

## **POLICY AND PROGRAM AGAINST WORKPLACE VIOLENCE, DISCRIMINATION, AND HARASSMENT**

### **1. Policy Statement**

The Toronto City Opera (“TCO”) is committed to ensuring health and safety, and to preventing violence, discrimination, and harassment. The TCO recognizes that co-operation and commitment from all individuals is essential to maintaining a healthy, safe, and respectful environment. The TCO will make every reasonable effort to identify and eliminate potential risks of violence and harassment, including sexual harassment, from all sources.

### **2. Scope**

This Policy applies to all areas operated by or contracted by the TCO (the “Workplace”). The application of this Policy also extends to any acts that may occur between individuals outside of the Workplace as a result of, or in relation to, their relationship through the TCO. Moreover, this Policy extends to any acts of violence, discrimination, or harassment that occur outside of the Workplace if the act has real or implied consequences related to the Workplace.

This Policy applies to all “members” of the TCO, which includes:

- Members of the Board of Directors and members of subcommittees of the Board;
- All workers<sup>\*</sup>, performers (including but not limited to chorus members), and volunteers of the TCO;
- Patrons, visitors, and members of the public (including but not limited to audience members) on Workplace premises.

### **3. Discrimination, Harassment, and Violence in the Workplace**

The TCO prohibits all forms of unlawful violence, discrimination, and harassment by or against any TCO member. For the purposes of this Policy:

- (a) “**Discrimination**” means differential or adverse treatment on the basis of a personal characteristic protected by the Ontario *Human Rights Code* or similar successor legislation which may hereinafter be enacted (the “*Code*”).
- (b) “**Workplace Harassment**” means:
  - i. engaging in a course of vexatious comment or conduct against a person in the Workplace that is known or ought reasonably to be known to be unwelcome; or
  - ii. Workplace Sexual Harassment.

A reasonable action taken by the TCO, including its directors and management staff, relating to the management and direction of TCO members or the Workplace does not constitute Workplace Harassment.

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<sup>\*</sup>Unless otherwise noted, references in this Policy to “workers” also include any and all managers, contractors, consultants, employees, and contract/temporary employees.

(c) **“Workplace Sexual Harassment”** means:

- i. engaging in a course of vexatious comment or conduct against a person in the Workplace 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
- ii. 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 subject of the sexual solicitation or advance and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

(d) **“Workplace Violence”** means:

- i. the exercise of, or an attempt to exercise, physical force against a person, in the Workplace, that causes or could cause physical injury to the person;
- ii. a statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against the person, in the Workplace, that could cause physical injury to the person.

#### **4. Assessment of Workplace Risks**

Prevention and intervention are key to maintaining an environment free of Workplace Violence. To that end, the TCO and the Health & Safety Representative will participate in assessing potential risks of Workplace Violence. The assessment will take into account the common risks at similar workplaces and risks specific to the TCO. Re-assessments will be conducted as often as is necessary to ensure that the Policy continues to protect TCO members.

##### **(a) Workplace Risks Relating to Domestic Violence**

The TCO will take every precaution reasonable in the circumstances, as required by law, for the protection of a TCO member if it becomes aware of a domestic violence concern that would likely expose the TCO member to physical injury in the Workplace.

Any TCO member experiencing domestic violence that may create a risk of danger to themselves or others in the Workplace is encouraged to report such violence to a TCO Board Member so that the TCO can take reasonable preventative steps to ensure safety in the Workplace and to provide the TCO member with assistive resources. Further, any TCO member who has received a protection order preventing contact from, or restraining access by, another individual should immediately inform the TCO of the existence, term, and contents of the protection order.

##### **(b) Workplace Risks Involving Persons with a History of Violence**

The TCO is required by law to disclose information, including personal information, to Board Members and workers about any risk of Workplace Violence from a person with a history of violent behaviour if the Board Member or worker can be expected to encounter that person in the course of his or her work and the risk of Workplace Violence is likely to expose the Board Member or worker to physical injury. However, such disclosure will be limited to only what is reasonably necessary to protect the Board Member or worker from physical injury.

## **5. Reporting Obligations**

### **(a) Emergency Reporting Procedures**

A TCO member who is concerned about his or her immediate safety should remove themselves from the violent or potentially violent situation as soon as possible. Once in a safe location, the TCO member should call the police (or other emergency responders as applicable) at 911. Immediately thereafter, the TCO member should contact a TCO Board Member to notify them about the emergency circumstances and the fact that the authorities have been contacted.

In the event of potential or actual injury, medical assistance must be contacted immediately. The Ministry or Labour (or other governmental body as applicable) should also be contacted, as required by law.

### **(b) General Reporting Procedures**

TCO members should immediately send a written complaint to the Executive Secretary of the TCO's Board of Directors if they believe that they have witnessed or have been subjected to behaviour that violates this Policy. If the behaviour of concern involves the Executive Secretary, TCO members should submit their complaint to the President of the TCO's Board of Directors.

Complaints or witness reports submitted under this Policy should include:

- Date(s), time(s), and location(s) of the incident(s).
- Description of the incident(s).
- Name(s) of anyone present during each incident.
- Name(s) of anyone with whom the individual may have discussed the event.

All information about incidents or complaints of Workplace Violence, Workplace Harassment, and/or Discrimination will be kept confidential, except to the extent necessary to investigate the incident or complaint, to take corrective action with respect to the incident or complaint, or to comply with legal requirements.

## **6. Investigation**

The TCO will promptly and impartially carry out an investigation appropriate in the circumstances of every complaint or report of harassment, discrimination, violence, or threat of violence. Investigations will typically be conducted by a TCO Board Member. However, the TCO may designate an external investigator to conduct the investigation if the complaint involves a TCO Board Member or as otherwise deemed appropriate by the TCO. The external investigator shall be a person who is qualified to conduct workplace investigations and who has knowledge of the applicable laws.

At the conclusion of the investigation, the investigator will prepare a written report of his or her findings. The investigation report will be provided to the TCO.

Within 10 business days after the investigation, the TCO will provide the complainant with a written summary of the results of the investigation.

If corrective action is taken as a result of an investigation, the corrective action will be communicated, in writing, to the complainant and the respondent (if the respondent is a Board

Member, member of a Board subcommittee, worker, performer, or volunteer of the TCO) within 10 business days of the investigation. Information about corrective action includes information about steps that the TCO has taken or will take to prevent a similar breach of the Policy.

## **7. No Reprisals**

No one shall be subject to reprisal or any form of retaliation for making a good faith complaint or assisting in an investigation under the Policy. Any acts of retaliation or reprisal contrary to the Policy must be immediately reported to the Executive Secretary of the TCO's Board of Directors and shall be investigated. If the alleged retaliation or reprisal concerns the Executive Secretary, concerns should be immediately reported to the President of the TCO's Board of Directors for investigation.

## **8. Communication**

An electronic copy of this Policy will be posted on the TCO's website.

TCO members will also receive copies of the Policy upon the commencement of their engagement with the TCO.

## **9. Enforcement**

Any contravention of this Policy may result in corrective action, including but not limited to removal from the Workplace and the TCO's productions, employment-related discipline or dismissal, or police involvement.

The TCO may take formal disciplinary action against any person, up to and including termination of employment or removal from the TCO's productions, where it is determined that a person has made a complaint in bad faith or with the intent to harm another person and/or has been dishonest in the course of an investigation. Conduct based on mistakes or misunderstandings does not constitute malicious conduct.

All physical assaults involving a TCO member and falling within the scope of this Policy will be reported to the police. Threats of physical violence will be reported to the authorities as appropriate.

Nothing in this Policy prevents or discourages a TCO member from filing an application with the Human Rights Tribunal of Ontario on a matter related to the *Code* or from exercising any other legal avenue available to them.

## **10. Policy Review**

This Policy has been developed in consultation with the Health & Safety Representative and will be reviewed as often as necessary, but at least annually.

### **Revision History**

<b>Date</b>	<b>Description</b>
August 2019	Effective date of Policy.