



17 Discrimination and Harassment Policy

Policy established: April 25, 2018

Policy last reviewed and revised: June 7, 2020

Purpose

EMV is committed to providing a productive, professional and collegial work environment based on the principles of fairness and respect; it follows that any form of discrimination, harassment, bullying and sexual harassment are not acceptable and will not be tolerated.

This policy has been established to provide a clear statement on:

- a. what does and what does not constitute discrimination, bullying, harassment, and sexual harassment. For the purposes of this policy, this will be referred to as "discrimination and harassment" or "inappropriate conduct";
- b. roles and responsibilities;
- c. the process for reporting discrimination and harassment in the EMV work environment; and
- d. the process for responding to and investigating reports of inappropriate conduct.

This policy is not intended to interfere with reasonable supervision of EMV workers and is not intended to constrain social interaction.

Application of The Policy

This Policy applies to those individuals doing work on behalf of EMV, and includes EMV employees, supervisors and members of management, directors, a contractor who does business on behalf of EMV including PBO musicians, and EMV volunteers. For the purposes of this policy, these individuals will be referred to as "EMV Workers". The policy applies wherever EMV's business is conducted and includes interactions of EMV Workers with each other and with third parties including office work, concert events, work-related social functions, training and assignments at EMV's premises and at other locations. It also applies to social exchanges whether in person, in writing, or electronically (such as email, texts and social media) which are EMV and employment-related. For the purposes of this policy, all the locations contemplated above will be collectively referred to as the "EMV work environment". Inappropriate behaviour may be perpetrated by EMV Workers; it also includes behaviour by a person that an EMV Worker may encounter in the EMV work environment, such as an audience member, a donor or a member of another organization with which EMV does business.

All EMV Workers have a responsibility to ensure awareness of, and adherence to, this policy.

Definitions

What is Discrimination?

As a matter of principle, EMV is committed to the B.C. *Human Rights Code*, which provides that differential treatment, based on one of the enumerated grounds in the *Human Rights Code*,



including race, colour, gender, physical or mental disability, sexual orientation, marital or family status, religion, etc. which has an adverse effect, is against the law.

What is Bullying and Harassment?

Bullying and Harassment includes any inappropriate conduct or comment by a person towards an EMV Worker that the person knew or reasonably ought to have known would cause the Worker to be humiliated or intimidated. It can be an isolated incident or a series of incidents.

It is important to understand that bullying and harassment does not include any reasonable action taken by the management of EMV or relating to the management and direction of EMV Workers.

Bullying and harassing **can** include:

- verbal aggression or yelling
- spreading malicious rumours
- insults or calling someone derogatory names
- interfering with an EMV Worker's belongings
- using profanity in the workplace that will make others uncomfortable
- physical assaults or threats
- making personal attacks based on someone's private life and/or personal traits
- making aggressive or threatening gestures
- engaging in targeted social isolation

Bullying and harassing **does not** include:

- expressing differences of opinion
- assignment or reorganization of work
- offering constructive feedback, guidance, or advice about work-related behaviour
- raising legitimate concerns about another's conduct
- reasonable action taken by management or a supervisor relating to the management and direction of EMV Workers or the place of employment (e.g., managing performance, taking reasonable corrective actions, assigning work)

Discrimination-Based Harassment

Discrimination-based harassment is a form of discrimination that adversely affects the recipient on one or more of the prohibited grounds under the B.C. *Human Rights Code*.

Discrimination-based harassment is behaviour or the effect of behaviour, whether direct or indirect, which meets one of the following conditions:

- Creates a poisoned environment
- Is abusive or demeaning
- Would be viewed by a reasonable person experiencing the behaviour or effect of the behaviour, as an interference with her/his participation in an EMV-related activity.



What is Sexual Harassment?

Sexual harassment is one or a series of incidents involving unwelcome comments and conduct of a sexual nature, including sexual advances, request for sexual favours, or other verbal or physical conduct, including written and electronic communications of a sexual nature. It can occur in the form of behaviour by (i) men towards women, by (ii) by women towards men, (iii) between men, or (iv) between women. Sexual harassment may take several forms and need not be intentional in order to be considered sexual harassment. Examples include:

- sexual jokes
- Leering, staring, stalking or persistent attempts to contact another person
- the display in any form of offensive material of a sexual nature
- obscene, sexually degrading or derogatory words, comments, actions or gestures, including texts and emails
- unwelcome flirtations, advances or propositions
- sexual assault
- unwanted touching
- the express or implied promise of reward for sexual compliance or threat of reprisal for refusal to comply
- unwelcome inquiries or comments about a person's sex life
- persistent unwanted contact or attention after the end of a consensual relationship
- requests for sexual favours
- verbal or physical abuse or threats

Sexual harassment does not include a relationship based on mutual consent, a hug between friends, or an academic discussion dealing with sex or sexuality.

Roles and Responsibilities

An EMV Worker must:

- not engage in discrimination and harassment
- report if inappropriate conduct is experienced or observed
- comply with EMV's policy on discrimination and harassment.

Management of EMV must:

- take steps to prevent or minimize discrimination and harassment
- inform EMV Workers of the policy and take steps to create and maintain a work environment that is free from inappropriate conduct
- provide training to EMV Workers to recognize the potential for discrimination and harassment, and how to respond



- respond to concerns of inappropriate conduct that are identified or reported, investigating and taking action as appropriate to the situation
- review the policy on an annual basis and report to the Board on the status of training, the operation of the Policy and related matters.

Important:

- Discrimination and harassment are considered serious misconduct and, as such, will be subject to disciplinary action, up to and including dismissal, as well as loss of volunteer privileges.

Complaint Procedures

An EMV Worker who feels that he or she has experienced discrimination, bullying or any form of harassment as described in this Policy is strongly urged to immediately bring the circumstances of such actions to the attention of, and may file a formal complaint with:

- Matt White, EMV's Executive and Artistic Director
matthew@earlymusic.bc.ca
Phone: 604-779-6942; or
- Johanna Shapira, Vice President of the EMV Board.
jshapira@hotmail.com
Phone: 778-877-2673

Inquiries and/or complaints will be responded to as quickly and effectively as is reasonably possible, in accordance with the principles of natural justice, as appropriate for the circumstances. Any investigation will be conducted in as confidential manner as is compatible with a thorough investigation of the complaint. Confidentiality however must be distinguished from anonymity. Anonymous complaints will not be accepted. The complainant's name and the complaint circumstances will be kept confidential and (disclosed to necessary individuals only for the purposes of investigation or discipline.

There will be no retaliation against any individual who files a good-faith complaint.

Annual Review

This policy will be reviewed each year to ensure its continued effectiveness.