



## **Workman Arts Statement of Commitment:**

### **Framework for addressing conflict within the workplace**

Workman Arts is committed to creating an equitable workplace and community, one that is sensitive to the life experiences of the peoples we work with and is free of harassment, discrimination, workplace violence, including bullying and other forms of intimidation. We believe in the strength of each individual and community's values, practices, standards and processes. This includes but is not limited to; disability, deafness, mental health and their intersections with race, Indigeneity, gender and gender identity. We acknowledge the intersections and fluidity across these categories and respect the right of each individual to self-identify.

To contribute to building an equitable workplace and community free of harassment and discrimination, Workman Arts will integrate equity principles into every aspect of our organizational practices in order to bring about social, cultural, systemic change by:

1. Fostering a staff and board culture that reflects the communities Workman Arts engages;
2. Providing individuals and communities we work with equitable access to Workman Arts programs and operations;
3. Expanding our individual and collective knowledge of equity conversations by keeping abreast of current events and issues, including sharing insights, research findings, and best practices to encourage systemic conversation and change;
4. Providing sufficient resources to support an organizational culture of ongoing equity as a building block for promoting change; and
5. Addressing issues of conflict, harassment and discrimination, workplace violence in a sensitive and timely manner

Workman Arts will integrate these principles into every aspect of our organization and practices in ways that will enable:

- A. Reflecting on the way we work to ensure we are advancing equity within our own organization as a means of promoting equitable treatment and access.
- B. Becoming more aware of our assumptions by incorporating the knowledge of those we support in our program design, decision-making and evaluation.

With this recognition, Workman Arts acknowledges that it must do better each year and, to support this, will reflect annually on this policy and how it is being implemented.



## **Workplace Conflict and Harassment Policy and Procedures**

Workman Arts is committed to sustaining a positive environment that is free of verbal, physical, sexual, or psychological harassment and promotes an inclusive workplace. This Conflict and Harassment Policy and Procedure document provides guidelines on types of conflict and harassment and the procedures for addressing such concerns and complaints. Workman Arts takes clear and decisive actions, including investigating reported incidents of conflict and harassment, in a prompt, objective, and sensitive way providing appropriate support for those involved. Penalty, either explicit or perceived, for reporting harassment will not be tolerated and could be grounds for disciplinary action. Workman Arts complies with the provincial and federal statutes covering issues of conflict and harassment in the workplace, including those acts covering occupational health and safety, employment standards, employment equity, and human rights.

### **Purpose:**

This Policy and its Procedures are intended to:

- Provide a process to resolve a conflict or complaint quickly, fairly, and without reprisal.
- Support a positive workspace for board members, employees, volunteers, members, instructors, peer supports, or other individual by assigning responsibility to report, prevent and resolve conflicts and complaints.
- Ensure confidence in management decisions by providing a process whereby management decisions are transparent and can be objectively reviewed.
- Improve communication among staff, board, volunteers, membership and program users.

Steps in Reporting and Resolution:

### **Informal Resolution Process**

1. Those who experience an interpersonal conflict at Workman Arts or who have a complaint should first attempt to discuss the matter with the perceived perpetrator. In some situations this may be difficult or inappropriate. In these cases, the complainant may request a meeting with the appropriate Department Manager to discuss the issue in confidence. In cases where the issue is raised to a Department Manager, that Manager will document the concern in an Incident Report. The person expressing the concern will be informed of this procedure.
2. The Department Manager will analyze the merits of the complaint request and will raise it with upper management during the weekly Workman Arts staff meeting, where it will be determined what course of action is most appropriate. Within two (2) working days, the Department Manager will respond by informing the respondent of the proposed plan of action.
3. If the complainant is not satisfied with the informal resolution, he or she may proceed to the next level of management (including the EXECUTIVE ARTISTIC DIRECTOR and MANAGING DIRECTOR) or proceed with the formal resolution process. The initial Incident Report will be updated to reflect any developments.



### **Formal Resolution:**

1. Those who have a complaint or require management intervention in relation to a conflict and wish to initiate the formal resolution process must prepare written documentation, with supporting details, of the conflict situation or complaint and submit it to their immediate supervisor, which may be a Department Manager, Managing Director or Executive Artistic Director. Workman Arts members may request assistance from a Department Manager in creating documentation. If it is not appropriate to submit the documentation to the supervisor, it can be submitted to the Membership Manager or upper management. If the Executive Director is party to the conflict or complaint, the documentation should be submitted to the Chair of the Board of Directors.
2. The supervisor will investigate the merits of the complaint. The supervisor will consult with upper management, or other relevant individuals, as needed.
3. Within five (5) working days of receiving the conflict resolution request or complaint, the supervisor will complete the investigation and prepare a written response. The response should be presented to the complainant and respondent who must sign to confirm receipt and may submit any comments, including agreement or disagreement, on the plan of action.
4. If the complainant and respondent agree with the recommended plan of action, the signed plan shall be included in their personal record, and the plan should begin.
5. If the conflict or complaint has not been resolved to the complainant's and/or respondent's satisfaction, the supervisor or human resources designate will forward the complete file, including the conflict resolution request or complaint, documentation of relevant factual information, analysis of the information, the conclusion, and the recommended resolution, to the next level of management.
6. The next level of management will investigate any relevant issues in the file and any newly discovered evidence or information that may arise during the resolution process. The next level of management will forward a response to the complainant and respondent either concurring with the previous resolution or proposing an alternative resolution.
7. If the complainant and respondent agree with the planned resolution at this stage, a copy of the signed response shall be included in the employee's personnel file.
8. If the complaint has not been resolved at this stage, the complainant and or respondent can request the complaint be investigated by the Executive Artistic Director with advice from the Board of Directors. If the Executive Artistic Director is a party to the complaint, the issue will be forwarded to the Chair of the Board of Directors. The decision and recommendations made by the Executive Artistic Director (or Chair of the Board of Directors) will be final.
9. If member(s) of the Board of Directors is a party to the complaint, the issue will be forwarded to the Chair of the Board of Directors.
10. If the Chair of the Board of Directors is party to the complaint, the issue will be forwarded to the Governance and Nominating Committee. If the Chair is a member of the



Governance and Nominating Committee they will recuse themselves from the complaint process.

11. The decision and recommendations made by the Executive Artistic Director or Chair of the Board of Directors or Governance and Nominating Committee will be final.

#### **Alternative Methods of Conflict Resolution:**

1. Workman Arts is open to alternative methods of conflict resolution if the parties involved agree to the format and process without reservation. Alternative methods include (but are not limited to) neutral evaluation, direct negotiation, or mediation by an objective third party. The complainant should report the incident to their supervisor as soon as possible. If the EXECUTIVE ARTISTIC DIRECTOR is party to the report, the recipient should submit the information to the Chair of the Board of Directors. The report should include as much detail as possible, such as
  - a. Names of individuals involved, including witnesses
  - b. Date, time, and place of incident
  - c. Circumstances that led to the incident
  - d. Incident details
2. An investigation by the supervisor will begin immediately, including individual interviews and any evidence gathering.
3. If conflict, harassment or other unacceptable conduct has taken place, then appropriate disciplinary action, up to and including termination, will be taken. All documentation will be added to the offender's personal record.
4. No action or documentation will be added to the recipient of the harassment's personal record.
5. If no harassment is found, no documentation will be filed. Both parties will be notified of the results of the investigation. If needed, both parties may be referred to conflict resolution.

Workman Arts will respect the confidentiality of the individuals involved. Any individual has the right to contact the Ontario Human Rights Commission to file a complaint or seek legal counsel at his or her expense for further advice at any time.



## Definitions

Definitions associated with workplace violence do not supersede the criminal code or any other legislative definitions. The following definitions of workplace violence cause or have the potential to cause the individual trauma/harm/injury/illness or the belief that their physical and or psychological health and safety are at risk:

**Assault:** Intent to inflict injury on another, with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm; any actual assault.

**Bullying:** A form of repeated, persistent and aggressive behaviors directed at an individual or individuals that are intended to cause or ought to be known to cause fear and distress and or harm to another person's body, feelings, self-esteem, or reputation. Bullying can include social isolation (silent treatment), rumors, personal attacks of one's private life and/or personal attributes, excessive or unjustified criticism, verbal aggression, withholding information or job responsibility, trivial fault finding, or negative physical contact.

**Conflict:** Workman Arts recognizes that conflicts are diverse. By providing more than one process for resolution, Workman Arts hopes to offer flexibility and the appropriate opportunity to resolve conflicts with positive outcomes.

**Domestic Violence/ Personal Relationship Violence:** Sometimes also referred to as Intimate Partner Violence or Family Violence. It is a pattern of coercive behavior that is used by one person to gain power and control over another. It may include, but is not limited to, physical violence, sexual harassment, emotional and psychological intimidation which may be expressed through verbal abuse, stalking, use of electronic devices to harass, and economic control. Domestic violence/personal relationship violence occurs between current or former intimate partners and can occur in any personal relationship regardless of sexual orientation, gender identity, age, race, economic status, educational background or religious belief.

**Harassment:** Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or, workplace sexual harassment. Harassment is the unsolicited or unwelcome interaction, which directly or indirectly affects or threatens to affect a person's job security, prospects of promotions or earnings, working conditions or opportunity to secure a position. Harassment can be verbal, physical, or psychological. It may be a single or series of acts such as behaviors or comments which intimidate, discredit, ridicule, humiliate, belittle, prevent expression, deny or distance an individual. The act does not need to be intentional in order to be considered offensive or intimidating and therefore harassment.

The test to determine whether harassment has occurred is two-fold:

- Whether a person knew or ought to have known that the behavior would be considered unwelcome or offensive by the recipient.
- The recipient found the behavior offensive.

**Sexual Harassment:** Engaging in a course of vexatious comment or conduct against a worker in a 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 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.

**Near Miss:** An act of striking out, but missing the target or failing to injure.

**Physical Attack:** An act of aggression resulting in a physical assault or abuse with or without the use of a weapon. Examples include hitting, shoving, pushing, punching, biting, spitting, groping, pinching or kicking the victim, unwelcome displays of affection or inciting another or an animal to attack.

**Psychological Abuse:** A course of repeated and vexatious action conducted by an individual or group that is known, or ought reasonably to be known, to be unwelcome and that could reasonably be regarded as intending to intimidate, provoke fear or diminish an individual's dignity or self-worth or that intentionally inflicts psychological trauma/harm/injury/illness on another.

**Sexual Assault:** Is defined in the Criminal Code but is generally understood as the use of power to threaten or violate another through sexual behaviours; to force one individual to touch, kiss, fondle or have sexual intercourse with another against their will.

**Threat:** a communicated intent (verbal or written) to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, "I am going to kill you." A conditional threat involves conditions, for example, "If you don't leave me alone, I will put you right through that wall." Implied threats (Intimidation), usually involve body language (e.g. towering over someone), or behaviors (e.g. staring someone 'down'), that leave little doubt in the mind of the victim that the perpetrator intends to harm (even if they don't plan to follow through). Intimidations are meant to instill fear in the hope that the person being intimidated will 'give in' to what the intimidator wants.

**Verbal Abuse:** The purposeful use of vexatious comments that are known, or that ought to be known, to be unwelcome, embarrassing, offensive, threatening or degrading to another person, (including swearing, insults, condescending language, racism, sexism, homophobia or any kind of discriminatory remarks) which causes the person to believe their health and safety are at risk.

**Violence:** The exercise of physical force by a person against a WA personnel, in a workplace, that causes or could cause physical and/or psychological trauma/harm/injury/illness or that gives a person reason to believe that s/he or another person is at risk of physical and or psychological trauma/harm/injury/illness. This includes, but is not limited to, any actual or attempted assault (including sexual assault and physical attacks), domestic violence/personal relationship violence, threat, verbal, psychological or sexual abuse or harassment. Violence can be experienced either directly or indirectly (e.g. impact of witnessing an assault). Sexism, homophobia, racism, ableism and other practices of marginalization may exacerbate the risk of workplace violence.



### Incident Report Template

Please complete a report describing what happened, which can be emailed to a staff member, Board Chair, or the Chair(s) of the Governance and Nominating committee at [Governance@workmanarts.com](mailto:Governance@workmanarts.com)

<b>Name of person completing this form:</b>
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**Incident:**

<b>Date and time of incident:</b>
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<b>Information about incident and witnesses (if applicable):</b>
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**Follow Up Action [to be completed by Workman Arts staff, Board Chair or Chair of Governance committee]**

<b>Description of actions to be taken:</b>
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