

## how we work

As a company focused on the values of imagination, integrity, collaboration, empowerment, and sustainability in all we do, Why Not Theatre (“Why Not” or the “Theatre”) is committed to creating positive and healthy workspaces for our artists and communities.

Why Not Theatre acknowledges the complex ways in which race, national or ethnic origin, ancestry, colour, religion or creed, sex, age, ability, health status, caregiving status, marital status, class, sexual orientation and gender identity and gender presentation affect our interactions with each other.

Why Not acknowledges that historically oppressive systems and structures, such as settler colonialism, heteropatriarchy, anti-Black, anti-Indigenous racism, and white supremacy affect and act as barriers to safe and productive workspaces.

We recognize the mutual responsibility of Why Not Theatre and our workers to resist systems of oppression, interrogate our inherent biases, recognize and report instances of workplace discrimination and harassment, and actively create safe and respectful workspaces for all.

Why Not Theatre acknowledges our responsibility to understand and act in accordance with the Treaties and customs of the lands we operate on, occupy, and visit as uninvited guests.

Tkaronto, the sacred land on which we primarily operate is the territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples. Tkaronto is covered by Treaty 13 with the Mississaugas of the Credit and the Dish With One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy and Confederacy of the Ojibwe and allied nations to peaceably share and care for the resources around the Great Lakes.

**why not theatre's declaration of workers' rights**

You have the right to feel safe and supported at your workplace and while performing your work.

You have the right to come to work as your whole self, regardless of race, national or ethnic origin, ancestry, colour, religion or creed, sex, age, ability, class, caregiving status, marital status, sexual orientation, gender identity or gender presentation.

You have the right to a workplace and work environment designed to protect you from violence and harassment.

You have the right to express when you feel unsafe, without fear of overt or subtle retribution.

You have the right to report threats and/or incidents of violence or harassment in any workplace.

You have the right to bring any concern or complaint directly to the leadership team or Board of Directors of Why Not Theatre.

You have the right to report incidents without fear of retaliation, revenge, or punishment.

You have a right to seek reprieve from discomfort or harm, even if we cannot perceive it, as we operate from the position that we believe concerns as they are presented.

You have a right to challenge the representation of your cultural identity or lived experience at or by Why Not Theatre.

You have the right to seek support or advice from third party, or a peer whose insight into the context could inform Why Not Theatre's perspective.

You have the right to a prompt investigation into any complaint, shaped by you and led by Why Not Theatre's Board and leadership team.

You have the right to have suitable corrective action as described in this policy enacted, guided by your input and enforced by Why Not Theatre.

You have the right to access support programs provided or facilitated by Why Not Theatre if you have been directly or indirectly impacted by workplace violence or harassment.

You have the right to provide Why Not Theatre with feedback on this document, as well as our complete Human Rights Policy.

**why not theatre's human rights policy**

Updated: September 2021

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## introduction

Why Not Theatre values the diversity of its workforce and visitors and is committed to providing a safe and healthy working environment that prioritizes human dignity and respect. The purpose of this policy (“the Policy”) is to ensure that every employee, independent contractor, volunteer, or board member (“Worker”) is provided with a workplace free of intimidation, discrimination, harassment, and violence.

This policy must not be used maliciously or in **bad faith**. Bad faith or misconduct in the use of this policy will be treated in the same manner as harassment. Bad faith is commonly associated with actions involving malice, fraud, collusion, illegal conduct, dishonesty, abuse of power, discrimination, unreasonable conduct, ill-motivated conduct or procedural unfairness. This policy will be reviewed annually. Revisions, when they occur, will be made available to all workers, and published on our website.

These acts in any form will not be tolerated on our premises, or in the course of our work, functions, and events regardless of where that work, function, or event occurs.

For the purposes of this policy, workplace harassment, violence, and discrimination can occur where Why Not Theatre’s business is conducted (whether or not on Why Not Theatre’s property) and at any employer event, including, but not limited to, the following:

- At a dedicated work building (e.g. theatre, office);
- At employment-related social functions;
- In the course of work assignments outside of the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; and
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

It is Why Not Theatre’s responsibility to support and assist Workers who are subject to harassment, discrimination, or violence, and to take action to stop such conduct. This policy pertains to all Workers and extends to all Why Not Theatre activities.

Why Not Theatre upholds, as a matter of normal business practice, the freedom from harassment and discrimination provisions of the Ontario *Human Rights Code* (the “Code”) and the freedom from harassment provisions of Ontario’s *Occupational Health and Safety Act* (the “OHSA”) and is committed to providing and maintaining a workplace that is safe and free of violence in compliance with the OHSA.

Every Worker involved with Why Not Theatre has a responsibility to play a part in ensuring a workplace free from harassment, discrimination and violence. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. Every Worker is required to observe and comply with the requirements of the Ontario *Occupational Health and Safety Act* and regulations (“OHSA”), as amended and is expected to work safely.

**responsibilities of workers of why not theatre:**

It is the responsibility of each Worker to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of violence, threats, or intimidation;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to harm, intimidate, or threaten;
- Attend any workplace training sessions as held by Why Not Theatre;
- Report any problem that could result in violence or threats of violence within the workplace to a Matter Minder immediately;
- Cooperate in the investigation of any incident;
- Remove oneself from immediate danger;
- Contact emergency services where appropriate;
- Follow all policies, practices and procedures regarding safety in the workplace;
- Use the service of building security as needed;
- Immediately advise a Matter Minder of any identified or potential safety risks in the workplace;
- Become familiar with the location of all building exits; and
- Use common sense. Be alert to the surroundings.

**responsibilities of why not theatre management:**

It is the responsibility of management to:

- Assess and reduce risks of violence and discrimination in the workplace;
- Train employees to recognize risks of discrimination and violence;
- Respond promptly to reports of violent or discriminatory behaviour;
- Follow the procedures outlined herein when receiving a report;
- Report and document incidents in accordance with the procedures set out in OHSA;
- Ensure proper medical care is available when needed; and
- Cooperate with all investigations.

## **workplace harassment and discrimination at why not theatre**

Why Not Theatre seeks to provide a discrimination and harassment-free environment for its workers. Mutual respect, cooperation and understanding, must be the basis of every interaction. Why Not Theatre will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment.

Discrimination and harassment are prohibited by sections 5(1) and 5(2) of the *Code*. This Policy prohibits discrimination or harassment on the basis of the following grounds:

- Age;
- Ancestry, colour, race;
- Citizenship;
- Ethnic origin;
- Place of origin;
- Creed;
- Disability;
- Family status;
- Marital status (including single status);
- Gender identity;
- Gender expression;
- Record of offences (in employment only);
- Sex (including pregnancy and breastfeeding); and
- Sexual orientation.

Please note that any harassment that is not based on one of these prohibited grounds – for example, based on class or socioeconomic status – can be equally demeaning, intimidating, or humiliating and is also covered by another section in this Policy. Individuals who engage in conduct constituting Code-based discrimination and/or harassment may be subject to disciplinary action, up to and including, termination of employment.

### **definitions**

With regard to Human Rights, the following terms shall have the following definitions:

**“Unwelcome”**: any action which the harasser knows or ought to reasonably know is not desired by the victim of the harassment.

**“Harassment”**: engaging in a course of vexatious (annoying/upsetting) comment or conduct that is known or ought reasonably to be known to be **unwelcome** by a worker in the workplace. This can include **unwelcome** action by any person, that are verbal or physical, on a single or repeated basis, which humiliates insults or degrades.

**“Discrimination”**: Any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules,

practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

For the purposes of this policy, workplace harassment, violence, and discrimination can occur where Why Not Theatre's business is conducted (whether or not on Why Not Theatre's property) and at any employer event, including, but not limited to, the following:

- At a dedicated work building (e.g. theatre, office);
- At employment-related social functions;
- In the course of work assignments outside of the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; and
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Workplace harassment and discrimination can range from subtle to blatant behaviour, and may be expressed in a number of ways. Unwelcome comment or conduct does not have to be directed at a specific Worker to constitute harassment or discrimination. Any form of unwanted behaviour characterized by words, acts, or gestures (eg. hurtful remarks, insults, humiliating jokes, display of offensive or obscene materials, inappropriate physical contact, intimidation, inappropriate demands or reprisals) may constitute harassment or discrimination.

### **types of workplace harassment**

**"Workplace harassment"** is defined in the *OHSA* as: engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

**"Workplace sexual harassment"** is defined in *OHSA* as: a). engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or b). making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Workplace Harassment and discrimination include, but are not limited to, the following examples:

- Offensive behaviours such as yelling, insults, name-calling, negative communication intended to humiliate or offend, offensive jokes, etc;
- Photography or recording of an individual that is non-consensual or unwelcome;
- Use of technology in the form of texts, emails, voicemails, etc., to communicate messages that are known or ought reasonably to be known to be unwelcome;

- A supervisor or manager providing only trivial or demeaning tasks in place of normal job duties;
- A supervisor or manager or another staff member often and intentionally excluding one or more individuals from meetings or events that they would normally attend in the course of their duties;
- Bullying, which is defined as repeated, persistent, continuous behaviour as opposed to a single negative act and is generally associated with a power imbalance between the affected person and the perpetrator;
- Engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, racial identity or cultural expression, place of origin or ethnicity, socioeconomic class, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;
- Inappropriate and / or unwelcome physical contact;
- Inappropriate and / or unwelcome comments or conduct of a personal or sexual nature;
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- Stalking or similarly harassing behaviour.

The above examples are by no means exhaustive, and the purpose of this list is not to eliminate any other behaviour from reprimand, but to help workers to understand the breadth of the behaviour included within the definition, and the conduct we will respond to in order to ensure our workplace is safe and supportive. Why Not Theatre will treat any complaint of harassment or discrimination with seriousness, sensitivity, and discretion. Confidentiality will be maintained wherever possible. Exceptions will only be made where disclosure is necessary for the purposes of conducting a proper investigation, taking appropriate disciplinary/corrective measures, or where required by law.

Any Worker, regardless of the Worker's position of authority, may be responsible for committing an act of harassment or discrimination. While harassment and discrimination usually involve repeated acts or a course of conduct, a single incident can be serious enough to constitute a breach of this policy.

Additional points to remember about Harassment and Discrimination at Why Not Theatre:

- While harassment is legally defined by the *Code* and *OHSA*, aggressive and/or inappropriate behaviours that may fall outside of these definitions will not be tolerated by the company.
- Harassment and discrimination are about power and control and can be present in every job level and occupation.
- Harassment and discrimination can be defined by the perceptions of the recipients of the behaviour, not necessarily by those of the harasser.

A reasonable action taken by a Worker relating to the management and direction of a Worker or the workplace does not constitute harassment or discrimination.



## **workplace violence at why not theatre**

Workplace violence or threats of any form will not be tolerated in the workplace by Workers, Managers, Supervisors, Patrons, Suppliers, Volunteers, Visitors, or any other person.

### **definitions**

**“Workplace violence”** is defined as the use, or attempted use, of physical force against a worker in a workplace that causes or could cause physical injury. Workplace violence also includes a statement or behaviour that a worker could reasonably interpret as a threat to use physical force against him or her that could cause physical injury.

### **types of workplace violence**

Workplace violence includes, but is not limited to, the following examples:

- The exercise of physical force by a person, against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker;
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker;
- Physical acts: hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery, threats;
- Domestic violence is considered a form of workplace violence when it occurs in the workplace and is interpreted in a manner consistent with the definition of workplace violence; and
- Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.

This list is not exhaustive, nor is the intention to eliminate any other behaviour from being seen to be unacceptable and in breach of this policy.

### **reporting**

Why Not Theatre will take such steps as it considers reasonable and appropriate, and as indicated by any of its Workers, to identify possible sources of violence and to implement procedures and precautions to eliminate or minimize the risks.

Any acts of violence or threats of violence in the workplace are unacceptable. It is the responsibility of each Worker to report any threat or act of violence. If you see something, say something.

### **risk of violence**

In accordance with the *OHSA*, Why Not Theatre has an obligation to provide Workers with information, including personal information, related to an individual with a history of violent behaviour where there is a risk of workplace violence being perpetrated by that person. Such information will only be provided to those workers who could reasonably be expected to encounter that person at work, and where the risk of workplace violence is likely to expose those workers to injury. Only information that is reasonably necessary to protect workers from physical injury will be disclosed. Confidentiality will be maintained wherever possible.

### **domestic violence**

Where Why Not Theatre is, or is made aware of domestic violence that may occur or is likely to occur in the workplace, Why Not Theatre will take precautions to protect that Worker. Any worker who feels that they are at risk of domestic violence should notify their Supervisor or the Executive Director. Supervisors who are aware of domestic violence that could enter into the workplace are required to report this information to the Executive Director immediately. For the purposes of this policy, the workplace can include any environment where Why Not Theatre requires the worker to perform their duties.

### **life-threatening situations** •

Where there is an extremely urgent and/or life-threatening situation in the workplace, particularly with regard to serious violence, the most important concern is for the immediate safety and well-being of the affected Worker. Depending on the situation, the most immediate need may be to call the fire department, paramedics, or police when violence occurs in the workplace (see next section, "law enforcement considerations".)

## law enforcement considerations

When violence as defined in this policy occurs in the workplace, it is the legal obligation of anyone present to notify the police.

Aside from the aforementioned circumstances, Why Not Theatre acknowledges that some Workers' safety may be compromised by police presence, particularly Indigenous, Black, and mentally ill Workers. Why Not Theatre encourages the autonomy of all Workers who are subject to violence or potential violence to choose whether a police presence is necessary and/or welcome. In the case where the Worker subject to violence or potential violence is unable to make this decision, all other Workers are encouraged to ask themselves the following questions before calling the police:

- a) Is this circumstance life-threatening to you or anyone else?
- b) Is the race, gender, ethnicity, class, mental health status, or housing situation of anyone involved in the situation influencing your choice to call the police?
- c) Are there alternative resources and/or services that are better equipped to deal with this situation, such as mental health services and/or crisis hotlines?
- d) When deciding to call the police, are you conscious of the language that may contextualize certain individuals as threats and/or escalate the possibility of violent recourse from responding officers?
- e) Who represents Why Not Theatre / the project if and when police arrive on the scene? How will this/these representatives contextualize the situation for law enforcement?

### here are some alternatives to the police that may be appropriate:

- Call Anishnawbe 24/7 Mental Health Crisis Management Service for **Indigenous individuals in crisis**: 416-891-8606
- Assaulted Women's Helpline for **women experiencing abuse**: 416-863-0511; 1-866-863-0511
- Distress Centre for **emotional support and crisis intervention**: 416-408-4357
- Gerstein Centre for **mental health crisis support**: 416-929-5200
- Kids Help Phone for **mental health crisis support**: 1-800-668-6868
- Toronto Seniors Helpline for **community-based senior health and social support services and crisis services**: 416-217-2077
- Toronto Rape Crisis Centre: 416-597-8808

## reporting

This policy outlines both early resolution and formal complaint resolution processes available to any Worker who believes that they or another person has been harassed, discriminated against, or been subject to violence in the workplace. This includes reporting any situation of domestic violence that would likely expose a Worker to physical injury in the workplace and/or that may endanger a worker in the workplace.

While Why Not Theatre is committed to resolving harassment, discrimination, and violence concerns internally, nothing in this policy precludes a Worker or independent contractor from filing a complaint with the Human Rights Tribunal of Ontario, or the Ministry of Labour, having criminal charges laid, or instituting civil proceedings; nor is this policy intended to discourage a worker from taking steps to contact emergency services as needed.

Workers who engage in harassment, discrimination, or violence may expose themselves personally to damages in the event of a successful lawsuit or human rights case.

If you experience harassment or violence at work, keep a record. Write down dates, times, any witnesses, what was said or done, when and by whom. Documentation is extremely important, especially if the harasser does not stop or if the violence or harassment is damaging to a degree that justifies a formal complaint.

In many situations, simply informing the person that the person's comment or conduct is unwelcome can resolve the issue.

It is understandable that in many situations it may be too difficult to speak to the person directly (or speaking to the person does not stop unwelcome conduct, or as a result of speaking of the person you are subjected to retaliatory behaviour). You are strongly encouraged to discuss your concerns with anyone from Why Not's Vision Team (Ravi Jain, Miriam Fernandes, Karen Tisch). If the concern involves any Vision Team member, you are encouraged to discuss your concerns with the Operations and Development Manager (Katy Mountain), or Members of Why Not Theatre's Board of Directors (*Contact information is available at the end of this document.*) Bringing a concern to the attention of any one of the above-listed individuals can begin the reporting process.

**Note: If a Vision Team or a member of the Board is the subject of a complaint, they will not be consulted or included in the investigation process in any capacity except as the "Respondent" (the person that the complaint is being lodged against).**

An incident or complaint of potential or actual workplace violence or harassment will be investigated promptly and impartially and in a manner appropriate in the circumstances.

**confidentiality**

It is essential that the Complainant, Respondent, and all of those involved in the investigation of a complaint maintain confidentiality throughout the formal or early resolution complaint procedure, the investigation, and after the investigation. Information will only be provided to those who have a “need to know”, or as required in the course of the investigation. It is the responsibility of all Workers to cooperate with the investigation and to maintain strict confidentiality of all information related to the allegations and investigations.

It is a serious breach of this policy to break confidentiality unless disclosure of information relating to the complaint is required by law or is necessary in order for the proper investigation and resolution of the matter. Any such breach will be treated in the same manner as harassment.

## early resolution

Early Resolution Processes typically precede the Formal Complaint Resolution Process. Early intervention and resolution are to be encouraged, only as appropriate.

Once an informal complaint is initiated with one of the aforementioned Team or Board Members, the person that you discussed your concerns with becomes the “Matter Minder”, who will assess whether the comment or conduct is related to the protected grounds outlined in the *Code* or whether it involves workplace harassment, discrimination, or workplace violence as outlined in the *OHSA*. The Matter Minder will document the entire process and can provide a copy of the documentation upon request. All documentation will be kept strictly confidential.

In the event that the Matter Minder determines that the comment or conduct complained of is in violation of Why Not Theatre’s Human Rights Policy, the resolution procedures below will apply.

After discussing your concerns with a Matter Minder, you may wish to have the Matter Minder (or someone else nominated by you) address the matter informally with the person whose behaviour has troubled you, or accompany you in doing so.

The Matter Minder may (after conferring with you) discuss the matter confidentially with the Vision Team, or Board of Directors. In particularly serious circumstances (for example, where there are previous complaints or incidents involving the person complained of, in cases involving allegations of inappropriate physical contact, or threats to personal safety), the Matter Minder may request that the Executive Director or Co-Chair of the Why Not Theatre Board initiate an investigation of the matter. The Matter Minder will carefully consider your wishes before making such a request and inform you of any proceedings to take place.

In every case where the Matter Minder addresses the matter informally with the person whose behaviour is in question, the Matter Minder will keep you apprised of how the issue is being addressed and of any proposed resolution initiatives. The Matter Minder will confer with the Executive Director or the Co-Chair of the Why Not Theatre Board on a “no names” basis prior to attempting to resolve the matter.

The Matter Minder will complete this informal procedure as soon as possible, normally within fifteen (15) days of your speaking to them, unless a longer period is appropriate in the circumstances. In this case, they will notify you of the proposed time frame to discuss.

## **formal complaints**

You may decide to make a formal written complaint under this policy to any member of Why Not's Vision Team, **Ravi Jain, Miriam Fernandes, and Karen Tisch**, the Co-Chair of Why Not Theatre's Board of Directors, **Paul Nagpal**, or other Members of Why Not Theatre's Board. Upon receipt of a written complaint, the above contacted will immediately initiate a workplace investigation.

A formal written complaint can be made whether or not you have spoken to a Matter Minder and whether or not the Matter Minder agrees with you that there is evidence of harassment, discrimination, or violence.

You may also make a formal written complaint in the event that the informal process does not resolve the matter to your satisfaction.

## **investigation of formal complaints**

The Matter Minder will initiate an investigation whenever they receive a formal written complaint and in other circumstances where an investigation is required by law or would be appropriate in the interest of ensuring that Why Not Theatre is free from harassment, discrimination, and violence.

An investigation might be appropriate where the Matter Minder becomes aware of a serious allegation or incident, or where a Matter Minder has been approached by a person who does not wish to make a complaint (formal or informal), but who describes a very serious allegation or incident (for example, where there are previous complaints or incidents involving the person complained of or in cases involving allegations of inappropriate physical contact).

The investigation will be completed and the appropriate resolution decided upon within thirty (30) days of the receipt of the formal written complaint, or the Matter Minder electing to initiate a complaint, unless a longer period is appropriate in the circumstances. In that case, the Executive Director, Co-Artistic Directors, Chair or Member of the Board of Directors, as the case may be, will notify the "Complainant" of the proposed time frame.

## **what will happen during an investigation?**

The investigator or investigative team (Chair/Member of the Board, or third-party) will:

1. Give a copy of the written complaint to the person whose conduct is complained of (the "Respondent").
2. Provide the Respondent with an opportunity to respond to the complaint orally or in writing and give a copy of any written response or a written summary of the oral response to the Complainant.
3. Advise both the Complainant and the Respondent of their right to have independent legal representation with respect to this investigation.

4. Investigate the complaint (by interviewing witnesses and others involved).
5. Where the complaint is substantiated, (i) recommend appropriate disciplinary or rehabilitative action; (ii) lodge a confidential record of the proceedings and the result with the Executive Director, Co-Artistic Directors, and Chair of the Board; and (iii) give a summary of the findings to both the Complainant and the Respondent.
6. Where the complaint is not substantiated, (i) take no further action against the Respondent, but (ii) lodge a confidential record of the proceedings and the result with the Executive Producer; and (iii) give a summary of the findings to both the Complainant and the Respondent.

At any stage during the early resolution or formal complaint process, the Complainant has the right to withdraw from any further action in connection with the complaint. The Matter Minder remains obligated to pursue the matter if they believe the continued investigation is appropriate in the interest of ensuring that Why Not Theatre is free from harassment, discrimination, and violence. For example, if there are concerns that the withdrawal of the complaint occurred as a result of possible retaliatory behaviour by the Respondent or in cases where there are previous complaints or incidents involving the Respondent or in cases involving allegations of inappropriate physical contact, Why Not Theatre would continue the investigation without the Complainant.

All procedural and administrative matters arising during the course of the investigation will be coordinated by the Executive Director, Co-Artistic Directors, Co-Chair or Member of the Board of Directors, as the case may be.

The Matter Minder will bring to the attention of the Why Not Theatre Board of Directors any matter raised under this policy that they believe involves significant risk to Why Not Theatre.



## **anonymous reporting**

If the Complainant does not wish to submit an informal or formal complaint, they also have the option to submit an anonymous report to Why Not Theatre through our online form at [this link](#).

Reports submitted through this form will be directed to a company email address supervised by Why Not Theatre's Co-Artistic Directors, Executive Director, and Board of Directors. As in the case of an informal or formal complaint, if any of these individuals are the subject of the complaint, they will be removed from the complaint process.

We acknowledge that there are various power structures, personal and professional relationships, implicit biases and other factors informing why a Complainant might prefer to disclose an incident anonymously, and we are committed to taking anonymous complaints seriously.

It is important to note, however, that anonymous disclosure may limit our ability to conduct a full and thorough investigation of an incident. These limitations include, but are not limited to, the following:

- The Complainant will not receive a reply or follow up from the Matter Minder if they do not disclose their email address or contact details;
- The Complainant will not have the ability to clarify details, answer questions, or receive updates from the Matter Minder if they do not provide their contact information;
- If the Complainant provides very specific details about the incident, this will help the Matter Minder in potentially pursuing an investigation, but may also put the Complainant's anonymity at risk;
- The Complainant may not be able to pursue legal action while maintaining full anonymity; and/or
- The Respondent may not face disciplinary or rehabilitative action if the Matter Minder does not have sufficient information to conduct an investigation of the complaint.

If the Complainant wishes to submit a follow-up anonymous complaint due to a repeated incident, they may do so, and indicate that this is a follow-up from a previous complaint. If a Complainant wishes to escalate their complaint to an informal or formal report, or wishes to withdraw their complaint, they must contact the Executive Director, Co-Artistic Directors, or members of the Why Not Board of Directors as desired.

Complainants are encouraged to keep accurate records of dates, times and details of any incidents in case they wish to escalate their report to an informal or formal complaint in the future. There is no mechanism by which Why Not can provide a record of anonymous complaints to Complainants.

## **reviewing anonymous complaints**

Anonymous complaints will be reviewed by the Executive Director, Co-Artistic Directors,

and members of the Why Not Board of Directors, within a maximum of fifteen (15) days of submission. This review process will firstly involve an internal discussion about whether an investigation into the complaint is possible, depending on the amount of information provided. If there is sufficient information to move forward with an investigation, and this is deemed the appropriate course of action based on the nature of the complaint, the Matter Minder will move forward with this process. This process may include an informal discussion with any identified and named witnesses to the incident, and/or the Respondent of the complaint, as appropriate. It is worth noting that complaints of incidents without witnesses will be examined and investigated with equal rigour.

If there is not sufficient information to substantiate the complaint, disciplinary action against the Respondent cannot be guaranteed.

A confidential record will be kept on file of each anonymous complaint. In the case of receiving multiple complaints about the same incident, individual or group, the Matter Minder will convene a separate meeting with the Vision Team and Board of Directors to discuss the issue at hand, and to determine the appropriate process of investigation. Reports will be destroyed in accordance with prevailing privacy legislation.

If anonymous complaints are vague, or lack detail, they may not trigger an investigation. As well, when the Complainant is not available, the investigator will have limited ability to assess the credibility of both parties.

**disciplinary and rehabilitative actions**

Disciplinary and rehabilitative action arising out of the informal resolution process or resulting from a formal complaint and subsequent investigation may include one or more of the following:

- A formal apology;
- Counseling and/or education on harassment, discrimination, and violence;
- A written warning;
- A change of work assignment of the Respondent;
- A change of work assignment of the complainant (only if requested);
- A financial penalty;
- The suspension with or without pay of the Respondent; and/or
- The termination of the Respondent's employment.

**conduct by third parties and non-workers**

If you believe that you have experienced harassment, discrimination, or violence in the workplace by a person not employed by Why Not Theatre (including a vendor, stranger, domestic/intimate partner, patron, volunteer, or visitor), you may bring your concerns to the attention of the Executive Director, Co-Artistic Directors, Chair or Member of the Board of Directors. The Executive Director will have responsibility for any investigation relating to vendors, patrons, or visitors.

**acknowledgement**

This policy was created with the generous contributions by Donna-Michelle St. Bernard of New Harlem Productions, and the Shaw Festival.

**agreement**

Why Not Theatre's *Human Rights Policy* constitutes an effective part of *Why Not Theatre's Declaration of Workers' Rights*.

If you have any questions regarding the above document, please contact Executive Director, Karen Tisch, at the contact information provided in this document.

I have read the above-listed documents, I understand the reporting procedure, and I agree to abide by the terms outlined within:

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Name

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Signature

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Date

**contact information**

Our Board of Directors and Vision Team members' chosen identifiers are included in the tables below to provide transparency around the intersections of their identities. We recognize the importance of intersectionality in addressing complaints and provide our Board and Team members' identifiers in case they may be relevant to, or helpful in understanding, your specific issue.

## Board of Directors

<a href="#">Paul Nagpal</a> (he/him)	Co-Chair	416-938-7080	paulnagpal@gmail.com
<a href="#">Nan Oldroyd</a> (she/her)	Director	416-627-3621	nanoldroyd@gmail.com

## Vision Team

<a href="#">Karen Tisch</a> (she/her)	Executive Director	416-939-6800	karen@whynot.theatre
<a href="#">Ravi Jain</a> (he/him)	Co-Artistic Director and Founder	416-262-3198	ravi@whynot.theatre
<a href="#">Miriam Fernandes</a> (she/her)	Co-Artistic Director	416-320-6482	miriam@whynot.theatre

## **glossary of terms**

Worker	A person who supplies services to an employer for wages.
Manager	A person whose work is managerial in character and who may perform non-managerial tasks on an “irregular or exceptional basis.” Managers have a significant external focus.
Matter Minder	A person who a complainant discusses concerns with and who is responsible for assessing whether the comment or conduct is related to protected grounds outlined in the <i>Code</i> or whether it involves workplace harassment, discrimination, or workplace violence as outlined in the <i>OHSA</i> .
Supervisor	A person whose work is supervisory in character and who may perform non-supervisory tasks on an “irregular or exceptional basis.” Supervisors have a more internal focused responsibility for implementing the manager’s decisions through the work of subordinate employees.
Patron	A person who supports with money, gifts, efforts, or endorsement, an artist, writer, museum, cause, charity, institution, special event, or the like.
Supplier	A person, private, or government entity from whom a lessor buys or leases goods to be leased under a finance lease.
Volunteer	A person performing services for a nonprofit organization without compensation, other than reimbursement for actual expenses incurred.
Visitor	A person who visits an organization’s property or attends its events.
Workplace	Any land, premises, location or thing at, upon, in or near which a worker works.
Respondent	The person who is the subject of an informal or formal complaint.
Complainant	The person who has initiated an informal or formal complaint.