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Harassment and Discrimination Prevention Policy and Processing of Complaints

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Adopted by: Board of Directors of Studio 303
Contact person for policy implementation: Direction and Board of Directors of Studio 303
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Scope: This policy applies to employees, administrators, interns, freelancers (including teachers and artists), and volunteers of Studio 303, regardless of their status.

Introduction

This policy is consistent with the Charter of Human Rights and Freedoms, which recognizes that every human being has inherent rights and freedoms, including the right to respect, to the preservation of their dignity, and to the protection of their physical and psychological integrity. It follows that any form of harassment or assault, whether sexual, physical, or psychological, constitutes a violation of fundamental human rights.

The purpose of this policy is to ensure that Studio 303 employees, administrators, interns, freelancers, and volunteers are aware that harassment and discrimination are unacceptable and incompatible with the organization's standards and values. This policy goes beyond Quebec's legislative requirements, in order to create, through the means listed below, a more inclusive and safer workplace. This policy complements our Accessibility, equity and inclusion policy, our Accessibility Guide and Internal Procedures (coming soon), and our Employees' working conditions policy.

To this end, Studio 303 implements a comprehensive strategy to promote civility and prevent discrimination and harassment, encompassing:

a) Regular evaluation of organizational and internal systems to identify any obstacles to compliance with the Charter of Human Rights and Freedoms.
b) Promoting appropriate standards of conduct at all times.
c) Encouraging the use of informal reporting as the first sign of a reprehensible situation.
d) Establishing an effective and fair complaint handling procedure, where necessary.

This policy is part of efforts to protect those most at risk of discrimination, whether they are racialized, Indigenous, women, 2SLGBTQIA+, deaf, and/or living with disabilities.

Objectives

The objectives of this policy are to:

- Foster the creation and preservation of a living and working environment free from all forms of harassment and discrimination, as well as promote respect for human dignity.
- Contribute to awareness, information, and training in the workplace in order to prevent harassment and ensure that everyone has the right to be treated fairly, without discrimination or harassment, regardless of their gender, sexual orientation, ethnocultural background, physical or mental appearance or abilities, religious beliefs, etc.
- Create an environment where issues of discrimination can be addressed openly and where everyone feels free to report abuse safely, doing so by raising awareness of resolution through discussion.
- Provide the necessary support to people who believe they have been subjected to incivility, discrimination, assault, or harassment, notably by establishing a complaint resolution procedure.

Definitions

This policy prohibits harassment and discrimination based on any of the following grounds, or any combination thereof:

- age (except where required by law)
- religion
- physical disability, neurodiversity, or mental health
- racialisation
- ethnic or cultural origin
- sexual orientation
- gender identity
- gender expression
- physical appearance
- social condition
- marital status
- immigration or citizenship status
- language
- criminal record
- etc.

Discrimination

Any form of unequal treatment based on one or more of the grounds described above which imposes an additional burden on a person or denies them the right to benefits. The action may be intentional or unintentional. It may involve direct acts of discrimination or a rule, practice, or procedure that may appear neutral at first glance but disadvantages certain groups of individuals. Discrimination may be overt or occur in a more subtle manner. In all cases, even if there may be several factors influencing a decision or action, it is a violation of this policy if discrimination is one of those factors.

Harassment or assault

Any comment or action that is known or should reasonably be known to be inappropriate. This may include words or gestures that are offensive, embarrassing, humiliating, degrading, or inappropriate, based on one or more of the grounds of discrimination set out in this policy. Harassment can occur as a result of any ground of discrimination.

Sexual harassment or assault

Sexual harassment is defined as unwanted, one-sided behavior with sexual connotations, consisting of undue pressure exerted on a person either to obtain sexual favors or to ridicule their sexual characteristics, which has the effect of compromising their integrity or their right to dignity.

Psychological harassment or abuse

Psychological harassment, as defined in section 81.18 of the Labor Standards Act, is abusive conduct manifested by repeated hostile or unwanted behavior, words, acts, or gestures that undermine a person's dignity or psychological or physical integrity and create a harmful work environment for that person. A single serious act may also constitute psychological harassment if it undermines and has a continuing harmful effect on the person.

Racial harassment

Racial harassment[1] is a form of discrimination and harassment that manifests itself in behaviors, words, actions, or gestures that create a hostile, offensive, or intimidating environment for the targeted person because of their race, skin color, or ethnic origin. Such behavior may include degrading comments, insults, offensive jokes, racial stereotypes, acts of physical or psychological violence, or other forms of unfair treatment. Racial harassment can also take the form of intentional or unintentional microaggressions. Racial harassment is a violation of a person's fundamental rights.

[1] It is important to emphasize that there is no scientific basis for racial classification. Despite this, notions of race persist in society and create differences between groups with the aim of marginalizing certain people in society. This social construction of race is called “racialization” and remains a powerful force in society. In addition to physical characteristics such as skin color, the following characteristics are commonly racialized: language, accent or manner of speaking, name, clothing and appearance, diet, beliefs and practices, leisure preferences, places of origin, and citizenship.

Principles

- Studio 303 is committed to not tolerating any form of harassment or assault between its members, employees, participants, and partners. It also commits to not tolerating any form of harassment or assault in the Studio 303 office and studio, or in any private or public places where events organized by Studio 303 are held. It commits to taking steps to raise awareness among all its stakeholders of the obligation to respect all individuals.

- Studio 303 is committed to resolving issues quickly and effectively and to using a complaint handling procedure with the aim of restoring a healthy work environment. Nevertheless, it is committed to deterring harassment and taking any necessary corrective measures.

- Anyone who believes they are being harassed or assaulted may take action, file a complaint, or seek recourse without fear of prejudice or reprisal.

- All information relating to a complaint and the identity of the persons involved shall be treated confidentially, to the extent possible, by all parties concerned, unless such information is necessary for the processing of a complaint, the conduct of an investigation, or the imposition of disciplinary or administrative measures.

- The person who believes they are being harassed or assaulted and the person who is the subject of the complaint are treated impartially and informed of the progress of the case and any decisions relating to the dispute. They also have the right to be accompanied by a person of their choice during the processing of the complaint.

- The administrators of the Board of Directors and the employees of Studio 303 have the right to exercise their powers provided they do so in a respectful manner; they have the right to set objectives, assign tasks, evaluate performance, give advice, and enforce Studio 303's rules and guidelines; they have the right to implement any measures necessary for the proper functioning of the organization.

- The administrators of the Board of Directors and the employees of Studio 303 must intervene diligently in the resolution of any conflict brought to their attention in order to help the parties involved resolve the conflict, whether at the request of the person who claims to be the victim of offensive behavior or on their own initiative.

Roles and responsabilities

All individuals who frequent Studio 303's premises and activities or who represent it externally are required to comply with this policy by refraining from any form of harassment or discrimination and by fully cooperating with any investigation related to a complaint of harassment or discrimination.

Individuals employed by Studio 303 have the additional responsibility to act immediately upon any observation or allegation of harassment or discrimination. These individuals are responsible for creating and maintaining an organization free of harassment and discrimination and should address potential problems before they become serious.

Complaint resolution procedure

1.1 The framework of the procedure

A harassment situation may involve individuals belonging to various groups. In this context, those responsible for this policy may delegate the complaint resolution process to a person who has been designated based on the affiliation of the individuals involved, particularly in the event of a conflict of interest between a member of the board of directors or one of its co-directors and a plaintiff.

The complaint resolution procedure does not in any way replace the remedies provided for by law. In the event that another recourse is pursued at the same time as a complaint is filed under this policy, the person responsible shall inform the person who filed the complaint of their decision to defer or not defer its consideration.

1.2 Mechanism of the amicable settlement

Reports and complaints can be resolved either through discussion, by involving a neutral third party to resolve the situation amicably (e.g., through mediation or neutral climate analysis), or by conducting an administrative investigation into the merits of the case (see below).

1.2.1 Direct dialogue with the concerned individual

At Studio 303, we value direct and respectful communication. Whenever possible, we encourage you to discuss what is bothering you or what concerns you with the person involved and ask them to stop the offensive behavior. The resources designated by Studio 303 (co-directors, chair of the board of directors, team members) can help you prepare for this discussion.

1.2.2 Amicable resolution mechanisms

Interventions in the context of an amicable settlement process (interpersonal or group mediation, work climate analysis, settlement conference, etc.) enable the issues and possible solutions to be identified with the support of a neutral third party. *These approaches are voluntary and require the agreement of all parties concerned.*

1.3 Formal complaint resolution mechanisms

I. Any formal complaint regarding harassment or assault must be made in writing using, for example, the form attached to this policy. It must be signed, include a description of the alleged acts, and identify the person or persons responsible for said acts. All complaints shall be sent to the Chair of the Board of Directors by email or in writing via the Studio 303 mailbox.

II. Complaints shall be dealt with as quickly as possible in order to intervene promptly to put an end to the harassment and prevent the working environment from deteriorating.

III. The chair of the board of directors assigns the mandate to investigate, depending on the person or persons targeted by the complaint, to either a member of the board of directors, one of the co-directors, or an external resource person. This person, acting as investigator, shall verify the validity of the complaint through an appropriate investigation, meet with the parties involved and any potential witnesses if necessary, in order to determine the seriousness and extent of the alleged acts. They may call upon an external resource person to analyze the nature, relevance, and validity of a complaint. If the allegations prove to be accurate, they will takes steps as soon as possible to put an end to the harassment.

IV. The investigator shall ensure, where necessary, that any temporary preventive measures are effectively implemented to protect the victim of harassment.

V. The investigator shall summon the person against whom the complaint has been made in order to attempt conciliation and, together with the complainant, find a solution to the alleged harassment.

VI. Where applicable, they will keep the person who is the subject of the complaint informed of the progress of the complaint against them. They will also ensure that the presumption of good faith of the person who is the subject of the complaint is respected, as well as their right to be heard at every stage of this policy.

VII. When a complaint is deemed abusive or made in bad faith, it may be dismissed by the investigator.

VIII. The investigator may impose any sanctions they deem appropriate on the person recognized as responsible for harassment (e.g., written or verbal warning, explanatory meeting, temporary suspension or dismissal, etc.) or any measure deemed appropriate in the context (e.g., apology, training session on appropriate behavior in the workplace, commitment to undergo therapy, prohibition on contacting the victim of harassment, etc.). The investigator shall submit their recommendations to the chair of the Board of Directors.

IX. The chair of the board of directors will then take the appropriate measures to resolve the complaint, which may include various sanctions depending on the severity, extent, recurrence, and repeat nature of the harassment. Under all circumstances, the chair of the board of directors will ensure that the necessary measures are taken to restore a healthy environment.

1.4 Special terms and conditions

The chair of the board of directors and the co-directors of Studio 303 are responsible for enforcing this policy.

They are responsible for communicating this policy to all Studio 303 members and implementing an awareness and information plan on harassment.

They are responsible for conserving or destroying all harassment complaint files. To submit your complaint by email, please write to the Chair of the Board of Directors. You can also submit your paper form by mail: Studio 303, 372 Sainte-Catherine West #303-305, Montreal, QC, H3B 1A2.

Contact list

To pe updated annually in October

Co-Chair of the Board of Directors
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Artistic Director
Kim-Sanh Châu
kimsanh@studio303.ca
(514) 995-7981

General Director
Mari Deckers
mari@studio303.ca
(514) 632-4792

Complaint Form

I hereby wish to file a complaint against: _____

Events

Date : _____

Tme: _____

Location:_____

Is this the first occurrence? _____

Frequency ? _____

As accurate a description as possible of the incident, specifying the nature of the harassment (sexual, physical, or psychological):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

If there is insufficient space, please fill in on a separate sheet.

In light of these events, I consider myself to be a victim of harassment.

Signature : _____ Date : _____