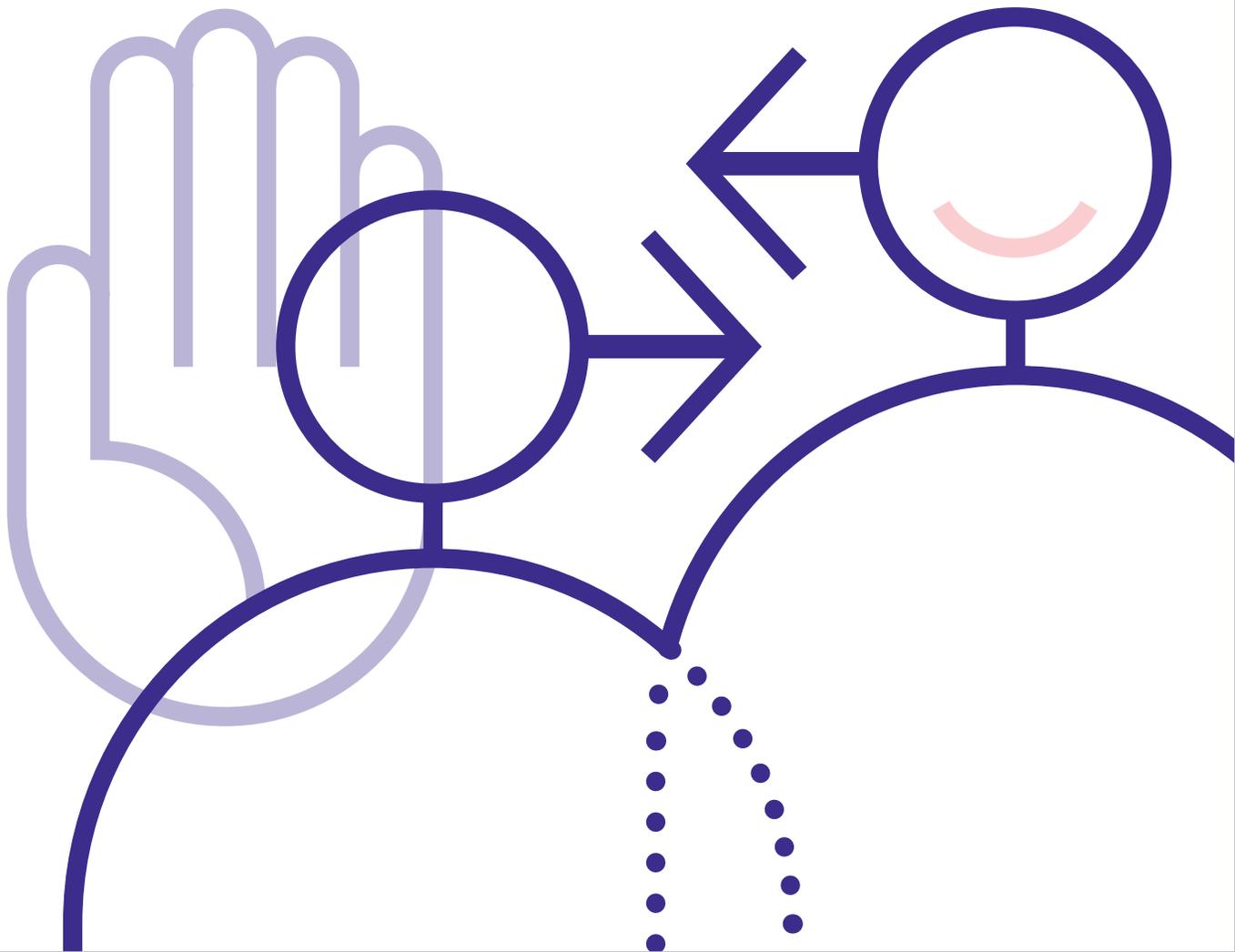


CIVILITY AND ANTI-HARASSMENT POLICY





**Re: Harassment Prevention
and Civility Policy**

Date approved: February 24, 2021

Approved by: Board of Directors

Effective: February 25, 2021

Signature:

Nathalie Maillé, Executive Director

Revised: February 25, 2024

PREAMBLE

The Conseil des arts de Montréal (the “**CAM**”) affirms that promoting well-being, dignity, civility, and respect among people is part of its core values and is committed to maintaining a healthy and harmonious workplace that supports its mission and values. The CAM is committed to promoting civility in the workplace and an environment free from all forms of harassment.

The CAM also affirms that these priorities must be reflected in the skills and attitudes of its employees and those who represent the organization.

PRINCIPLES

The notion of harassment is governed, directly or indirectly, by the *Charter of human rights and freedoms*, the *Act respecting labour standards*, the *Civil Code of Québec*, and the *Act respecting occupational health and safety*.

This *Harassment Prevention and Civility Policy* (the “**Policy**”) is based on the following principles: respect for the physical and psychological integrity of individuals, respect for their dignity and privacy, the right to fair and reasonable working conditions that respect their health and safety, and the right to be treated equally.

Accordingly, the CAM recognizes that every person employed by or representing the organization must be assured that their rights are protected. Thus, any uncivil behaviour or harassment directed at individuals subject to the Policy is unacceptable and may lead to disciplinary action.

1. SCOPE

- The Policy applies to all staff members, Board members, peer evaluators, contract staff, volunteers and interns in the workplace, on their premises or elsewhere while working for or representing the CAM, or while attending work events or representing the CAM at outside events (“**Person(s) subject to the Policy**”).
- The Policy also applies to the behaviour of a person outside of the CAM that affects a Person subject to the Policy.
- The CAM expects each of its partners, suppliers, and clients to have a policy or administrative framework to ensure the objectives described in Section 2 of the Policy are met.

2. OBJECTIVES

- Protect the physical and psychological integrity and dignity of the Persons subject to the Policy through prevention, awareness, training, and management of incidents constituting harassment or uncivil behaviour.
- Ensure a healthy and civil environment free from harassment.
- Implement a complaint procedure for incidents that may violate the Policy, including informal and formal processes, if necessary.

3. DEFINITIONS

3.1 Civility

Civility is defined as behaviour that helps maintain the standards of mutual respect established in the workplace. It is a set of rules of conduct intended to ensure the well-being of all members of a community through respectful, cooperative, polite, courteous, and considerate behaviour.

3.2 Harassment

Harassment is a broad concept that includes:

- **Psychological harassment:** any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects the dignity or psychological or physical integrity of the victim and results in a harmful work environment for them.

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

- **Sexual harassment:** any behaviour that meets the definition of psychological harassment and involves verbal comments, actions, or gestures of a sexual nature.

- **Discriminatory harassment:** any behaviour that meets the definition of psychological harassment on the basis of any of the grounds listed in Section 10 of the *Quebec Charter of human rights and freedoms*, namely race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, disability, or the use of any means to palliate a disability.

3.3 Workplace

The workplace includes the physical location, surrounding areas and any other location where CAM-related activities are carried out by a Person subject to the Policy. The workplace includes any location where CAM-related volunteer activities take place. The workplace also includes virtual spaces.

3.4 Respondent

A person whose behaviour is alleged to violate the Policy and is the subject of a complaint.

3.5 Complainant

A person who files a complaint under the Policy.

3.6 Violence

Using or attempting to use physical force against a person that causes or could cause physical injury. This can be comments or behaviour that a person could reasonably interpret as a threat to use physical force against them or a third party that could result in physical injury. The concept of violence includes sexual violence, that is, any form of misconduct or violence committed by sexual means or targeting a person's sexuality.

4. EXAMPLES OF BEHAVIOUR THAT CONSTITUTE HARASSMENT¹

4.1 Incivility

Incivility is a set of behaviours that, although not serious enough to qualify as harassment, constitute breaches of the basic rules of society and create significant discomfort in the workplace. Incivility can take many forms, such as:

- Repeatedly not returning greetings.
- Making obscene or rude comments.
- Interrupting others' conversations.
- Abruptly entering a colleague's office without asking if it is a suitable time.

¹ Examples are for explanatory purposes only and do not bind the CAM in any way. All behaviour must be examined on a case-by-case basis.

- Constantly checking a smartphone during a meeting.
- Ignoring or excluding a colleague.
- Speaking negatively about a colleague in the presence of other colleagues or spreading rumours.
- Not considering others' opinions.
- Taking credit for someone else's work.

4.2 Psychological harassment

Psychological harassment can take many forms, including:

- Threatening physical and verbal behaviour such as staring, physical proximity, refusing to leave an office, blocking a person's way, etc.
- Using abusive language such as profanity and insults, having a condescending tone, and spreading rumours.
- Physical violence such as hitting, kicking, pushing, jostling as well as causing property damage.
- Verbal violence such as shouting, humiliating, insulting, or threatening a person.
- Repeated and fairly serious acts of incivility of such as excluding a colleague from social activities, ignoring a colleague, criticizing a colleague among peers, or making inappropriate jokes aimed at the same colleague.
- Abuse of power such as an employee misusing and/or abusing the authority of their position against another employee (e.g., abusive unfair treatment or unjustified supervision).

4.3 Sexual harassment

Sexual harassment can take many forms, including:

- Making unwanted sexual advances such as tapping, pinching, rubbing, hugging, cornering, kissing, touching, or any similar physical contact or written solicitation that is normally considered unacceptable by another person.
- Making threats of retaliation, implicit or explicit, whether or not they materialize, with the aim of gaining an individual's consent regarding a sexual proposition or making such threats following a refusal to such a proposition.
- Promising rewards, implicit or explicit, with the aim of gaining an individual's consent regarding a sexual proposition.

4.4 Discriminatory harassment

Discriminatory harassment can take many forms, including:

- Making derogatory remarks, jokes, innuendos or offensive comments related to any of the prohibited grounds such as jokes about sexual orientation, degrading comments about a disability, or derogatory remarks about age.
- Displaying or circulating derogatory or offensive pictures, drawings, or texts related to any of the prohibited grounds such as sending an email with an inappropriate joke about a colleague's religion or a text ridiculing women.
- Rejecting a person without justification due to a prohibited ground, for example, refusing to talk to a person because of their race or excluding a person from discussions, meetings, or social events because of their skin colour.

5. EXAMPLES OF WHAT DOES NOT CONSTITUTE HARASSMENT

Relevant interventions associated with CAM management, performance management, or disciplinary or administrative actions do not constitute harassment. Similarly, healthy and respectful social interactions, as well as jokes accepted by both parties in good humour, do not constitute harassment.

Examples of behavioural contexts that do not generally constitute harassment include:

- Personality clashes or disagreements.
- Work-related stress.
- A single or isolated incident such as a gaffe, error, inappropriate remark, or abrupt behaviour.
- Workload management and segregation of duties.
- Difficult working conditions and professional constraints.
- The normal exercise of the right to manage, including but not limited to applying rules and procedures, controlling attendance and absenteeism, managing and evaluating work performance, and imposing disciplinary or administrative measures.

6. CAM COMMITMENTS AND RESPONSIBILITIES

The CAM undertakes to:

- Not tolerate any form of harassment or incivility.

- Protect by internal means any Person subject to the Policy who is the victim of harassment or incivility.
- Promote proactive management of conflict resolution between the persons concerned, encouraging informal processes prior to the filing a complaint.
- Demonstrate impartiality and timeliness in handling incidents under the Policy.
- Ensure that no harmful measures or reprisals are taken in connection with the application of the Policy.
- Implement appropriate corrective measures, if necessary, depending on the severity of the incidents.
- Maintain the confidentiality of information relating to the complaint and the identity of the individuals involved, unless such information is required to process the complaint, conduct the investigation or impose disciplinary, administrative, or other measures.
- Treat individuals with respect and impartiality during investigations.

7. COMMITMENTS AND RESPONSIBILITIES OF PERSONS SUBJECT TO THE POLICY

Any Person subject to the Policy undertakes, without fear of reprisal, to:

- Help maintain, through their behaviour, an environment free from harassment and incivility.
- Understand and comply with the Policy.
- Inform their manager, a person in authority, or one of the Persons responsible for handling complaints if they believe that they have been the victim of or witness to an incident that violates the Policy.
- Cooperate fully and honestly in the complaint resolution process, if required, including meeting with the designated investigator and signing a confidentiality agreement.

8. COMMITMENTS AND RESPONSIBILITIES OF MANAGEMENT

In addition to the commitments set out in Section 7, every manager subject to the Policy undertakes, without fear of reprisal, to:

- Ensure that the workplace is free from harassment and incivility, and take action to stop it when required.
- Intervene quickly and take appropriate measures when they observe or are informed of improper behaviour.

- Build awareness of the Policy, in particular by communicating it to their team and clearly stating the importance of complying with it.

9. COMMITMENTS AND RESPONSIBILITIES OF THE PERSON RESPONSIBLE FOR APPLYING THE POLICY

The persons holding the positions of Executive Director and Director of Management, Administration and Finance are responsible for applying the Policy (“**Responsible Persons**”).

If a complaint involves any of the Responsible Persons, the Chair of the CAM Board is responsible for applying the Policy in the handling of this complaint.

One of the Responsible Persons may appoint, if necessary, an investigator, mediator, or other contact person to effectively handle an incident under the Policy.

Senior management will periodically review the Policy and the Companion Guide to recommend amendments to the CAM Board.

One of the Responsible Persons will notify the Conseil’s Executive Committee within a reasonable period of time of the findings of an investigation or of any Policy-related issues, including those arising from a difficult work or organizational environment.

10. PROCEDURE FOR FILING A COMPLAINT

The following principles apply throughout the complaint process:

- Under no circumstances shall the use of any of the means provided herein deprive a Person subject to the Policy of their legal remedies.
- The Complainant’s consent is generally required to proceed with the complaint process. However, the CAM reserves the right to intervene if it has reasonable grounds to believe that the Policy has been violated.
- Throughout the complaint process, the concerned parties and witnesses may be accompanied by a person of their choice. However, this accompanying person cannot be a witness in the investigation.
- At any time during the complaint process, interim preventive measures may be implemented to prevent the situation from deteriorating.

It is recommended that informal processes be favoured before the formal processes described below, if the situation permits.

10.1 Informal processes

10.1.1 Individual process

An individual process should be favoured, as using dialogue-based approaches will resolve most conflicts or improve the work environment by promoting mutual respect and healthy communication.

A Person subject to the Policy who experiences an incident that violates it should promptly inform the person concerned that they consider their behaviour to be inappropriate and that they must stop it. The Person subject to the Policy may seek the support of their manager or one of the Responsible Persons, if they deem it appropriate.

10.1.2 Preliminary dispute resolution process

If the individual process is inappropriate or has proven unsuccessful, a Person subject to this Policy who experiences an incident that violates it may report the incident to their manager, a person in authority or one of the Responsible Persons to initiate a dispute resolution process. This process aims to identify solutions to resolve the situation.

Although not mandatory, the dispute resolution process is usually encouraged prior to the filing of a formal complaint. A range of dispute resolution methods can be considered at this stage, including facilitation and mediation.

When such a process is deemed inappropriate, has been rejected by one of the parties concerned or has proven unsuccessful, the Person subject to the Policy may file a formal complaint.

10.2 Formal processes

If, for whatever reason, informal procedures have proven unsuccessful, the Person subject to the Policy may forward a formal complaint to one of the Responsible Persons who undertakes to handle it discreetly, objectively, and diligently. Ideally, the Complainant should use the form provided for this purpose (see Appendix II of the Policy).

10.2.1 Filing a harassment complaint

A formal complaint is made in writing, using a form provided for this purpose (see Appendix II of the Policy) and must include the following information:

- The last name and first name of the complainant and their position within the CAM.
- The name of the Respondent or group of respondents who committed the behaviour included in the complaint.
- The names of witnesses, if applicable.
- The nature of the alleged facts, words, events, or actions.
- The details necessary to determine the time and place of the acts.

10.2.2. Harassment complaint admissibility assessment

One of the Responsible Persons or anyone they appoint will carry out the admissibility assessment within a reasonable period of time.

When a complaint is deemed inadmissible, the Complainant is informed of the decision and the reasons for it.

When a complaint is deemed admissible, the Complainant and the Respondent are informed of the action that will be taken.

A complaint may be deemed inadmissible if:

- It is anonymous and does not contain sufficient information to identify the parties involved.
- It clearly does not constitute a potential violation of the Policy.
- The Complainant is not subject to the Policy.
- The complaint is filed more than two years after the last occurrence of the violation.
- The complaint is clearly frivolous, malicious, or filed in bad faith.

Normally, only harassment complaints deemed admissible will be investigated. However, when a complaint is deemed inadmissible, the reported incident is assessed to determine whether the Respondent has engaged in behaviour that may potentially violate the Policy even though such behaviour may not constitute harassment. If this is the case, one of the Policy's Responsible Persons will determine the most appropriate means to try to find a solution that is acceptable to all, including proceeding with an investigation.

10.2.3. Investigation

The person appointed by one of the Responsible Persons will collect information, including testimonies and evidence, to determine whether the allegations included in the complaint constitute a violation of the Policy. To reach a decision, the person appointed must:

- Begin the investigation promptly after receiving the file.
- Notify the Complainant and the Respondent of their role.
- Consult or meet with the Complainant and the Respondent, as well as the witnesses and persons they deem relevant.
- Seek written and signed statements from the parties, witnesses and persons involved as well as any relevant material evidence.

Various solutions may be considered at any time while processing the complaint, including mediation, subject to the consent of the persons concerned, to try to find a solution acceptable to all. Starting this mediation process suspends the investigation.

10.2.4 Investigation conclusion

Upon completion of the investigation, the person appointed by one of the Responsible Persons will send them a complete report including their analysis and conclusions. The Complainant and the Respondent will not receive a copy of the investigation report, but will be informed of its conclusions.

10.2.5 After the investigation

Depending on the conclusion of the investigation, one of the Responsible Persons ensures that the appropriate corrective or support measures are implemented. They will also follow up with the persons concerned to ensure that the corrective and support measures taken after the investigation are effective.

11. CORRECTIVE MEASURES

Any Person subject to the Policy who violates it will be subject to an intervention by the CAM such as administrative or disciplinary action, up to and including dismissal or termination of their relationship with the CAM. The decision on the appropriate measure will primarily be based on the context, seriousness, and consequences of the violation as well as an individual's past record.

Any person who files a complaint in bad faith, with malicious or vexatious intent or with the intent to harm others, or knowing that one or more of the allegations are false, will have committed a violation of the Policy and may be subject to disciplinary action, up to and including dismissal or termination of their relationship with the CAM.

12. CONFIDENTIALITY

Any Person subject to the Policy must be assured that their concerns will be treated with discretion, sensitivity and confidentiality. Confidentiality must be respected by all those involved. It is understood, however, that certain information may be disclosed to third parties if it is necessary for processing the file, for taking actions arising from it, or for purposes permitted by law or by the Policy.

13. PROHIBITED RETALIATION

The Policy strictly prohibits retaliation against anyone who has aired their concerns or sought any redress provided for by the Policy or in connection with it. Anyone who retaliates or threatens to retaliate may be subject to disciplinary action up to and including dismissal or termination of their relationship with the CAM.

14. OTHER REDRESS

Any Person subject to the Policy is free to pursue any external redress they deem appropriate.