

JUDITH MARCUSE PROJECTS

B1	Respectful Work Environment Policy	
Initial Approval: December 16, 2020	Last Revised On: --	Last Reviewed On: February 25, 2021
Review Timeline: This policy will be reviewed at least annually		

1.0 PURPOSE

This policy sets out the commitment of Judith Marcuse Projects Society and its subsidiary The International Centre of Art for Social Change (“JMP/ICASC”) to ensuring a respectful work environment, including physical spaces, virtual spaces, and other forms of distributed work. This policy also defines the roles and responsibilities each member of the JMP/ICASC Community has in contributing to a respectful work environment.

2.0 POLICY STATEMENT

JMP/ICASC is committed to fostering a healthy and respectful work environment where all people can expect to feel safe and be treated with respect and dignity. JMP/ICASC will not tolerate discrimination, harassment, bullying or disrespectful behaviour by anyone.

Each member of the JMP/ICASC Community (collectively, JMP/ICASC members of the Board of Directors, staff, contractors, service providers, volunteers, program participants, external guests and visitors) is accountable for their own behaviour and is expected to conduct themselves in a respectful and appropriate manner at all times and to adhere to the JMP/ICASC Code of Conduct.

Each member of the JMP/ICASC Community has an obligation to communicate openly and respectfully with one another and to provide reasons for particular decisions or actions. When disagreements arise, greater listening and understanding is essential. The presence of conflict, if dealt with effectively, offers an opportunity for individual and organizational learning, including the identification of policies and practices that need to be improved.

Any member of the JMP/ICASC Community who is found to have violated this policy will be subject to a range of corrective measures, up to and including termination of employment, contract, or volunteer status; removal from a position, revocation of access to JMP/ICASC workplaces, and/or prohibition from participation in JMP/ICASC programs.

This policy does not limit the ability of supervisors to manage employees or oversee contractors and volunteers. Supervisory responsibilities such as providing work direction, addressing interpersonal conflicts and managing performance, including providing feedback for improvement, are reasonable and acceptable under this policy.

3.0 SCOPE AND APPLICATION

Expectations for appropriate behaviour and the prohibited conduct described in this policy apply to all persons interacting with or attending JMP/ICASC events, programs, worksites, and online activities. This includes but is not limited to members of the Board of Directors, staff, contractors, service providers, volunteers, program participants, external guests, and visitors.

JMP/ICASC has limited authority and control over persons who are not JMP/ICASC employees or volunteers. We commit to taking reasonable steps to coordinate with relevant third parties (e.g., employers of service providers) to address potential violations of this policy.

This policy applies to conduct that happens in person, as well as to technology-mediated interactions including but not limited to email, social media, and paper-based communications, and regardless of whether the actions involved the use of JMP/ICASC resources or personal equipment/devices.

This policy does not cover criminal cases or workplace labour law issues, which are dealt with according to provincial and federal laws.

4.0 ROLES AND RESPONSIBILITIES

Under this policy, every person acting on behalf of JMP/ICASC or participating in JMP/ICASC programming has specific responsibilities for contributing to a respectful work environment.

As an organization, JMP/ICASC will:

- Provide education and training to support this policy
- Provide established procedures for reporting, investigating and resolving complaints.

The Communications & Program Manager will:

- Receive complaints under this policy, unless the complaint is about the Communications & Program Manager in which case the complaint will be referred to the Artistic Producer who will proceed according to the following steps, either directly or via an appointee
- Serve as the Investigator for internal investigations
- Address complaints in compliance with this policy and associated procedures in a timely, consistent, effective and confidential manner
- Keep accurate records of the initial complaints, subsequent information gathered, and resolutions.

The Artistic Producer will:

- Be ultimately responsible for ensuring that conflicts involving members of the JMP/ICASC Community are resolved in a satisfactory manner
- Inform the Chair of the Board of Directors of any conflicts that impinge on the organization's ability to function or that may damage its reputation.

Supervisors and members of the Board of Directors will:

- Conduct themselves in a respectful and appropriate manner
- Comply with this policy by not engaging in discrimination, harassment, bullying or disrespectful behaviour
- Participate in management-specific training on this policy (as applicable)
- Create and maintain a respectful work environment by taking reasonable steps to ensure the work environment is free from discrimination, harassment, bullying, and disrespectful behaviour
- Intervene when any unacceptable behaviour is observed, whether or not it is reported
- Facilitate, support and participate in the investigation process of reported incidents
- Conduct an annual review of this policy and any related appendices, procedures and forms.

Staff, contractors, service providers, volunteers, program participants, external guests, and visitors will:

- Conduct themselves in a respectful and appropriate manner
- Comply with this policy by not engaging in discrimination, harassment, bullying, or disrespectful behaviour
- Participate in training on this policy (as applicable)
- Report incidents of discrimination, harassment, bullying or disrespectful behaviour which are experienced or observed to their supervisor, the program facilitator, or the Communications and Program Manager
- Cooperate in the investigation process of potential violations of this policy and provide details of any incidents they have experienced or witnessed.

An Investigator appointed under this policy will:

- Receive complaints under this policy, determine the facts, and document findings
- Prepare a confidential report with findings of fact, conclusions, and recommendations and/or remedies for the Artistic Producer (or Chair of the Board of Directors if the Artistic Producer is a Respondent).

5.0 PRIVACY AND CONFIDENTIALITY

All parties to a complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a complaint to those who need to know.

JMP/ICASC and all individuals involved in the complaint process will comply with all requirements of British Columbia's *Personal Information Protection Act* to protect personal information.

6.0 DEFINITIONS

JMP/ICASC Community

For the purposes of this Policy and associated appendices, procedures, and forms, the JMP/ICASC Community includes all JMP/ICASC members of the Board of Directors, staff, contractors, service providers, volunteers, program participants, external guests, and visitors.

Respectful Workplace

Any work environment, physical or virtual, where members of the JMP/ICASC Community are polite and considerate of others; communications are thoughtful, transparent and timely; activities are inclusive and sensitive; feedback is timely and constructive; and disagreements or disputes are resolved by maintaining the dignity of the parties involved and creating developmental resolutions.

Prohibited Conduct

Bullying, harassment, discrimination, disrespectful behaviour, retaliation, and malicious complaints are prohibited.

Bullying and harassment

As defined in B.C.'s Anti-Bullying legislation, bullying and harassment:

- (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Bullying and harassment may consist of a single incident or several incidents over a period of time and includes sexual harassment. Mutually acceptable social interaction is not workplace bullying or harassment. (See Appendix A for examples and non-examples.)

Discrimination

An action or a decision that treats a person or a group negatively based on any of the prohibited grounds in the BC Human Rights Code Section 13(1). These include:

- Race
- Colour
- Ancestry
- Place of origin
- Political belief
- Religion
- Marital status

- Family status
- Physical or mental disability
- Sex
- Sexual orientation
- Gender identity or expression
- Age
- Having been convicted of a criminal or summary conviction offence that is unrelated to the employment of that person

Discrimination that is not based on these grounds is prohibited under British Columbia's Anti-Bullying legislation.

Disrespectful Behaviour

Refers to any behaviour that is prohibited by this policy, including discrimination, harassment and bullying. Disrespectful behaviour also includes behaviour that detracts from maintaining a respectful work environment where JMP/ICASC Community members feel respected, valued, and safe.

Retaliation

Any action taken against an individual for invoking this policy in good faith, whether on behalf of oneself or another individual; for participating or cooperating in any investigation under this policy; or for associating with a person who has invoked this policy or participated in these procedures.

Malicious complaint

Occurs when a person makes a complaint of bullying, harassment, discrimination, or disrespectful behaviour that they know is untrue. Submitting a complaint in good faith, even where the complaint is later shown to be based on a mistake, a misunderstanding, or a misinterpretation, or where the complaint cannot be proven, does not constitute a malicious complaint. A person who makes a malicious complaint may then become the Respondent in follow-up actions under this policy.

Complainant

A person who believes they have been bullied, harassed, discriminated against, or treated disrespectfully and who seeks recourse under this policy. An alleged incident may be reported by a Witness; in such cases, the alleged target is still the Complainant for the purposes of this policy.

Respondent

A person against whom an allegation of bullying, harassment, discrimination, or disrespectful treatment is made under this policy.

Witness

A person who observes or has personal knowledge of an incident of bullying, harassment, discrimination, or disrespectful treatment in a JMP/ICASC work environment.

Investigator

The person designated by JMP/ICASC to receive complaints under this policy, determine the facts, and document findings. For internal investigations, the Communications and Program Manager will be the Investigator unless they are a Respondent; in such cases, the Artistic Producer will be the Investigator or will designate another person to act in this capacity. In some situations, JMP/ICASC may appoint an external investigator.

7.0 REFERENCES

BC Human Rights Code

http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01

Workers Compensation Act

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96492_00

WorksafeBC Bullying & Harassment <https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>

I, [print name] _____ acknowledge that I have read, understand, and agree to abide by the JMP/ICASC Respectful Work Environment Policy, Appendix and Procedures, signed [signature] _____ this day of _____ 20____,

Respectful Work Environment Policy – Appendix A: Examples		
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The following examples are intended to be illustrative, not exhaustive.

1. Examples of conduct or comments that might constitute **bullying and harassment**:

- Verbal aggression or insults
- Calling someone derogatory names
- Vandalizing personal belongings
- Spreading malicious rumours
- Unwelcome remarks or jokes about a person’s race, religion, sex, age, disability, or any other of the prohibited grounds of discrimination
- Threats or intimidation
- Unwelcome physical contact, such as touching, patting, pinching or punching, which can also be considered assault
- Aggressive, intimidating, and/or insulting comments
- Offensive sexual gestures and suggestions
- Any intentional, persistent attempt of one or more persons to intimidate, demean, torment, control, mentally or physically harm or isolate another person(s).

2. Examples of **discrimination**:

- Choosing not to participate and/or work with people because of any of the prohibited grounds of discrimination
- Continually treating someone according to negative stereotypes based on any of the prohibited grounds.

3. Unless the conduct is carried out in an abusive or threatening manner or is intended to cause emotional harm, bullying, harassment, and discrimination do NOT include:

- Changes to working conditions
- Corrective action
- Discipline
- Termination of employment or contract
- Decisions relating to workload and deadlines
- Performance evaluation
- Changes in job duties.

4. It is NOT harassment for a supervisor or investigator to informally or formally investigate behaviour or incidents of concern that occur in or arise from the work environment by interviewing employees, unless an interview is carried out in an abusive or threatening manner or intended to cause emotional harm.

5. Differences of opinion and interpersonal conflict between persons at the work environment are NOT harassment, unless the conflict results in behaviour that is considered threatening or abusive.

Procedures for Reporting a Complaint		
Associated Policy: B1 Respectful Work Environment Policy		
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1. When to Report

Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

2. How to Report

Report incidents or complaints of workplace bullying, harassment, discrimination, or disrespectful behaviour verbally or in writing to the Communications and Program Manager.

Written reports may be submitted to respect@icasc.ca. If the report is submitted verbally, the Communications and Program Manager will document the details in writing.

If the Communications and Program Manager is the subject of the complaint, report the complaint directly to the Artistic Producer.

3. What to Include in a Report

Provide as much information as possible in the report, including:

1. The names of people involved
2. The names of witnesses
3. Where the event(s) occurred
4. When the event(s) occurred
5. What behaviour and/or words led to the complaint
6. What behaviour and/or words were used during the incident
7. Any additional details that would help the investigation
8. Attach any supporting documents, such as emails, handwritten notes, or photographs; physical evidence, such as vandalized personal belongings, can also be submitted.

4. Record Keeping

JMP/ICASC expects that Community Members will keep written accounts of incidents to submit with any complaints.

5. Duty to Notify

In instances where Complainants, Respondents, or others are at serious risk of harm, the person receiving the report is required to notify the police.



Procedures for Investigating a Complaint		
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1. Resolution Options

1.1 Informal Resolution

Where appropriate, the Investigator will offer the parties an opportunity to resolve the issue informally. No person is required to attempt to resolve an issue informally.

As part of the informal process, the Complainant may, with the assistance of the Investigator, meet with the Respondent with a view to arriving at a resolution to the situation.

Where parties do not agree on appropriate resolution, the matter will proceed to an investigation.

1.2 Investigation

Where informal resolution is not appropriate or not successful, there will be a formal investigation. Most investigations will be conducted internally. In complex or sensitive situations, JMP/ICASC may seek the services of an external Investigator.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the Complainant and Respondent equal treatment in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviewing the Complainant, Respondent, and any Witnesses
- accommodate, where appropriate, any need or request from the Complainant or Respondent for assistance during the investigation process.

The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence (e.g., vandalized objects). However, if the Complainant and the Respondent agree on what happened, then JMP/ICASC will not investigate any further and will proceed to determine appropriate corrective action, if any.

1.3 Alternate Procedures

JMP/ICASC is open to alternate resolution processes, if agreed to by all parties involved (e.g., Indigenous approaches).

Note: Incidents occurring wholly within jurisdictions other than British Columbia may result in more time taken to ensure JMP/ICASC follows the appropriate codes and legislation.

2. Outcomes

2.1 Mutual Agreement

If both parties are satisfied with the recommendations arising from the informal resolution process or the investigation, including, where appropriate, an action plan for the Respondent (e.g., complete specified training), the Investigator will make a confidential written record of the resolution. Each party will sign and then be provided with a signed copy of the resolution.

The Investigator will provide a written report, including a copy of the signed resolution document, to the Artistic Producer. If the Artistic Producer is named as a Respondent, the Investigator will provide the report to the Chair of the Board of Directors.

2.2 Resolution Committee

A Resolution Committee will be formed if either:

- The parties do not agree to the Investigator's recommendations, or
- The situation involves repeated incidents/patterns of behaviour, serious conflicts that endanger a person's safety or well-being, or situations which the Investigator believes may require more serious consequences than an agreed-upon action plan.

The Resolution Committee will consist of the Communications and Program Manager, the Artistic Producer, and one member of the Board of Directors. If the Communications and Program Manager and/or the Artistic Producer are named as Respondents, then the Board Chair of the Board of Directors will appoint proxies to fill their seats. The Committee may also call on external resources for specialized expertise to inform their proposed actions.

The Resolution Committee has the authority to impose a range of corrective measures up to and including termination of employment, contract, or volunteer status; removal from a position, revocation of access to JMP/ICASC work environments, and/or prohibition from participating in JMP/ICASC programs. Such measures will generally be reserved for instances where a party has displayed dangerous behaviour risking/causing bodily harm, criminal behaviour, or malicious intent to endanger the physical, mental, emotional safety, and/or well-being of a member of the JMP/ICASC Community, and/or does not wish to come to a resolution.

The Resolution Committee will provide their recommendations in writing to the Artistic Producer. The Artistic Producer will advise the Complainant and Respondent of the investigation findings. If the Artistic Producer is named as a Respondent, the Chair of the Board of Directors will perform these tasks.

3. Record-keeping Requirements

JMP/ICASC will keep a written record of investigations, including the findings.