

Kittiwake Dance Theatre

Respectful Workplace Policy

Definitions

Harassment - comments or conduct which are abusive, offensive, demeaning or vexatious that are known or ought reasonably to be known to be unwelcome and which may be intended or unintended. This includes harassment based on the prohibited grounds of discrimination as per the [Human Rights Act, 2010, SNL2010 C H-13.1](#).

Harassment, does not include:

- a. Interpersonal conflict or disagreement, which is expressed in a respectful manner; or
- b. Offering constructive feedback, guidance or advice about work-related behaviour and performance;
- c. Providing reasonable, respectful direction to an individual with the intention of the person improving their performance.

Prohibited Grounds of Discrimination – As per the [Human Rights Act, 2010, SNL2010 C H-13.1](#) are Race, Colour, Nationality, Ethnic Origin, Social Origin, Religious Creed, Religion, Age, Disability, Disfigurement, Sex, Sexual Orientation, Gender Identity, Gender Expression, Marital Status, Family Status, Source of Income, Political Opinion.

Sexual Harassment

Sexual harassment is defined as an incident involving unwelcome sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature:

- When such conduct might reasonably be expected to cause offence or humiliation to another person or group of persons; or
- When the submission to such conduct is made implicitly or explicitly a condition of work; or
- When submission to such conduct is accompanied by a reward, or the express implied promise of a reward for compliance; or
- When such conduct has the effect of interfering with a person's work or performance by creating a hostile or offensive environment.

Types of behaviour that constitute sexual harassment include, but are not limited to:

- Unwelcome remarks, jokes, innuendos, or taunts about a person's body, clothing or sex, told or carried out after the individual has been advised that their actions are offensive or embarrassing; or
- Insulting gestures of a sexual nature, or other behaviour which causes discomfort, awkwardness or embarrassment; or
- Displaying pornographic pictures or other sexually offensive materials in the specific environment in which the complainant is required to work; or
- Degrading remarks directed at members of one sex or sexual orientation; or
- Unnecessary and or persistent unwelcome physical contact; or
- Demands for sexual favours; or
- Unwelcome and inappropriate enquiries about a person's sex life.

1. Kittiwake Dance Theatre (Kittiwake) is committed to providing and maintaining a work environment free from harassment, discrimination and sexual harassment, one where dancers, performers, staff, contractors, volunteers and board members are treated with respect and dignity, can contribute fully, and have equal opportunities.
2. This is a shared responsibility among Kittiwake and those who work or volunteer with the organization. Relationships among persons in the workplace must be civil, professional and free from bias, prejudice and harassment.
3. Kittiwake will comply with the *Human Rights Act, 2010, SNL2010 C H-13.1* and the *Occupational Health and Safety Act, RSNL 1990, C O-3*. Kittiwake prohibits any form of unlawful discrimination or harassment based on the Prohibited Grounds of Discrimination.
4. Kittiwake does not tolerate harassment, including sexual harassment and treats any incidences seriously.
5. Kittiwake is committed to supporting those who have experienced or witnessed workplace behaviours that do not reflect these standards.
6. In its commitment to prevention of harassment, Kittiwake will provide this policy to its dancers, performers, staff, contractors, volunteers and board members; will provide training, at least annually and more often as deemed necessary to dancers, staff and board members on respectful conduct, maintaining a respectful workplace, and early resolution of concerns; and annually Kittiwake will review and if deemed necessary, update this policy.

Early Resolution

7. Dancers, performers, staff, contractors, volunteers and board members who feel they have experienced harassment, i.e., complainants, are encouraged first to attempt to resolve the dispute themselves, i.e., with the respondent by the process noted in 8. The complainant, however, should never feel obliged to approach a respondent if they feel that addressing the respondent could lead to an escalation of the dispute.
8. An early resolution process should be fair and respectful and use open communication which:
 - Identifies and explains the problem to the respondent, including the desired outcome to solve the problem; and
 - Provides an opportunity to the respondent to provide their perspective of the problem including a proposed solution.

Other Resolution

9. Should an acceptable solution not be agreed upon through early resolution, or if the complainant chooses not to pursue that process, Kittiwake will engage professionals, at Kittiwake's expense, to provide an informal dispute resolution mechanism, which may include mediation, coaching, training, counselling or facilitation.

10. This policy does not restrict the right of individuals to file a complaint with the Newfoundland and Labrador Human Rights Commission, make use of the [Criminal Code of Canada](#) or take other legal action.

Workplace Violence

11. Kittiwake does not tolerate conflicts in the workplace that involve disruptive, threatening or violent behaviour where an individual's personal safety and security may be in danger. Any such conflict should be reported immediately to the Artistic Director, Manager, Board Chair or legal authorities.

Confidentiality

12. Matters relating to this policy shall be handled with confidentiality and will not be disclosed, unless necessary for an investigation, for followup action, where the health, safety or security of a person is a concern or where required by law.
13. Persons involved in any process related to this Policy are expected to maintain confidentiality. A breach of confidentiality may be subject to disciplinary sanction or other appropriate action.

Approved by the Board of Directors:
2019-11-25