

ANTI-DISCRIMINATION POLICY

1.0 PREAMBLE

The purpose of this policy is to cultivate a respectful workplace through the prevention and swift resolution of Discrimination.

2.0 STATEMENT OF COMMITMENT

- Persephone Theatre will treat all present and prospective employees, artists, volunteers, patrons, board members, and other stakeholders with respect and will maintain a work environment that is free from all forms of Discrimination prohibited by *The Saskatchewan Human Rights Code*, including Discriminatory Harassment.
- This policy will apply to all aspects of employment, including, but not limited to: recruitment, selection, placement, training and development, promotion, compensation, benefits, termination, provision of services, and the work environment.
- Persephone Theatre will not tolerate, nor should its employees tolerate or engage in, any form of Discrimination prohibited by *The Saskatchewan Human Rights Code*, including Discriminatory Harassment.
- All present and prospective employees, artists, volunteers, patrons, board members, and other stakeholders will receive fair and equitable treatment regardless of race, creed, age, gender, gender expression, gender identity, marital status, nationality, ancestry, ethnic origins, family relationship, number of dependents, disability, sexual orientation, socio-economic status, political affiliation, or membership in a union.
- Persephone Theatre commits to fostering an open, welcoming, and accessible space in which audiences and artists come together to make and experience exceptional and thought-provoking theatre.
- We will seek out, nurture, mentor, and place on our stages, stories and artists from a wide and varied pool of talent.
- Our recruitment procedures and practices will be continually reviewed and revised to ensure we are reaching, attracting, auditioning, interviewing, hiring, retaining, and promoting workers and artists who bring a diversity of background and experience alongside work-based skills at all levels of the organization.
- Our administration, artistic teams, and Board of Directors will focus on balancing the composition of these groups to better represent Saskatchewan's diverse population.
- We will continue to learn, understand, and reflect on how colonialism has influenced our creation, composition, and teaching of theatre, and will incorporate decolonization approaches and content in our theatre school.
- Our theatre school will operate in a manner that builds student capacity for intercultural understanding, empathy, and mutual respect.
- We will continually review and revise our policies and processes to ensure they continue to encourage the creation of the inclusive and diverse theatre we strive for.

3.0 LEGAL FRAMEWORK

This policy focuses upon the rights and obligations set out in *The Saskatchewan Human Rights Code*. It also covers certain anti-Harassment obligations set out in *The Occupational Health and Safety Act, 1993*.

4.0 DEFINITIONS

- **The Complainant** is the person who makes a complaint or brings a Discrimination issue to the attention of the employer.
- **The Respondent** is the person whose behaviour is being complained about.
- **Discrimination** is the harmful treatment of an individual or group, based on certain personal characteristics. The *Saskatchewan Human Rights Code* establishes which characteristics (referred to as “prohibited grounds”) are covered. They are: mental or physical disability, age (18 and over), religion or religious creed, family status (being in a parent-child relationship), marital status, sex (including pregnancy and gender identity), sexual orientation, ancestry, colour, race or perceived race, nationality, place of origin, and receipt of public assistance (provincial). Discrimination does not need to be intentional to be illegal.
- **Harassment** is any behaviour that demeans, humiliates, or embarrasses a person.
- **Discriminatory Harassment** is Harassment related to any of the prohibited grounds of The *Saskatchewan Human Rights Code*. This policy prohibits Discriminatory Harassment. In addition, it prohibits Harassment based on physical size or weight and forms of Personal Harassment prohibited by *The Occupational Health and Safety Act, 1993*. Individuals are responsible for Discriminatory behaviour if they know their behaviour is unwelcome to the recipient, or if a reasonable person ought to have known the behaviour is, or could be, unwelcome to the recipient. Harassment can include comments, conduct, or display of materials that directly target an individual or that create a “poisoned” or “unwelcoming” environment where the person feels psychologically or emotionally harmed, offended, or intimidated based on any of the prohibited grounds.
Discriminatory Harassment includes
 - unwanted physical contact (touching, grabbing, hitting, or pinching);
 - written or verbal abuse or threats;
 - unwelcome remarks, jokes, cartoons, pictures, slurs, or taunts about a person’s ancestry, national or ethnic origin, sexual orientation, or any other prohibited ground;
 - insulting names or comments;
 - practical jokes that embarrass or insult someone;
 - ignoring, isolating, or segregating a person or group; and
 - negative treatment because of sex, ancestry, disability, or any other prohibited ground of Discrimination.
- **Sexual Harassment** is a form of Discriminatory Harassment which includes unwanted sexual advances, unwanted requests for sexual favors, and other unwanted verbal, physical, or written conduct related to sex.
- **Personal Harassment** is any unwanted activity or behaviour directed at an individual that creates a negative, hostile, or unwelcoming environment for that individual. Personal Harassment is not

covered by *The Saskatchewan Human Rights Code* because it is not connected to one of the prohibited grounds of Discrimination. However, this policy is consistent with *The Occupational Health and Safety Act, 1993*, which prohibits “forms of Personal Harassment with respect to any matter or circumstance arising out of the worker’s employment, which includes bullying and abuse of power.”

- **Systemic Discrimination** occurs when structural barriers or widespread stereotypes and assumptions bar certain groups of people from full participation in activities covered by *The Saskatchewan Human Rights Code*. These include: employment, education, public services, housing, contracts, trade unions, the purchase of property, publications, and professional trades and associations.
- **Prohibited Grounds** are those personal characteristics that are covered by *The Saskatchewan Human Rights Code* (see the definition of “Discrimination” above). They are called prohibited grounds because Discrimination based upon those personal characteristics is prohibited.
- **Accommodation** is the process of making changes or adjustments that eliminate Discriminatory barriers to equal participation and enjoyment of opportunities in employment, education, public services, and other areas covered by *The Saskatchewan Human Rights Code*. Accommodation means focusing on inclusion and flexibility, rather than on just one way of doing things.
- The **Duty to Accommodate** requires employers, service providers, and others covered by *The Saskatchewan Human Rights Code* to accommodate needs related to a prohibited ground of Discrimination, up to the point of undue hardship. This duty extends to both employees and patrons. The duty to accommodate is a requirement to integrate diversity into public services and the workplace and may entail changing office space, policies, practices, and/or behaviours.
- **Undue Hardship** describes the limit on the duty to accommodate for employers, service providers, and others covered by *The Saskatchewan Human Rights Code*. Undue hardship can only be defined on a case-by-case basis as its determination relies on the specific facts of each case. The point of undue hardship is only reached when the employer or service provider has done everything possible to accommodate a need. Some factors which courts have considered in their determinations of what constitutes undue hardship include a threat to health or safety, major economic impact, disruption to a collective bargaining agreement, diminished morale, interchangeability of workforce and facilities, and size of workplace. This list is not exhaustive, rather demonstrative. Undue hardship cannot be established by personal preferences based on ancestry, gender, or any other of the prohibited grounds under *The Saskatchewan Human Rights Code*.
- **Mediation** is a collaborative process of communication and solution-seeking between the employer, employee, and the union where applicable, that leads to the resolution of a matter. This process can also be referred to as early resolution, settlement, conflict resolution, or alternative dispute resolution. Mediation is a consensual process and should only be undertaken if the parties agree to it.
- **Investigation** is a fair and impartial fact-finding process which leads to a decision and action by the employer.

5.0 RIGHTS AND RESPONSIBILITIES

5.1 Employer

Persephone Theatre will not Discriminate against any present or prospective employee, patron, artist, contractor, or volunteer, nor will Persephone Theatre tolerate Discriminatory practices within the workplace. Persephone Theatre will take all complaints seriously, investigate them, and promptly correct actions or practices determined to be Discriminatory. Persephone Theatre will maintain the confidentiality of employee records and investigation of complaints to the furthest extent possible.

5.2 Managers and Supervisors

Managers and supervisors of Persephone Theatre are expected to lead by example and to act respectfully in dealings with employees, artists, and patrons. Managers and supervisors will ensure that employees are aware of this policy and will always promote the policy.

5.3 Employees

Employees have a right to a Discrimination-free working environment. Except where a bona fide reason exists, no employee should be discriminated against based on any of the characteristics outlined in the Code. Employees have an obligation not to participate in nor tolerate Discriminatory practices.

5.4 Patrons

Patrons have the right to Discrimination-free experiences. Persephone Theatre values its employees' rights, and in cases where patrons do not treat employees with respect, Persephone Theatre will take steps to protect its employees from Discrimination.

6.0 UNDERTAKINGS

6.1 Freedom from Discrimination

Persephone Theatre undertakes to provide a Discrimination-free environment for people to work and conduct business in, and will take all complaints of Discrimination seriously.

6.2 Freedom from Discriminatory Harassment

Persephone Theatre undertakes to protect employees and patrons from acts of Discriminatory Harassment pursuant to *The Saskatchewan Human Rights Code* and Harassment pursuant to *The Occupational Health and Safety Act, 1993*. Persephone Theatre will take such complaints of Harassment seriously.

6.3 Freedom from Systemic Discrimination

Persephone Theatre undertakes to make every effort to review its practices and procedures to identify and eliminate Systemic Discriminatory practices or procedures that exist. Persephone Theatre undertakes to monitor its organizational practices and procedures on an ongoing basis to prevent Systemic Discrimination.

6.4 Accommodation

Where accommodation needs are based on one of the prohibited grounds of *The Saskatchewan Human Rights Code*, Persephone Theatre undertakes to assess and address the accommodation requests of its employees up to the point of undue hardship.

6.5 The Accommodation Process

Persephone Theatre undertakes to discuss the accommodation request with the person whose needs

are being addressed and with the union (if applicable), and to work co-operatively to determine the best and most appropriate accommodation possible.

7.0 APPLICATION OF POLICY

7.1 Who does the policy apply to?

This policy applies to all present and prospective employees, artists, volunteers, patrons, board members, and other stakeholders.

7.2 When and where does the policy apply?

Discrimination will not be tolerated in any workplace setting or practice. Work-related conferences, business trips, social functions, contract sites, and job interviews are all examples of when this policy applies.

The Occupational Health and Safety Act, 1993 states that workplace Harassment can arise outside of a worker's place of employment. It includes Harassment directed at a worker at home or away from home if the Harassment occurs with respect to any matter or circumstance arising out of the worker's employment.

8.0 COMPLAINT PROCESS AND PROCEDURES

8.1 How to make a complaint

An impacted individual, witness, or trusted support person (requested by impacted individual) wishing to make a complaint of Discrimination can consult and file a complaint with their immediate supervisor, the Stage Manager/Equity Deputy, Education and Youth Director, or the Front of House Manager. In the event that a complaint is against this person, the Complainant can consult and file with the Artistic Director or General Manager (See the Communication Ladder which is posted in shared areas throughout the Theatre for staff, artists, volunteers, and students to refer to).

8.2 Once a complaint has been filed

8.2.1 Investigation

Once a complaint has been filed an investigation will be undertaken immediately by the individual to whom the complaint was reported. In instances where there is an alleged Respondent, as opposed to alleged Systemic Discrimination, the Respondent will be notified immediately. The Complainant and the Respondent will both be interviewed along with any individuals who may be able to provide relevant information.

Where the alleged Discrimination is an organizational practice or procedure, that practice or procedure will be investigated immediately. Where the investigation finds Systemic Discrimination within the organization, that practice or procedure will be changed promptly.

8.2.2 Mediation

Persephone Theatre supports resolving matters through mediation. Mediation can only be undertaken voluntarily. If both parties agree to participate, matters may be resolved through mediation.

8.2.3 Timeliness

Persephone Theatre will investigate all complaints immediately and will work towards the prompt resolution and prevention of Discriminatory acts and practices.

8.2.4 Fairness

All complaints will be investigated in the same manner with the aim of promoting fairness and equality.

8.2.5 Confidentiality and the Right to Privacy

Persephone Theatre will preserve the confidentiality of all individuals involved in a Discrimination complaint. The preservation of confidentiality may be affected by the employer's duty to prevent Discrimination at Persephone Theatre and by the alleged Respondent's right to know the nature of the complaint being made against them and who has made it so that they can respond.

Retaliation against any individual who has or may file a complaint, provide information relevant to a complaint, or testify in a proceeding under The Saskatchewan Human Rights Code is against the law and will not be tolerated by Persephone Theatre.

8.2.7 Documentation

All meetings, discussions, and steps taken in a mediation or investigation with respect to the alleged Discrimination will be documented. Documents relating to a complaint will be kept in a secure location. If the investigation fails to find evidence to support the complaint, no documentation concerning the complaint will be placed on the file of the Respondent. Persephone Theatre will retain all documentation for seven (7) years.

8.2.8 Outcomes and Remedies

Persephone Theatre will act swiftly to ensure that the Discriminatory practice is stopped as soon as possible, and may remedy the situation in a number of ways. Actions taken to remedy a Discriminatory situation should not have a negative effect on the Complainant. The main concern of the employer will be to ensure that the Discrimination ends and to restore workplace harmony.

1) 8.2.9 Discipline

If the investigation indicates Discrimination has occurred, the Respondent will be disciplined appropriately. This may include a variety of actions, up to and including termination.

8.2.10 Reporting Back

Persephone Theatre will provide all involved parties with written or verbal confirmation of findings, indicating either that the investigation found evidence to support the concern and the resultant remedy, or that the investigation found insufficient evidence to pursue the concern further and is therefore unable to facilitate a remedy. If the complaint is settled through mediation, the parties will receive written confirmation of the agreed upon terms of settlement, and documentation related to the process will be kept on the Respondent's file.

When a complaint is made, the Board of Directors will be notified.

When Persephone Theatre determines that a change to one of its practices or procedures is required due to Systemic Discrimination, all Persephone Theatre Personnel will be notified and the resultant change in practice or procedure will be posted.

8.2.11 Appeal Process

Within 30 days, either the Complainant or the Respondent may make a written request that an investigation be reviewed stating which aspect of the investigation is inadequate. The request must be



submitted to the individual who the incident was originally reported to or to a person on the next level of the Communications Ladder.

8.2.12 Right to File a Complaint with Outside Agency

This policy is meant to provide effective mechanisms for preventing and addressing Discrimination at Persephone Theatre. However, every employee also has the right to file a complaint with an outside agency such as the Saskatchewan Human Rights Commission, the Workers' Compensation Board, or the Occupational Health and Safety Division of the Labour Standards Branch of the Saskatchewan Ministry of Advanced Education, Employment, and Labour.

Adopted by Board of Directors Nov. 9, 2020

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