

Kittiwake Dance Theatre

Respectful Workplace

Policy Statement

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 knew or ought reasonably to have known 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, sexual orientation, gender identity or gender expression; 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 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 in the course of work, or during any activities that could reasonably be associated with Kittiwake and treats any incidences seriously.
5. Kittiwake is committed to supporting those who have experienced or witnessed workplace behaviours that do not reflect these standard.
6. In its commitment to prevention of harassment and discrimination, Kittiwake will:
 - a. provide this policy and procedures to its dancers, performers, staff, contractors, volunteers and board members;
 - b. 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
 - c. annually review and if deemed necessary, update this policy and procedures

Early Resolution

7. Dancers, performers, staff, contractors, volunteers and board members who feel they have experienced harassment discrimination or sexual harassment, i.e., complainants, may choose first to attempt to resolve the dispute themselves, with the respondent by the process noted in 8. The complainant, however, should never feel obliged to approach a respondent.
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, formal complaint may be filed in accordance with the Formal Complaint Procedure outlined below.
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.

No Retaliation

11. No person shall retaliate against another for bringing forward a complaint or for being involved in any process related to this policy. Retaliation at any stage is considered a serious offence.
12. A breach of confidentiality under Sections 16-18 of this policy may constitute retaliation.

Bad Faith Reports

13. The filing of a bad faith complaint may constitute grounds for disciplinary action against the complainant. Bad faith reports are those that are malicious or are made to intentionally harm an individual.

Time Limits

14. Seeking early resolution or filing a formal complaint should occur no later than twelve months after the last alleged incident of harassment or discrimination. Events prior to the twelve (12) month period may be referenced if the incident(s) is relevant and part of a series of incidents that form a pattern.

Workplace Violence

15. 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

16. Matters relating to this policy and procedures 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.
17. 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.
18. The requirement for confidentiality is not intended to prevent individuals from seeking appropriate external professional support, such as counselling or independent legal advice.

Records

19. Records created by the invoking of this policy and procedures are handled shall be securely stored and accessible only to those who have a need to know.

Formal Complaint Procedure

20. Formal complaints of incidents of harassment, discrimination or sexual harassment should be made as soon as possible after experiencing or witnessing such conduct or behaviour, to allow an incident(s) to be addressed in a timely manner.
21. A complainant should report the incident(s) to their supervisor. If their supervisor is the subject of the complaint, or if for any other reason it is not appropriate or possible to report the incident to the supervisor, the Vice-Chair of the Board of Directors should be contacted.
22. An incident may be reported verbally or in writing. For verbal reports, the Kittiwake representative receiving the report will document the report in writing.
23. The report should include the following information, as per the attached complaint form.
 - name(s) of the person who has allegedly experienced the behaviour;
 - name(s) of the alleged proponents of the behaviour(s);
 - names of any witnesses or other persons with relevant information about the incident and contact information (if known);
 - details of what happened including date(s), frequency and location(s) of the incident(s);
 - any relevant supporting documents that the person making the report has in their possession.

Investigation Process

24. Once a formal complaint is received, Kittiwake will ensure an investigation is conducted, at its expense, in a fair, respectful, impartial and timely manner by a qualified external investigator.
25. The external investigator is expected to conduct the investigation and report on their findings and any recommendations within thirty (30) days.

Outcome of Investigation

26. After the investigation is concluded, both the complainant and the respondent will be informed of the findings.
27. If Kittiwake concludes that there has not been a violation of this policy, there will be no documentation concerning the report placed on the files of the complainant or respondent.
28. If Kittiwake concludes that there has been a violation of its Respectful Workplace policy, Kittiwake may:

- If appropriate for the circumstances, invoke an informal dispute resolution mechanism, which may include mediation, coaching, training, counselling or facilitation; or
- Impose an appropriate disciplinary sanction on the respondent.

Contact Information

29. Current Vice-Chair of the Board of Directors.

Approved by the Board of Directors:
2019-11-25
Updated: 2021-03-29

**Kittiwake Dance Theatre
Respectful Workplace Complaint Form**

Name(s) of the person who has allegedly experienced the behaviour:

Name(s) of the alleged proponents of the behaviour(s):

Name(s) of any witnesses or other persons with relevant information about the incident and contact information (if known):

Details of what happened including date(s), frequency and location(s) of the incident(s):

List of any relevant supporting documents that the person making the report has in their possession:

Name and signature of the person completing this form:

Date: _____