their race, skin color, ancestry, origin country or citizenship.

Even perceived attributes of a certain ethnicity (curly hair, accents, customs, beliefs or clothing) may be the cause. Racial harassment often looks like:

Racial slurs	Degrading comments
Racial insults	Disgust
Racial jokes	Intolerance of differences

Gender Harassment

Gender-based harassment is discriminatory behavior towards a person based on their gender identity or gender expression.

Heteronormative gender roles and negative gender stereotypes about how men and women should or do act are often the center of gender-based harassment. Some examples are:

- A male nurse faces harassment for having what is perceived as a woman's job
- A female banker hits the glass ceiling and taunted for not being "leader material"
- A male colleague displays material (comics, posters) that is degrading to women
- A non-binary person is referred to as "it" by a coworker
- A transgender man is referred to as "she" in an email

Religious Harassment

Religious harassment is often interconnected with racial harassment but narrows in specifically on the victim's religious beliefs.

An individual with a religion that differs from the "norm" of the company may face Workspace harassment or intolerance in a variety of ways:

Intolerance toward religious holidays	Cruel religious jokes
Intolerance toward religious traditions	Degrading stereotypical comments
Intolerance toward religious customs	Pressures to convert religions

Disability-Based Harassment

Disability-based harassment is a type of Workspace harassment directed towards individuals who either:

Suffer from a disability themselves
Are acquainted with a disabled person or people
Use disability services (sick leave or workers' comp)

A person with a disability may experience harassment in the form of harmful teasing, patronizing comments, refusals to reasonably accommodate or isolation.

Sexual Orientation-Based Harassment

Victims face harassment because their sexual orientation is different from those around them.

People of any sexual orientation (heterosexual, homosexual, bisexual, asexual, etc.) may experience this form of harassment depending on their line of work. For example, a homosexual man may face harassment on a construction site whereas a heterosexual man may be teased for working in a salon.

Age-Based Harassment

A person facing age-based harassment might be: teased and insulted; left out of activities or meetings; or unfairly criticized simply because of their age and the stereotypes that come with it. Unfortunately, this harassment is sometimes an attempt to wrongfully push the individual into early retirement.

2. Personal Harassment

Personal harassment is a form of Workspace harassment that's not based on one of the protected classes (such as race, gender or religion). Simply, it's bullying in its most basic form and it's not illegal but can be damaging nevertheless. Personal harassment includes:

- | | |
|------------------------|-----------------------|
| Inappropriate comments | Critical remarks |
| Offensive jokes | Ostracizing behaviors |
| Personal humiliation | Intimidation tactics |

Or any other behavior that creates an intimidating and offensive work environment for the victim.

3. Physical Harassment

Physical harassment, also often called Workspace violence, refers to a type of Workspace harassment that involves physical attacks or threats. In extreme cases, physical harassment may be classified as assault.

Physical gestures such as playful shoving can blur the line between appropriate or not since it's the person on the receiving end who decides whether the behavior makes them uncomfortable.

In order to more clearly define that line, physical harassment should be taken very seriously in the Workspace and explained thoroughly in codes of conduct and policies. Examples of Physical Harassment:

- Direct threats of intent to inflict harm
- Physical attacks (hitting, shoving, kicking)
- Threatening behavior (shaking fists angrily)
- Destroying property to intimidate

4. Power Harassment

Power harassment is a common form of Workspace harassment that's characterized by a power disparity between the harasser and the harassed. The harasser exercises their power by bullying a victim who is

lower on the office hierarchy. In many cases, the harasser is a supervisor or manager who victimizes their subordinates. In some cases, the harasser subjects the victim to:

- Excessive demands that are impossible to meet
- Demeaning demands far below the employee's capability
- Intrusion into the employee's personal life

5. Psychological Harassment

Psychological harassment has a negative impact on a person's psychological well-being. Victims of psychological harassment often feel put down and belittled on a personal level, a professional level or both. The damage to a victim's psychological well-being often creates a domino effect, impacting their physical health, social life and work life. Psychological harassment in the Workspace might look like:

- Isolating or denying the victim's presence
- Belittling or trivializing the victim's thoughts
- Discrediting or spreading rumors about the victim
- Opposing or challenging everything the victim says

6. Cyberbullying

Cyberbullying and online harassment are a serious concern for employers. Online bullies may:

- Share humiliating things about the victim by mass email or mass chat
- Spread lies or gossip about the victim on social media
- Send harassing instant messages or text messages directly to the victim

7. Retaliation

Retaliation harassment occurs when a person harasses someone else to get revenge and to prevent the victim from behaving in such a way again. This type of harassment typically has three parts:

- Employee A files a complaint about Employee B.
 - Employee B finds out about the complaint and who made it.
 - Employee B harasses Employee A to get revenge and deter them from filing further complaints.
- Employee B, in this case, would be harassing Employee A as retaliation.

8. Sexual Harassment

Sexual harassment is, simply, harassment that is sexual in nature and generally includes unwanted sexual advances, conduct or behavior. Sexual harassment in the Workspace is a form of unlawful discrimination and is taken seriously by the courts. Other types of harassment might take some time and increasing severity to create a hostile work environment for the victim, whereas sexual harassment typically brings about discomfort and negatively impacts the victims' life immediately. Examples of Sexual Harassment:

- | | |
|-------------------------------------|---|
| Sharing sexual photos (pornography) | Inappropriate sexual touching |
| Posting sexual posters | Inappropriate sexual gestures |
| Sexual comments, jokes, questions | Invading personal space in a sexual way |

9. Quid Pro Quo Sexual Harassment

If job benefits are offered to an employee on the condition that they partake in some form of sexual

conduct, it's typically referred to as quid pro quo sexual harassment. In this situation, the harasser, who is often a manager or senior-level employee, may offer something of value for a sexual favor. It can also be a form of blackmail. In exchange for romantic or sexual services, the victim may:

- | | |
|---------------------|-----------------------|
| Receive a job offer | Receive opportunities |
| Receive a promotion | Avoid a demotion |
| Receive a raise | Avoid termination |

Quid pro quo sexual harassment can be either explicit or implicit. The harasser may outright ask for the exchange or may hint at it ("Don't you want this job?").

11. Verbal Harassment

Verbal harassment can be the result of personality conflicts in the Workspace that have escalated beyond the casual eye roll to something more serious. Verbal harassment can be someone who's consistently mean or unpleasant. For this reason, a lot of verbal harassment can be particularly damaging since it goes unnoticed and unresolved. Obvious verbal harassment behaviors include things like threatening, yelling, insulting or cursing at a victim in public or in private.

CRIMINAL HARASSMENT

<https://www.crcvc.ca/docs/crimharass.pdf>

Introduction

Criminal harassment, more commonly known as stalking, can be defined as harassing behaviour including repeatedly following, communicating with or watching over one's dwelling home. This sort of behaviour is against the law. It is not a sign of love; it is about power and abuse.

Senator Donald Oliver describes stalking as "a horrific crime that is treated far too lightly by the police, prosecutors, lawyers and judges. Stalking is predatory in nature and plunges the victim into a world of fear and terror. We must protect the victim and society. A stalker's efforts to control and intimidate often escalate into violence."

The law

Canadian law makes criminal harassment an offence punishable by summary conviction or by indictment. This offence currently carries a maximum penalty of ten years in prison. Section 264. (1) of the Criminal Code specifies:

264. (1) Criminal harassment - No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonable, in all circumstances, to fear for their safety or the safety of anyone known to them.

(2) Prohibited conduct - The conduct mentioned in subsection (1) consists of repeatedly following from place to place the other person or anyone known to them;

- (a) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to

them, resides, works, carries on a business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of their family.

(3) Punishment - Every person who contravenes this section is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction.

Who are the victims?

Approximately 80% of the 4450 stalking victims in Canada in 1996 were women. Eighty eight percent of the persons accused of stalking in these cases were male (Bunge and Levett 1998, 8). There is also a strong link between stalking/criminal harassment and domestic violence. Fifty seven percent of stalkers are intimate partners or ex-intimate partners of the victims, and most women know their stalkers (METRAC 1998, 2).

This is not to say that only women are victims and only men commit criminal harassment. Both men and women can be victims of stalking. Also, it is important to note that both women and men can be stalkers.

Making matters worse, some victims of criminal harassment do not even realize that the behaviour of the person who is harassing them is considered criminal. The examples of common stalking behaviours below may help victims realize what they are experiencing is criminal harassment and allow them to seek help and support.

What behaviours comprise stalking?

Stalking can include a number of different behaviours intended to control and frighten the person being stalked. Most commonly, this can involve:

- repeated telephone calls (the caller may hang up or remain silent on the line) to your home, cell phone or Workspace in order to “track” your whereabouts
- repeated letters or stealing mail
- repeated emails [threatening or obscene e-mail or text messages; spamming (in which a stalker sends a victim a multitude of junk e-mail); live chat harassment called flaming; leaving improper messages on message boards or in guest books; sending electronic viruses; sending unsolicited e-mail; and electronic identity theft]
- sending unwanted gifts (flowers, candy, etc.)
- showing up uninvited at work or home
- following, watching, tracking
- threatening harm to the person being stalked, her family, friends, pets
- harassing her employer, colleagues or family
- vandalizing her car or home
- harming pets
- assault (physical, sexual, emotional)
- kidnapping, holding hostage

Appendix B

External Investigators

Canadian Government registry of Workplace Harassment and Violence Investigators:

<https://investigator-enqueteur.ccohs-cchst.ca/#/>

(25 firms and individuals are listed as active in Toronto)

Trauma-informed Workplace Investigators:

<https://instituteofworkplacebullyingresources.ca/abrc-recommended-workplace-investigators>

JMJ Workplace Investigation Law LLP

<https://www.workplace-investigation.ca/>

Hum Law Firm

<https://thehumlawfirm.ca/understanding-workplace-harassment-investigations-when-they-are-necessary-and-when-they-are-not/>

Monkhouse Law

<https://www.monkouselaw.com/workplace-investigations/>

Audrey Devlin

<https://investigator-enqueteur.ccohs-cchst.ca/resume/Audrey-Devlin.pdf>

Appendix C

Community Resources

- CAEA/PACT's Not in Our Space -
<https://www.caea.com/Features/Not-In-Our-Space>
- CAEA Haven Helpline: 1 855 201 7823
- *On-call therapist? For discussion between staff and Board. I do not have a suggestion of who that would be, other than paying for online counselling through a service such as Better Help. (betterhelp/com)*
- The Artists Health Centre at Toronto Western Hospital –
https://www.uhn.ca/Medicine/Clinics/Artists_Health_Centre

Appendix D

Action Item Checklist for Ongoing Monitoring:

1. Immediate training for all Reporting Managers
2. SM Prep Week Training program/checklist
3. Risk Assessment – Treemonisha
4. Risk Assessment – Volcano Overall
5. Risk Assessment – The Agreements
6. Risk Assessment – Inuktitut Waiting for Godot

HARASSMENT AND/OR VIOLENCE INCIDENT REPORT

1. My name is: _____

I understand that by filing this report, I am Person A as defined in Volcano’s Anti-Harassment and Anti-Violence Policy.

2. Person B is: _____

OR

Persons B are: _____

3. I elect the following Reporting Manager/s to manage my complaint:

- Ray Bramble, Volcano GM, Producer
- Ross Manson, Volcano AD
- Sheree Spencer, Producer
- Marissa Trott, Assistant Producer
- Constance Wansbrough, Vol. Board Chair
- Andrew Adridge, Volcano Board Member

4. I require Volcano to initiate:

Mediation between myself and Person/s B using an external mediator

OR

An external investigation of the incident.

I warrant that the information attached to this form is a true account of the incident.

Signature: _____

Date: _____

Details of the Complaint

Please provide - on pages you attach to this form - as much detail as possible about the incident(s) of harassment and/or violence, including:

- (a) the names of the parties involved;
- (b) any witnesses to the incident(s);
- (c) the location, date and time of the incident(s);
- (d) details about the incident(s) such as behaviour and/or words used, physical actions, and/or injuries caused; and
- (e) any additional details.

Relevant Documents/Evidence

Please attach any supporting documents, such as emails, handwritten notes, screen images, or photographs. Physical evidence, such as vandalized personal belongings or medical reports may also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents on your attached pages. If someone else has relevant documents in their possession, please note that as well.