



**Diversité artistique Montréal  
Psychological, Sexual, and Discriminatory  
Harassment Prevention Policy**





## 1) GOALS

This policy affirms the commitment that Diversité artistique Montréal (DAM) is making to guarantee a work environment and member services that are safe, pleasant, and free of psychological harassment and violence.

The policy aims to identify unacceptable behaviour, prevent, report, and stop any form of psychological harassment, whether it is sexual or discriminatory in nature, as well as any form of violence that may arise within the workplace. It also aims to mitigate risks in order to increase the protection of all individuals concerned.

Finally, the policy will establish the guiding principles that Diversité artistique Montréal (DAM) applies whenever a harassment complaint is filed or whenever an act of violence or harassment is reported.

## 2) SCOPE

This policy applies to the organization's entire team (i.e., Board members, Executive Director, collaborators, interns, volunteers, etc.) and members in the following areas and environments:

- ▶ Work environments;
- ▶ Common areas;
- ▶ Any other area where people are expected to take part in organization activities (e.g., meetings, training sessions, travel, social activities);
- ▶ Communications sent electronically or by any other means.

The Executive Director will implement the internal procedures necessary to honour the components of this policy.

## 3) DEFINITIONS

### **Volunteer**

A person who donates, willingly and without compensation, their time and skills to the service of Diversité artistique Montréal (DAM).

### **Civility**

Behaviour that contributes to maintaining the standards of mutual respect established in work and training environments. Such rules of conduct aim to uphold the well-being of all members of a community by ensuring that behaviour is respectful, collaborative, polite, courteous, and civil.

### **Collaborator or Employee**

A person who is paid for services tendered to Diversité artistique Montréal. This includes salaried employees, executive members, and independent workers.

### **Harassment**

The Act respecting labour standards defines psychological harassment as follows.

*Section 81.18 “[P]sychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an em-*

*ployee’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.*

*A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.*

Sexual harassment is therefore included in the definition of psychological harassment.

Repeated physical violence or aggressive behaviour is also harassment.

Additionally, the definition includes, but is not limited to, discriminatory harassment associated with one of the grounds set forth in the Quebec Charter of human rights and freedoms: 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.

### **Activity Locations**

All locations where training or work activities take place (e.g., offices, hallways, parking lots, washrooms, stairs) and any

other area where work-related or training activities take place (e.g., conference performances, meetings, business trips), either during or outside of regular business or training hours.

### **Person Being Accused**

A person whose alleged behaviour goes against this policy and which has been the subject of a complaint or report.

### **Complainant**

A person who files a complaint resulting from the application of this policy.

### **Reporting**

The act of reporting, verbally or otherwise, a problematic situation likely to constitute or on the way to being considered harassment.

The reporting is usually done by a person who feels uncomfortable or witnesses such a situation in an effort to get help, prevent the situation from worsening, or put an end to a situation that is considered problematic.

### **Witness**

An individual who has witnessed an event (a remark, gesture, situation, or event) and who is able to testify about or report what happened.

## 4) LEGISLATIVE FRAMEWORK

All DAM activities are governed by the law, including:

### *Charter of human rights and freedoms*

Section 10 Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on 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.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

No one may harass a person on the basis of any ground mentioned in section 10.

### *Act respecting labour standards*

Section 81.19 Every employee has a right to a work environment free from psychological harassment.

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it. They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature.

## 5) POLICY STATEMENT

### **Anti-Harassment**

Diversité artistique Montréal (DAM) has created a climate of understanding and mutual respect to ensure everyone feels they are an integral part of the team and that they are making a positive contribution to the development of the organization and

of the community. We promote ethnic, cultural, and sexual diversity within the community of artists we serve.

Diversité artistique Montréal (DAM) neither tolerates nor allows any form of psychological or sexual harassment within its organization, be it from:

- ▶ Executive Director
- ▶ people working for the organization (salaried employees, contractual interns, volunteers)
- ▶ members of the Board of directors;
- ▶ members of Diversité artistique Montréal (DAM); or
- ▶ anyone associated with the organization (partners, suppliers, clients, visitors, or others).

The aforementioned individuals are expected to behave in a manner that helps maintain an environment free of psychological, sexual, and discriminatory harassment.

The organization will not tolerate acts of violence, aggressive or inappropriate behaviour, and verbal or physical threats.

Diversité artistique Montréal (DAM) plays an active role in eradicating racism and discrimination on the grounds of sexual orientation and all other forms of discrimination including 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, physical appearance, a handicap or the use of any means to palliate a handicap, or sickness.

Any violation of this policy may result in disciplinary action, suspension, dismissal, ban on entering the building, or criminal charges. Any individual who files false accusations to damage another person's reputation will also be subject to appropriate disciplinary action.

## 6) PREVENTION

Diversité artistique Montréal (DAM) has implemented specific strategies that focus on the following areas:

- a) Coaching and training with respect to preventing harassment and racism; efforts to fight discrimination and promote inclusivity and so-called diversity at all levels of the organization (i.e., the Board of directors, the team, volunteers, and clients).
- b) Fair hiring and team promotion practices.
- c) Recruiting volunteers, collaborators (contractual or permanent), and Board members who reflect Montreal's ethnic and immigrant communities.
- d) The nomination of two contact persons in charge of applying this policy. These contact persons<sup>1</sup> are:

**Jérôme Pruneau**, Executive Director

3680, Jeanne-Mance Street, suite 331 / Montreal (QC) Canada  
(514) 280-3581 ext. 104

**Vanessa Conti Irion**, Project and Communications Coordinator

3680, Jeanne-Mance Street, suite 331 / Montreal (QC) Canada  
(514) 280-3581 ext. 108

<sup>1</sup> Details about the roles people have are in Appendix 1.



## 1. Preventing Harassment in the Workplace

The behaviours outlined below could be considered examples of vexatious behaviour that may constitute harassment if they meet all criteria of the law.

### ***Behaviours that could be associated with psychological harassment***

- ▶ Bullying, cyberbullying, threats, isolation
- ▶ Offensive or slanderous remarks or gestures targeted at another person or their work
- ▶ Verbal abuse
- ▶ Teasing

### ***Behaviours that could be associated with sexual harassment***

- ▶ Unwanted sexual attention or advances. Examples include:
  - insistent soliciting;
  - looks, kisses, or inappropriate touching;
  - sexist insults or inappropriate comments.
- ▶ Comments, jokes, or sexually provocative images sent electronically or by any other means.

Harassment must be viewed separately from other situations, such as interpersonal conflicts, work-related stress, difficult professional constraints, or even the management of regular work-related duties (i.e., workplace attendance, work organization, disciplinary measures, etc.).

## *2. Preventing Violence in the Workplace*

Diversité artistique Montréal (DAM) will regularly assess violence in the workplace and make a note of the factors that have led to such violence.

Diversité artistique Montréal (DAM) reserves the right to:

- ▶ Establish all necessary rules or procedures to bring this policy into effect;
- ▶ Disclose, in accordance with the terms, all reasonable and necessary information to ensure the team is adequately warned of all risks of violence in the workplace;
- ▶ Restrict access to Diversité artistique Montréal (DAM) activities and events to certain people;
- ▶ Refuse to deal with other organizations, companies, or individuals that do not take the measures necessary to ensure the safety of the Diversité artistique Montréal (DAM) team in accordance with this policy and the Act respecting labour standards;
- ▶ Use specialized external services to bring this policy into effect;
- ▶ Report any violent behaviour to the police, in accordance with the instructions of a contact person or the Executive Director.

### *Workplace Violence*

- ▶ a person's use of physical force against another person associated with Diversité artistique Montréal (DAM) in a work environment that is liable of causing or has caused physical harm;
- ▶ the attempt to use physical force against a person associated with Diversité artistique Montréal (DAM) in a work environment that is liable of causing physical harm;
- ▶ words or behaviour that a person associated with Diversité artistique Montréal (DAM) may reasonably interpret as a threat against them in a work environment, or physical force that is liable of causing physical harm.

**Violent Acts Include:**

- ▶ making explicit or implicit threats to hurt someone or a group of individuals;
- ▶ leaving or sending threatening phone messages or emails;
- ▶ holding and carrying a weapon or waving an object that may reasonably be mistaken for a weapon in the Diversité artistique Montréal (DAM) workplace;
- ▶ throwing an object at a colleague, client, or volunteer;
- ▶ adopting threatening behaviour (i.e., making fists, destroying property, throwing objects, committing vandalism or sabotage);
- ▶ acting in a manner that any reasonable person might perceive as a threat of violence.

## 7) HANDLING A COMPLAINT

Diversité artistique Montréal (DAM) is committed to investigating all incidents and complaints of harassment, discrimination, and violence in the workplace and taking action in a fair and diligent manner that respects the privacy of all individuals involved.

Diversité artistique Montréal (DAM) is also committed to acting quickly in order to put a stop to the situation.

Anyone who believes they are a victim or has witnessed or is aware of the presence of discrimination, harassment, or violence may report the incident to a contact person.

Any complaint or incident report will be kept confidential, including the identity of the person making the complaint, unless disclosing such information is required for the investigation or to resolve the complaint, or if such a disclosure is required by law. The confidentiality requirement applies to all authorities handling the complaint and to all individuals filing a complaint.

A complaint may be submitted verbally or in writing.

The alleged behaviour and incident details must be described with as much accuracy as possible.

1) Whenever possible, the person who believes they are a victim of psychological or sexual harassment should start by informing the person concerned that their behaviour is unwanted and must stop. The complainant must make a note of the date, incident details, and steps taken in an attempt to resolve the situation.

N.B.: Skipping this step in the process in no way nullifies the complainant's testimony.

2) If the complainant does not wish to undergo the first step or if the harassment persists, the complainant must notify one of the contact persons designated by Diversité artistique Montréal (DAM). Before looking into the matter, the contact person will remind everyone about the harassment policy during a team meeting. The Executive Director will immediately be notified unless they are involved in the complaint, in which case the Chair of the Board of directors will be notified.

3) The contact persons will review the complaint and start by stepping in an informal and confidential manner in an attempt to resolve the situation. At their discretion, in collaboration with the Executive Director, the contact persons may decide to hire expert consultants to conduct the investigation.

The contact persons will submit the investigation report and, in collaboration with the Executive Director, produce a written decision within twenty (20) business days. They may impose corrective measures, such as compensating for damages caused (in the form of a public apology, refuting lies, or imposing disciplinary measures). Should the situation result in a dismissal (in cases of gross misconduct), the Executive Director will oversee the dismissal after notifying the Board.

The complainant and person being accused of harassment (assuming they are employees of Diversité artistique Montréal (DAM)) will be privately notified of the results of the investigation and of any corrective measures taken.

Should the complaint involve or concern the Executive Director, it will immediately be sent to the Board chairperson. The Chair will then send the complaint to the executive committee for further action (if needed).

### ***Procedure for Expulsion of a Member***

Should the investigation carried out by the contact person reveal that the member was behaving inappropriately in accordance with this policy, Diversité artistique Montréal (DAM) may proceed with the expulsion of that member and the termination of their membership file, without a refund, based on the following steps:

- ▶ the Executive Director will send the member a registered letter and email;
- ▶ the entire Diversité artistique Montréal (DAM) team will be notified of the member's expulsion by email or internal memo;
- ▶ a note will be added to the member's file.

As an employer, Diversité artistique Montréal (DAM) is responsible for implementing and upholding this policy and the resulting procedures, and guaranteeing that all employees have access to the information and instructions needed to protect themselves from violence in the workplace.

## **8) MANAGEMENT RESPONSABILITIES**

- ▶ Notify employees about the Act and this policy;
- ▶ Foster a work environment that is free of all violence;
- ▶ Provide the team with training to help them better handle incidents of workplace violence whenever they occur;
- ▶ Transmit to certain members of the team, as needed and where appropriate, information about a person with a history of inappropriate behaviour (harassment, discrimination, violence) if it is foreseen that the team may be required to be around this person on the job;
- ▶ Take reasonable precautions given the circumstances to protect the organization's team;

- ▶ Diligently and objectively address each incident report;
- ▶ Encourage individuals who have directly been victims of incidents of violence to seek medical attention and get appropriate support, and provide them with a list of resources so that they may do so.

## 9) TEAM RESPONSABILITIES

- ▶ Treat others with respect in the workplace and during all workplace activities;
- ▶ Understand and comply with this policy and its procedures;
- ▶ In the event of workplace violence, start by making sure you are safe, then report the violence;
- ▶ Report all incidents or risks of workplace violence you might be aware of;
- ▶ Collaborators must immediately report all acts of violence or any threat that a reasonable person may potentially consider to be dangerous, committed against them, or witnessed by them;
- ▶ Participate in all activities related to an investigation or attempt to resolve a problem in the framework of this policy;
- ▶ Take part in training programs and know how to react appropriately in the face of all forms of violence in the workplace.

## 10) MEMBERS RESPONSABILITIES

- ▶ Treat all team members and other Diversité artistique Montréal (DAM) members with respect during any activity or event;
- ▶ Any person who believes they are a victim, has witnessed, or is aware of work-place discrimination, harassment, or violence may report the incident to a contact person.

## 11) OTHER REMEDIES

Many resources are at your disposal, depending on the situation.



### ***Commissions des normes, de l'équité, de la santé et sécurité au travail (CNESST)***

You may file a complaint to the CNESST labour standards division.  
[cnt.gouv.qc.ca/en/in-case-of/psychological-or-sexual-harassment](http://cnt.gouv.qc.ca/en/in-case-of/psychological-or-sexual-harassment)



### ***Commission des droits de la personne et des droits de la jeunesse***

You may file a complaint before the Commission des droits de la personne et des droits de la jeunesse in cases of sexual or discriminatory harassment.  
[cdpdj.qc.ca/en/plainte](http://cdpdj.qc.ca/en/plainte)



### ***Canadian Human Rights Commission***

If you have been a victim of sexual or discriminatory harassment, you may file a complaint before the Canadian Human Rights Commission.

### ***Police***

In the event of a criminal act, you may file a complaint with the police.

### ***Civil Remedy***

If you are an independent worker, you may apply for damages and interest against your aggressor. We recommend you consult a lawyer.

## 12) OTHER RESOURCES



**L'Aperté** provides first assistance to individuals in the cultural industry who are victims of or were witnesses to harassment or violence in the workplace.

[aparte.ca](http://aparte.ca)

450 396-9449 ou 1 833 LAPARTE (in French only)



**The Government of Québec** provides a crisis line, information, and references for sexual assault victims, their families, and professionals.

1 888 933-9007

Associations, unions, and institutions providing aid and support services to victims and witnesses of harassment

- ▶ **Academy of Canadian Cinema & Television**  
[academy.ca/members/code-of-conduct](http://academy.ca/members/code-of-conduct)
- ▶ **Association des réalisateurs et réalisatrices du Québec**  
[reals.quebec/arrq/harcelement](http://reals.quebec/arrq/harcelement) (in French only)
- ▶ **Association des professionnels de l'industrie de l'humour (APIH)**  
[apih.ca](http://apih.ca) (in French only)
- ▶ **Conseil québécois du théâtre**  
[cqt.ca/documentation/cqt](http://cqt.ca/documentation/cqt) (in French only)
- ▶ **Directors Guild of Canada**  
[dgc.ca/en/national/the-guild/haven-helpline](http://dgc.ca/en/national/the-guild/haven-helpline)
- ▶ **IATSE 514**  
[iatse514.com](http://iatse514.com)
- ▶ **Union des artistes (UDA)**  
[uda.ca/services-et-outils/harcelement-services-offerts#](http://uda.ca/services-et-outils/harcelement-services-offerts#) (in French only)



## APPENDIX 1: DESIGNATED INDIVIDUALS BY THE EMPLOYER

Diversité artistique Montréal

- ▶ will guarantee that the designated individuals will be fully trained and have access to the tools required to handle and follow up on complaints or reports;
- ▶ will free up its working hours to ensure that the designated individuals will be able to complete the tasks they have been assigned.

The individuals below have been designated to act as persons in charge of applying the Psychological, Sexual, and Discriminatory Harassment Prevention Policy and handling complaints at [Business Name]:

*Vanessa Conti-Irion, Project and Communications Manager*

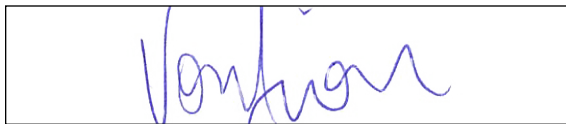
*Jérôme Pruneau, Executive Director*

These designated individuals must primarily:

- ▶ notify staff about the business's policy regarding psychological and sexual harassment;
- ▶ take informal steps in an attempt to resolve situations;
- ▶ receive complaints and reports;
- ▶ recommend actions to take to stop the harassment.

### **Commitment of Designated Individuals**

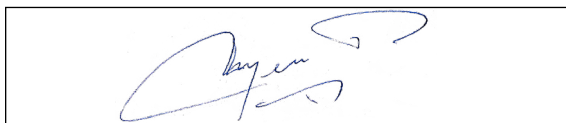
I hereby declare my commitment to comply with this policy and ensure that my intervention will remain impartial, respectful, and confidential



Signature, Designated Individual #1



Date



Signature, Designated Individual #2



Date

## POLICY: ACKNOWLEDGEMENT OF RECEIPT

### **ACKNOWLEDGEMENT OF RECEIPT**

Employees, volunteers, members, and Board members must acknowledge their receipt of this policy.

By signing or checking the box on the online membership form, you declare that you have read, understand, and agree to abide by the policy.

Date :

Name :

Signature :