

CODE OF CONDUCT AND REPORTING POLICY

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The Company is committed to creating and maintaining respect for human rights, anti-oppression, dignity, diversity, inclusion, and equality.

The policies, procedures and protocols set out in this Code of Conduct and Reporting Policy are in furtherance of this commitment.

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DEFINITIONS

For the purposes of this Code of Conduct and Reporting Policy, the following definitions shall apply:

ADC:	the Associated Designers of Canada
Board:	the Board of Directors of Soulpepper
Board Director:	a member of the Board
CAEA:	the Canadian Actors Equity Association
Company:	Soulpepper and Young Centre
Complainant:	a person who makes a complaint in accordance with the Code of Conduct and Reporting Policy
CTA:	the Canadian Theatre Agreement between CAEA and the Professional Association of Canadian Theatres
Director of Finance & HR:	the Company's Director of Finance, who also oversees Human Resources matters
Disability:	as defined in the OHRC: "Disability means that a person has, or has had, or is believed to have had: (a) any degree of physical disability, infirmity, malformity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and without limiting the generality of the foregoing, including diabetes, mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheel chair or other remedial appliance or device; (b) a condition of mental impairment or a developmental disability; (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; (d) a mental disorder; or (e) an injury or disability for which benefits were claimed or received under the <i>Workplace Safety and Insurance Act, 1997</i> ."
Discrimination:	excluding persons, denying benefits, or imposing burdens in the Workplace on the grounds of: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or Disability, or such other prohibited grounds as may be set out, from time to time, in the OHRC.
Executive Director:	Soulpepper's Executive Director/Young Centre's Managing Director
Finance & Audit Committee:	the Finance and Audit Committee of the Board

Harassment:	Workplace Harassment, which is defined in the OHSAs 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.” Harassment often manifests as comments or conduct that happens more than once, over a period of time, but it can also be one single serious incident that amounts to Harassment. Harassment includes Sexual Harassment, “psychological harassment” and “bullying.” It includes behaviours that intimidate, isolate or discriminate against the targeted individual(s). Harassment can come from a variety of sources, including Workers, Managers, Board Directors, patrons, donors, strangers and domestic/intimate partners.
HR Committee:	the Human Resources Committee of the Board
IATSE:	the International Alliance of Theatrical Stage Employees
JHSC:	the Company’s Joint Health and Safety Committee
Manager:	a person who has workers reporting to them
OHRC:	Ontario’s Human Rights Code
OHSAs:	Ontario’s Occupational Health and Safety Act
PACT:	the Professional Association of Canadian Theatres
Respondent:	a person against whom a complaint has been made in accordance with the Code of Conduct and Reporting Policy
Sexual Harassment:	Workplace Sexual Harassment, which is defined in the OHSAs 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.”
Soulpepper:	Soulpepper Theatre Company
Violence:	Workplace Violence, which is defined in the OHSAs as “the exercise or attempted exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, or a statement or behaviour that it 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. This definition of workplace

violence is broad enough to include acts that would constitute offences under *Canada's Criminal Code*.

- Worker:** any employee, independent contractor (including artist), or volunteer of the Company
- Workplace:** any location where the Company's business is conducted, on or off duty
- Young Centre:** GBSP Centre Corp. (o/a Young Centre for the Performing Arts)

STATEMENT OF PROMISES

In agreeing to work together towards our common goal of artistic excellence, the Company, the Board, the Workers, and the Managers will make best efforts to:

The Company and the Board will:

Through our policies and procedures:

- Have an open, clear reporting structure;
- Communicate the Code of Conduct clearly to all Workers, Managers, and Board Directors;
- Not tolerate any threatening, bullying, harassing, discriminatory, or inappropriately sexualized attention, language or behaviour;
- Support challenges to inappropriate behaviour - either in the moment or through more formal reporting procedures;
- Keep a log of incidents which are reported to us to help identify patterns;
- Raise awareness of harassment, discrimination, bullying and sexual harassment in the workplace;
- Support each other in managing cases which may result in disciplinary action and / or dismissal.

Through our commitment to safety:

- Produce challenging, experimental, exploratory and bold work – fostering artistic freedom of expression in a creative and safe space;
- Recognize that abuses of power can happen across diverse gender and working relationships;
- Recognize that being harassed can be a complicated, isolating, frightening and/or distressing experience.

Through our commitment to diversity and anti-oppression:

- Strive, always, to be open, friendly and welcoming and to provide an environment in which audiences and arts workers come together to make and experience the best theatre;
- Work to ensure the stories and representations on our stages are diverse;
- Work to ensure the stories and representations on our stages further our commitment to a culture of anti-oppression;
- Work to ensure the composition of our Board, administrative, and artistic teams reflect our commitment to diversity and anti-oppression;
- Work to ensure that no job applicant, auditioning artist or employee receives less favourable treatment due to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability (or such other prohibited grounds as may be set out, from time to time, in Ontario's Human Rights Code);
- Prove that we are a place of opportunity for all - on and off our stages;

- Seek out, mentor, nurture and place on our stages stories and artists from a wide and varied pool of talent;
- In cases where our Workers, Managers, or Board of Directors, seem to lack diversity: test any decisions or reasoning that may have contributed to that make-up, and to learn from the cases where the interpretation or consequences of our decisions are different than intended;
- Seek to foster meaningful relationships with individuals and organizations who can bring new perspectives and new methods of working;
- Review, refresh and revise recruitment procedures and practices to ensure the Company is reaching, attracting, auditioning, interviewing, hiring, promoting and fairly treating Workers who will bring a diversity of background and experience alongside their work based skills;
- Seek to cultivate leadership roles, entry level positions and training opportunities that embrace diversity of experience and thought;
- Develop each advertising campaign for each show through a prism of diversity;
- Work to attract new audiences and encourage repeat attendance and loyalty;
- Strive to make the Company's venues and performances as accessible as possible - audit this regularly, internally and externally;
- Look for opportunities to diversify our funding base, to support the broadest range of work and talent.

The Workers, Managers, and Individual Board Directors Will Each:

- Take responsibility for the power we have and not use it abusively over others who are more vulnerable;
- Think about what we want, why we want it, what we are doing to get it, and what impact it will have;
- Strive to call out behaviour that makes us uncomfortable, in the moment and without shame, even if it is awkward to do so. Empower ourselves and others. Stand up for ourselves and others;
- Recognize the blurred boundaries between work and social spaces and not exploit them;
- Never ask someone in a junior role to work with us in our private home/hotel room/etc.;
- Never objectify anyone's body in any workspace (including rehearsal rooms and theatres);
- Never knowingly make an artist feel vulnerable through nudity, undress or costuming;
- Never send overly personal or suggestive communications to a colleague;
- Never initiate unwanted intimate physical contact or sexualized attention;
- Never push artists to share their personal experiences to deepen the work. If it is offered, it has to remain within the trust of the rehearsal room;
- Recognise that each individual has a right to a working environment which encourages respectful, considerate, dignified and non-sexualised working relationships;
- Treat our colleagues with dignity and respect and without harassment, discrimination or bullying in any form;

- Be conscientious – remember that intention is not the same as impact;
- Always consider the long term best interests of the Company, its people, and its mission.

REPORTING POLICY

An essential objective at the Company, is to create and maintain a working environment that is safe and professional. Key strategies that support this objective are:

- Every Worker, Manager, Board Director, patron and donor of the Company – is entitled to the same level of respect, safety and professionalism;
- There is an ‘open door policy’ at all levels of the Company for the airing of concerns and complaints. It is the responsibility of management to promote a culture of open communication where issues and concerns can be dealt with in normal interaction, but also to provide alternatives when they are needed;
- Several communication channels exist, and will continue to evolve, that allow for healthy dialogue, the expression of disagreements, making complaints, or where necessary, utilizing whistleblower mechanisms.

Complaint Process

If you have a complaint about the working environment at the Company, you are strongly encouraged to bring it forward in a timely manner. The commitment of the Company is to treat complaints with respect, to investigate the matter, and to provide a response in a timely manner. The following guidelines are recommended:

1. Workers will generally bring a complaint forward to their immediate supervisor. For artists, depending on the capacity in which they are engaged with the organization, an immediate supervisor may be their Stage Manager, Academy Faculty member or Soulpepper’s General Manager. For other independent contractors an immediate supervisor would be their main contact with the organization as identified in their contract. This first discussion between a supervisor and their direct report or contact reinforces a positive culture with healthy dialogue, and usually allows for the most efficient and effective resolution of the issue. These “first discussions” will not typically be reported to the HR Committee.
2. It is recognized that there are times when bringing a complaint forward to an immediate supervisor does not seem like the best thing to do. Sometimes the complaint is a sensitive matter that concerns that supervisor. Sometimes the supervisor is aware of the concern, but has not provided a satisfactory response, or has not acted upon the matter. In these cases, you have the option of approaching the next level of management, or the Director of Finance & HR.
3. If you are still not satisfied with the response, you have the option of addressing your complaint to any member of the senior management team, the Executive Director, the Artistic Director, and/ or the Chair/Co-Chairs of the HR Committee (Chair/Co-Chairs of the HR Committee can be emailed directly and confidentially at: hr.committee@soulpepper.ca). Complaints made by Young Centre Workers or Managers to the Chair/Co-Chairs of the HR Committee will be brought to the Chair of the Young Centre Board of Directors. Please also refer to the “Whistleblower Process”, which follows. This process provides an additional avenue for making a complaint
4. Where appropriate and applicable, you may also have the option of bringing your concern forward to your Equity or IATSE representative.

Under the Canadian Actors’ Equity Association’s Respectful Workspace Policy “Not In Our Space”, Respectful Workspace Advisors can be contacted by **Email:**

(notinOURspace@caea.com) or by **Phone:** 1-800-387-1856. For further information, please consult Equity's Respectful Workplace Policy.

IATSE members should consult their Collective Agreement and Business Agent for further information.

5. Any complaint you raise under this policy is to be raised by you in good faith, and with an honest belief that the complaint is well-founded.
6. On a quarterly basis, the Director of Finance & HR and the Executive Director will provide the HR Committee with a summary of complaints that have been brought to their attention, and how those were addressed. Any significant issues will be brought forward immediately. The anonymity of complainants whose complaints are included in any such summary of complaints will be protected, unless otherwise mandated by the Company's Workplace Violence and Harassment Policy, or unless the complainant has explicitly waived that right.

As stated above, the goal of the Company is to treat every complaint with respect, to investigate the matter, and to provide a response within a timely manner.

(Please note that the complaint process set out in the Workplace Violence and Harassment Policy varies in some ways from the guidelines above. If you have a complaint about Violence or Harassment in the Workplace, please see those policies for additional information on the complaint process.)

Whistleblower Process

The Whistleblower Policy and Process allows staff and artists to bring forward information concerning wrongdoing, and to ensure that they are treated fairly and are protected from reprisal when they do so. As a general rule, the Whistleblower process is available if the Complaint Process, described above, and/or as set out in the Workplace Violence and Harassment Policy, has not resolved the matter. However, this is not essential, and you have the option of directly accessing this confidential service, if you prefer. As a guideline, it is recommended that a wrongdoing for purposes of this policy will include:

- A violation of any law or regulation;
- A serious danger to the safety, life or health to a Worker, Manager, Board Director, patron, donor or other member of the Company;
- A breach of the organization's Workplace Violence and Harassment Policy (specific examples of violence, harassment and sexual harassment are provided in that policy);
- Misuse of organizational funds or assets;

Soulpepper provides a Confidential, Anonymous Reporting for Employees (CARE) Program that is available to all Workers and Managers. The service is provided by an independent third party, in order to protect anonymity. Calls or emails to the confidential line are reported to the Chair/Co-Chairs of the HR Committee or the Chair of the Finance & Audit Committee, as appropriate, while maintaining the confidentiality of the complainant. Any calls or emails relating to the Young Centre will be reported by the applicable Committee Chair to the Chair of the Young Centre Board of Directors.

The Chair/Co-Chairs of the HR Committee or the Chair of the Finance & Audit Committee are responsible to investigate and follow up on the matter. Based on the nature of the complaint, the

applicable Committee Chair may bring the matter forward to the appropriate Board Committee, the Board Chair, the full Board, and/or the Executive Director or Artistic Director. Corrective action will be taken, and/or a response provided, as appropriate. (Given the anonymity the CARE program affords to complainants, a direct response may not always be possible.)

A fundamental requirement of a sound Whistleblower program is that there will be no reprisals against the person who raises a matter honestly and in good faith. The Board and management are committed to this principle. If you believe that you are being retaliated against, please contact the Director of Finance & HR or the Chair/Co-Chairs of the HR Committee (hr.committee@soulpepper.ca) as soon as possible. It is the responsibility of the Director of Finance & HR or the Chair/Co-Chairs of the HR Committee (as the case may be) to investigate any such situations on a timely basis, and to ensure that the principle of 'no reprisals' is being adhered to.

The Chair/Co-Chairs of the HR Committee and the Chair of the Finance & Audit Committee will provide quarterly summarized reports to the full Board on the number and nature of issues raised under the CARE program, and how those issues were addressed. To the extent a complainant's identity has been disclosed to the Chair/Co-Chairs of the HR Committee and/or the Chair of the Finance & Audit Committee, the anonymity of any such complainant whose complaint is included in any such summary of complaints will be protected, unless otherwise mandated by the Company's Workplace Violence and Harassment Policy, or unless such complainant has explicitly waived that right.

The HR Committee is responsible for the development, implementation, maintenance and review of these policies. The Committee will undertake a review of the policies no less that every year.

The Executive Director and the Director of Finance & HR are responsible for arranging for the training of all management and supervisory staff who can receive, and be required to follow up on, complaints under these policies.

WORKPLACE VIOLENCE AND HARASSMENT POLICY

Policy Statement

The Company is committed to creating and maintaining a positive and professional Workplace which is free from Violence. In support of this, it will assess the potential risks of Violence at the Company, with the participation of the JHSC, and will regularly review the potential areas that may lead to Violence and put preventative and reporting measures in place. In addition, it expressly prohibits any form of Discrimination and Harassment.

All measures in this Workplace Violence and Harassment Policy are specifically designed to meet the requirements under Ontario's *Occupational Health & Safety Act*. While the definitions in the OHS Act are fairly specific, the Company is committed to responding to and supporting all related enquiries and complaints. If in doubt about the most appropriate way to report an incident, please consult with the Director of Finance & HR or the Executive Director.

Scope

This Workplace Violence and Harassment Policy applies to all Workers, Managers, and Board Directors at the Company, the Company's donors, and any visitors or patrons who may be on the Company's premises.

The actual determination of any violation of this Workplace Violence and Harassment Policy can be made only in the context of a particular case, in accordance with fair procedures.

Note:

People who work on the Company's premises but are employed by another company (example: actors working for a presenter) are also encouraged to review the Workplace Violence & Harassment Policy for that company, if applicable.

Revisions To The Policy

The Company reserves the right to amend this policy and related procedures at any time as required. This policy will be reviewed as often as is necessary and at a minimum, annually.

Posting

This policy will be posted in a conspicuous location in the Workplace on all Health and Safety and Call Boards.

PART 1 – WORKPLACE VIOLENCE

Examples and Exclusions

Specific examples of Violence may include:

- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or attempting to hit, or throwing an object at another worker;
- sexual violence against a worker; or
- trying to run down a worker using a vehicle or cause harm using other equipment, ie. power tools.

Violence does not include:

- accidental situations, even if a worker is hurt as a result of the accident; or
- staged fights or violent acts which are an element of a stage performance, or their related rehearsals or warm-ups.

Prevention and Intervention

Prevention and intervention are key to achieving an environment free of Violence. The Company supports this by providing a clear policy statement and reporting system, and by providing training and communications regarding employee and employer rights and obligations.

Assessing Risks

Members of JHSC will participate in assessing the potential risks of Violence at the Company. This assessment will take into account the common risks at other similar workplaces and risks specific to the each of the organizations. These risks may arise from the nature of the Workplace, the type of work and the conditions of the work. Such risks will be reviewed as often as necessary, but at a minimum of once a year.

Certain changes will prompt a reassessment of risks, including:

- if certain Workplace locations are moved, renovated, or reconfigured (please note this will not typically apply to configuration of set designs);
- if there are significant changes to the conditions of work, such as the hours of work, or the ways in which Workers interact with the public;
- a violent incident indicates a risk that was not identified in an earlier assessment.

Disclosing Persons with a History of Violence

The Company is required to disclose information to Workers (scope of disclosure to be determined on a case-by-case basis), including personal information, about a Worker, Manager, Board Director with a history of violent behaviour if:

- the Worker can be expected to encounter that person in the course of their work; and,
- the risk of Violence is likely to expose the Worker (and potentially co-Workers) to physical injury.

Such disclosure shall only be made following consultation and discussion with the Director of Finance & HR and/or the Executive Director, who shall consider the nature of the violence, how long ago the violence occurred, and if appropriate, the triggers of the aggression. Only that

information that is reasonably necessary to protect Workers from physical injury will be disclosed.

Reporting & Resolving Issues

Immediate/Emergency Concerns

1. Individuals who are concerned about their immediate safety should remove themselves from the violent or potentially violent situation **immediately**.
2. Summon appropriate emergency resources through the use of an internal phone or by contacting **9-911**. Identify the street address of the location when making the emergency call.
3. Alert the appropriate supervisor as soon as possible and/or building management during business hours.
4. **NOTE:** During a performance, Patron Services staff should implement emergency procedures, as applicable.

Consultation & Information

Individuals can obtain information about Violence or discuss an incident with an advisor including the Director of Finance & HR and/or the Executive Director, any member of management, their immediate supervisor or their union representative, where applicable. Such informal consultation will not constitute a report of Violence.

Reporting Violence or Threats of Violence

Workers, Managers, and Board Directors are required to report any incident which may be considered Violence as soon as possible. This would typically be a report to the immediate supervisor, but could also be to the next level of management or to the Director of Finance & HR. The report of Violence should be made in writing, wherever possible, and should set out details of the incident, including dates, times, places, names of individuals involved and witnesses, and any documentary or physical evidence of the Violence. A Workplace Violence or Harassment Incident Report (Appendix B) has been developed for this purpose, but is not required.

Confidentiality

Information gathered during the investigation and contacts made will be documented and maintained in a confidential file, separate from the personnel file, by the Director of Finance & HR. To the extent possible, information gathered during the investigation will be kept confidential. Disclosure of information may however be required for the investigation or resolution process, police notification, by law, in another proceeding, or in a disciplinary or other corrective process. Those involved in the investigation, including witnesses, will be advised that all information discussed must and will, to the extent possible, be kept confidential. A breach of such confidentiality may be subject to disciplinary action.

Complainants and Respondents who are represented by a union or association may seek advice and/or request the presence of their representative so long as that representative agrees to maintain the confidentiality of the information discussed. Complainants and Respondents are also entitled to seek the advice, support and counsel of professional advisers, close friends and/or family, so long as those persons agree to maintain the confidentiality of the information discussed. Complainants and Respondents should exercise good judgment, discretion and caution when seeking the advice, support and counsel of professional advisers, close friends and/or family to ensure that those persons treat the information disclosed with the utmost confidentiality. A breach of confidentiality by a person to whom the Complainant or Respondent has disclosed

information about the complaint or the investigation, shall be considered to be a breach of confidentiality by the Complainant or the Respondent, as the case may be, and may result in disciplinary action.

Investigation of Reported Incidents

All Workers, Managers, and Board Directors must co-operate fully in any investigation under this Workplace Violence and Harassment Policy. Any report of Violence will be fully investigated. The Complainant will be advised that the investigation will be carried out by a person, whether internal or external to the Workplace, who is not directly involved in the incident or complaint. The investigator shall not be under the direct control of the Respondent. The investigator will have knowledge of how to conduct an investigation appropriate in the circumstances.

The investigation will include interviews with the Complainant, any relevant individual(s) named in the report, and relevant witnesses. External agencies specializing in issues of workplace violence, and/or the police, may be informed or consulted during this process or in regard to any incident or complaint of Violence. It is expected that most investigations will take between 2 to 4 weeks to complete. Where an investigator finds that the investigation will take considerably less or more time than noted above, the Complainant and the Respondent will be notified in writing by the investigator as soon as reasonably possible. All investigations shall be completed as soon as possible, while allowing for sufficient time for a complete, thorough and fair investigation.

If appropriate, the Complainant and/or the Respondent may be placed on a temporary leave of absence during the investigation.

Following the investigation, the investigator will provide a written report of recommendations to address the incident of Violence, which may include (but not be limited to): disciplinary action of the Respondent (if a Worker), requirement to provide a formal apology (written or in person), appropriate counselling for those involved, and/or discussion with the Respondent regarding expected and appropriate Workplace behaviour and responsibilities. The results of an investigation and any corrective actions will be provided to the Complainant and the Respondent.

Right to Refuse Unsafe Work

A Worker may refuse to work or do particular work where they have reason to believe that Violence is likely to endanger themselves. The Worker may remove oneself from their workstation and remain in a safe place.

Reporting Domestic Violence

The Company is required by law to take all reasonable precautions to protect any Worker if a domestic violence situation is likely to expose the Worker(s) to physical injury in the Workplace, and the Company is aware or ought reasonably to be aware of the situation. Reasonable precautions will be determined on a case-by-case basis and may include the development of an individual safety plan for the affected Worker(s). Domestic violence is considered violence between two persons who currently have, or have had in the past, a personal intimate relationship (for example, spouses or partners). Workers, Managers, and Board Directors who are concerned that domestic violence may enter the Workplace are asked to report this concern to their direct supervisor or to anyone in management.

Reporting to the JHSC and HR Committee

The Company will report any incident of Violence to the JHSC and the HR Committee where a Worker is disabled from their regular duties and/or requires medical attention as a result of Violence within 4 days of its occurrence.

Reporting to the Ministry of Labour

The Company will report any incident of Violence to the Ministry of Labour which results in a person being killed or critically injured. Such reporting shall be immediately by telephone, and in writing within 48 hours of the incident.

Violations of this Policy

All Workers are expected to abide by this Workplace Violence and Harassment Policy. Workers, Managers, and Board Directors who violate this Workplace Violence and Harassment Policy may be subject to disciplinary measures, up to and including termination for cause. Other persons may be removed from the Workplace. Violations of this Workplace Violence and Harassment Policy may also lead to civil and/or criminal liability.

PART 2 – HARASSMENT

The Company considers Harassment to be unacceptable and detrimental to a positive working environment. Harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a Worker, Manager, or Board Director or group of Workers, Managers, or Board Directors. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s).

Harassment often involves repeated words or actions, or a pattern of behaviours, against a Worker, Manager, or Board Director or group of Workers, Managers, or Board Directors in the Workplace that are unwelcome.

It is important to note that issues of harassment and sexual harassment may escalate over time into threats, or acts of physical violence. Alternatively, a victim of harassment or sexual harassment may react violently to prolonged harassment in the workplace.

Examples and Exclusions

Examples of Harassment include:

- bullying
- unwelcome remarks, jokes, insults, nicknames, innuendo, or taunting;
- repeated offensive or intimidating phone calls or emails;
- posters, notices, bulletins, or electronic photos which may cause offence and encourage discrimination, or create a hostile environment;
- racial or ethnic slurs, and use of terminology that reinforces stereotypes based on prohibited grounds;
- abuse of supervisory authority that endangers a person's employment, work performance or interferes or negatively influences the person's career. This includes misuses of power including intimidation, threats, blackmail and coercion.

What is not considered Harassment:

- reasonable action or conduct by a Manager or supervisor that is part of his/her normal work function even if there are possible unpleasant consequences for a Worker (e.g. disciplinary action, performance management, changes to schedules or duties, implementation of policies, etc.);
- constructive differences of opinion or disagreements between co-Workers.

Specific examples of Sexual Harassment can include:

- unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire or sex;
- practical jokes of a sexual nature which cause awkwardness or embarrassment;
- displaying pornographic pictures, posters, graffiti or other offensive material;
- questions or comments about an individual's sexual preferences;
- leering (suggestive staring) or other obscene or suggestive gestures;
- unwanted sexual flirtations, advances, or propositions;
- unwanted physical contact including touching, kissing, patting and pinching (note that such unwanted physical contact may amount to a crime under the Criminal Code of Canada);

- persistent unwanted contact or attention following the end of a consensual relationship;
- conduct such as stalking.

It does not include:

- a hug between friends; or
- a relationship or mutual flirtation of mutual consent.

Prevention and Intervention

Prevention and intervention are key to achieving an environment free of Discrimination and Harassment. The Company supports this by providing a clear policy statement and complaint and investigation procedure, and by providing training and communications regarding both this Workplace Violence and Harassment Policy and Worker, Manager, Board Director and Company rights and obligations.

Condoning

If a Manager or Board Director knows, or should reasonably have known, that Discrimination or Harassment may have occurred and fails to take appropriate action, the Manager, or Board Director has condoned the Discrimination or Harassment and may be subject to sanctions under this Workplace Violence and Harassment Policy.

Workers, Managers, or Board Directors who observe a situation involving the Discrimination against or Harassment of another or others, have a responsibility to inform the harasser of this policy, recognizing that Workers, Managers, or Board Directors who experience Discrimination or Harassment are often reluctant to report it.

Self-help Measures

Workers, Managers, or Board Directors who feel they are victims of Harassment have a right and responsibility to take self-help measures wherever possible or pursue the complaint process. Whenever and wherever possible, self-help measures should be used prior to filing a formal complaint. This includes communicating with the harasser (i.e., telling them face-to-face, telephoning, or writing) indicating that his/her behaviour is offensive, unwanted and unacceptable. It is recognized that self-help measures may be challenging to implement, particularly if the harasser is a patron, donor, or a Worker or Manager's supervisor.

Consultation & Information

Consulting with an advisor does not mean that a complaint is being lodged. Workers, Managers, or Board Directors can obtain information about Harassment, discuss an incident or explore self-help measures with an advisor including, their immediate supervisor, anyone in management at the Company, or their union representative, where applicable. Informal consultation can be sought through the Director of Finance & HR and/or the Executive Director. Such informal consultation will not constitute a report of Harassment.

Reporting & Resolving Issues – Complaint & Mediation Procedure

Confidentiality and Participation

Information gathered during the investigation and contacts made will be documented and maintained in a confidential file, separate from the personnel file, by the Director of Finance &

HR. To the extent possible, information gathered during the investigation will be kept confidential. Disclosure of information may however be required for the investigation or resolution process, police notification, by law, in another proceeding, or in a disciplinary or other corrective process. Those involved in the investigation, including witnesses, will be advised that all information discussed must and will, to the extent possible, be kept confidential. A breach of such confidentiality may be subject to disciplinary action.

Complainants and Respondents who are represented by a union or association may seek advice and/or request the presence of their representative so long as that representative agrees to maintain the confidentiality of the information discussed. Complainants and Respondents are also entitled to seek the advice, support and counsel of professional advisers, close friends and/or family, so long as those persons agree to maintain the confidentiality of the information discussed. Complainants and Respondents should exercise good judgment, discretion and caution when seeking the advice, support and counsel of professional advisers, close friends and/or family to ensure that those persons treat the information disclosed with the utmost confidentiality. A breach of confidentiality by a person to whom the Complainant or Respondent has disclosed information about the complaint or the investigation, shall be considered to be a breach of confidentiality by the Complainant or the Respondent, as the case may be, and may result in disciplinary action.

Although anyone may report Discrimination or Harassment, a formal complaint may be made only by persons affected by the alleged Discrimination or Harassment, or by the Director of Finance & HR and/or the Executive Director on behalf of the Company.

Should a Complainant or Respondent choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the Complainant's or Respondent's own expense.

All Workers, including the Complainant and the Respondent(s), must co-operate fully in any investigation under these guidelines. Failure to co-operate may result in disciplinary action.

Reprisal

Reprisals or threats of reprisal, particularly by a person in a position of authority, include acts or threats designed to punish a Worker, Manager, or Board Director who is the subject of, and/or who has reported Discrimination or Harassment; or threats designed to dissuade a Worker, Manager, or Board Director from reporting Discrimination or Harassment.

In Sexual Harassment cases, reprisals can also include acts designed to punish or threaten a Worker, Manager, or Board Director who has rejected sexual advances.

Reprisals can include withholding of roles or promotions, implied or explicit threats of termination or threats not to work with a Worker in the future, or threats to harm the reputation of someone who is the subject of, and/or who has reported Discrimination or Harassment.

There shall be no reprisal against any Worker, Manager, or Board Director who, in good faith, reports an incident of Harassment or Discrimination or participates in an investigation.

If you believe that you are being retaliated against, please contact the Director of Finance & HR or the Co-Chairs of the HR Committee (hr.committee@soulpepper.ca) as soon as possible. It is the responsibility of the Director of Finance & HR or the Co-Chairs of the HR Committee (as the case may be) to investigate any such situations on a timely basis, and to ensure that the principle of 'no reprisals' is being adhered to.

Step I: Filing of a Formal Complaint

- The Complainant will submit a written complaint to the Director of Finance & HR and/or the Executive Director. Should the complaint be in regards to behaviour of the Director of Finance & HR and/or the Executive Director, the Complainant will submit their written complaint to the Chair/Co-Chairs of the HR Committee (hr.committee@soulpepper.ca)
- **It should be noted that the Complainant's identity and written complaint will be provided to the Respondent.** The Workplace Violence or Harassment Incident Report (Appendix B) may be completed, or alternatively, used as a guideline to assist in reporting the appropriate information; written submissions in any form will be accepted. The complaint will provide details of the alleged Harassment, including dates, times, places, names of individuals involved and names of any witnesses. The Complainant will be advised that the investigation will be carried out by a person, whether internal or external to the Workplace, who is not directly involved in the incident or complaint. The investigator shall not be under the direct control of the respondent. The investigator will have knowledge of how to conduct an investigation appropriate in the circumstances.
- The investigation will include interviews with the Complainant, the Respondent and, if necessary, any relevant witnesses. Normally the complaint must be filed within 3 months of the alleged incident, or if incidents are ongoing, within 3 months of the latest incident.
- The investigator will meet with the Respondent. The investigator will provide, or forward, a copy of the complaint to the Respondent, and provide the Respondent with an opportunity to respond in writing. The Respondent will be advised that the investigation will be carried out by a person, whether internal or external to the Workplace, who is not directly involved in the incident or complaint. The investigator shall not be under the direct control of the respondent. The investigator will have knowledge of how to conduct an investigation appropriate in the circumstances.
- The investigation will include interviews with the Complainant, the Respondent and, if necessary, any relevant witnesses. The investigator will request a written response from the Respondent within 3 days. **It should be noted that any such written response provided by the Respondent will be provided to the Complainant.**
- The investigator will meet with the Complainant and Respondent, either individually or together, where appropriate.
- At this point, the procedure may result in a) a mutually acceptable resolution, b) withdrawal of the complaint or c) failure to resolve.
- It is expected that most investigations will take between 2 to 4 weeks to complete. Where an investigator finds that the investigation will take considerably less or more time than noted above, the Complainant and Respondent will be notified in writing by the investigator as soon as reasonably possible. All investigations shall be completed as soon as possible, while allowing for sufficient time for a complete, thorough and fair investigation.
- If appropriate, the Complainant and/or the Respondent may be placed on a temporary leave of absence during the investigation.
- The results of an investigation and any corrective actions will be provided to the Complainant and the Respondent.
- Should the investigation substantiate the complaint, then appropriate corrective action will be taken. The investigator will provide a written report of the findings of the investigation and the Director of Finance & HR and/or the Executive Director, and/or the

Chair/Co-Chairs of the HR Committee, as the case may be, will determine how the Company will address the Harassment, which may include (but not be limited to): a formal apology, appropriate counselling for those involved, a mediation meeting with both parties (the nature of which would be determined on a case-by-case basis), discussion with the Respondent regarding expected and appropriate Workplace behaviour and responsibilities, and/or disciplinary action, up to and including termination for cause.

- In the event one or both of the Complainant and/or the Respondent are members of the CAEA, a summary report of the actions and findings will be submitted by the Director of Finance & HR and/or the Executive Director to the CAEA, in accordance the provisions of the CTA. The CAEA is obligated under the CTA to treat any information in such summary report as confidential.
- Complaints that are found to be made in bad faith or without an honest belief that the complaint is well-founded may result in disciplinary action against the Complainant. The severity of the action will depend on the seriousness and impact of the complaint.

Step II: Other Options

If the Complainant or the Respondent is not satisfied with the settlement of the matter reached under Step I of this procedure, then either party may pursue the following options:

- The Complainant may contact the Human Rights Tribunal of Ontario to file an application to have their matter heard if their alleged Harassment is based on one of the grounds prohibited under the OHRC;
- If they are represented by a Union or Association, the Complainant or the Respondent may seek to resolve Harassment issues through the Union or Association's grievance and arbitration process;
- The Complainant may make a complaint in accordance with the Company's Whistleblower Policy (the Complainant may choose to make a complaint under the Whistleblower Policy without first making a formal complaint in accordance with the formal complaint process set out in this Workplace Violence and Harassment Policy).

Violations of this Policy

All Workers are expected to abide by this Workplace Violence and Harassment Policy. Workers, Managers, or Board Directors who violate this Workplace Violence and Harassment Policy may be subject to disciplinary measures, up to and including termination for cause. Other persons may be removed from the Workplace. Violations of this Workplace Violence and Harassment Policy may also lead to civil and/or criminal liability.

APPENDIX A – SPECIFIC PROCEDURES

The Company has anticipated the following workplace violence risks and have specific procedures and recommendations in place to deal with them.

Working Alone

- Follow company security procedures. Keys, access cards and security codes must not be shared. Do not allow unauthorized people to follow you into restricted areas. Always ensure exterior doors close securely;
- Whenever possible, employees shall not be working alone or in an isolated area of the building;
- Use notification cards to provide details of working late (location, department, date and time to the Concierge (Security));
- Workers, Managers, or Board Directors who are required to walk to their vehicles or transit late at night are encouraged to use a buddy system.

Cash Handling Procedures

- Follow company procedures for securing cash in a safe and for making bank deposits;
- In the event that a Worker is threatened with a potential robbery situation, he or she should hand over the money immediately without question or any action that might put the Worker in danger. Only after the threat has ended, should the worker notify his/her supervisor or Manager and the police;
- Workers and Managers who are required to transport cash outside of the building (e.g. bank deposits) will be required to so do during daylight hours only;
- Workers and Managers who are required to transport cash/deposits within the building are required to use the shortest route possible and avoid or minimize travel through public areas where possible.

Dealing with Potentially Violent Patrons/Students

- Report concerns about potential violence to a supervisor immediately;
- Refer to “Guidelines for Artist Instructors and Other Adults Working with Young People” for dealing with students.

Dealing with Potentially Violent Rejected Job Candidates/Artists

- Rejected job applicants/artists who provide any abnormal response should be flagged and notification given to the Director of Finance & HR and/or the Executive Director;
- Should any repeated, inappropriate, or threatening contact be made, whether in person, over the telephone, or through email, the individual shall be reported to the Director of Finance & HR and/or the Executive Director;
- The extent and nature of the contact will be reviewed, and a police report shall be filed if risk to any employee is determined.

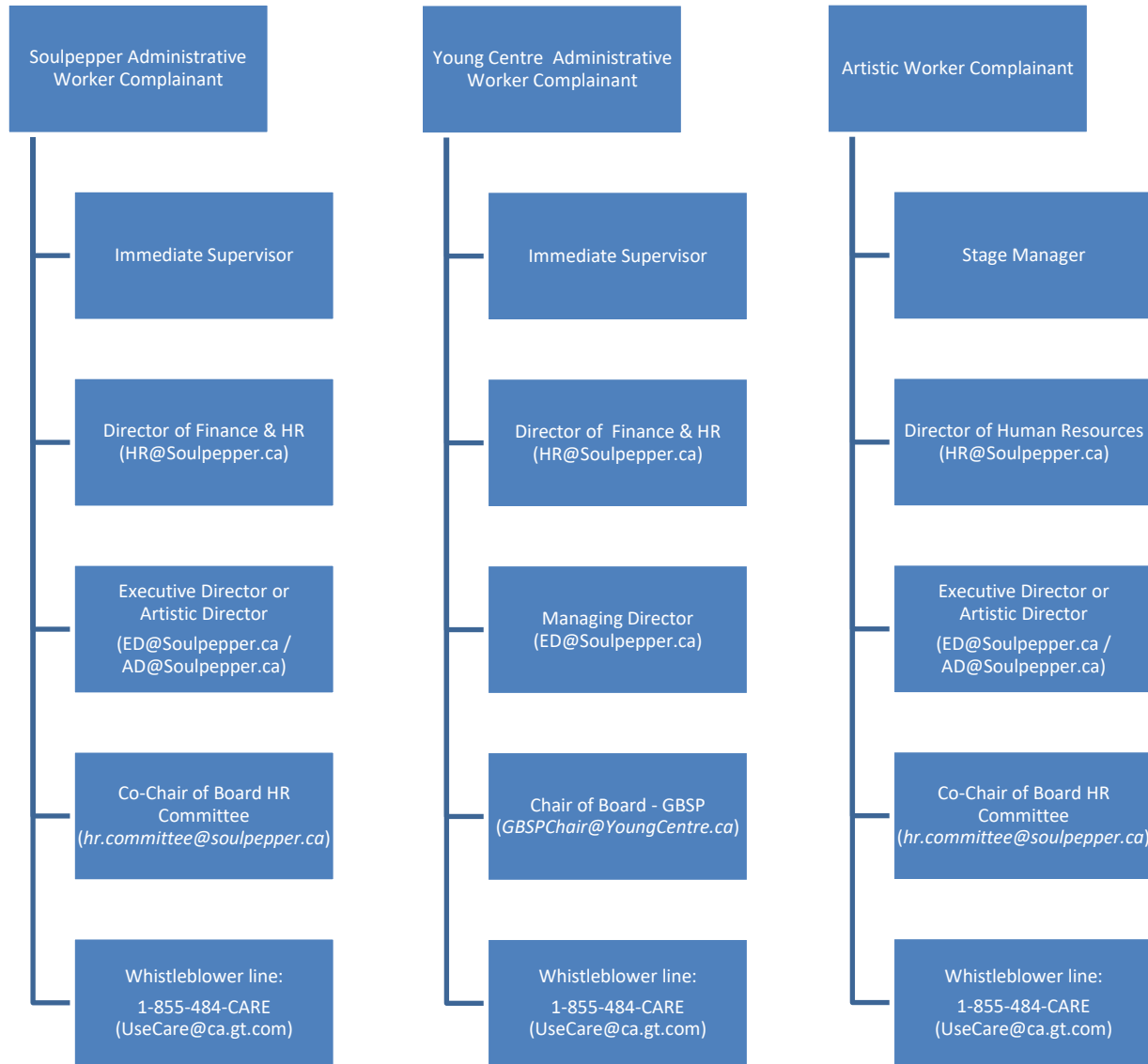
Dealing with Potentially Violent Terminating or Former Employees

- If in the opinion of the Director of Finance & HR and/or the Executive Director an employee may react to a termination meeting in a potentially violent manner, precautionary steps will be taken to minimize the risk to employees involved in the meeting;

- Such precautionary steps may include additional employee presence in the meeting, the use of outside security services, the notification of police, and/or serving of the termination notice using registered mail.

APPENDIX B – WHO TO CONTACT

Complainants are encouraged to report an incidents of workplace violence or harassment, following the below Communication Ladder, starting at the top, and proceeding down, based on the nature of the complaint and the persons involved.



Members of CAEA can contact their representatives at: notinOURspace@caea.com

Members of IATSE Local 58 can contact their representatives at: iatse58@iatse58.org

There shall be no reprisal against any Worker, Manager, or Board Director who, in good faith, reports an incident of Harassment or Discrimination or participates in an investigation.

While the Communication Ladder above recommends a sequence, it is an important value to Soulpepper to maintain an "Open Door" policy. Based on that principle, if in a complainant's judgment it would be appropriate to take a complaint to a higher level than that suggested, that opportunity always exists. Members of the senior management team, the chair/co-chairs of the HR Committee, and the Whistleblower line, may be approached to discuss a complaint or potential complaint at any time.

APPENDIX C – WORKPLACE VIOLENCE OR HARASSMENT INCIDENT REPORT

All Workers, Managers, and Board Directors working with the Company are required to report all incidents of workplace violence and harassment to the Director of Finance & HR, and/or the Executive Director, and/or the Chair/Co-Chairs of the HR Committee (hr.committee@soulpepper.ca). This form may be completed, or alternatively, used as a guideline to assist in reporting the appropriate information; written submission in any form will be accepted. Workers, Managers, and Board Directors may consult with the Director of Finance & HR, and/or the Executive Director, and/or the Chair/Co-Chairs of the HR Committee (hr.committee@soulpepper.ca) prior to, or as part of, submitting this report, and such consultation will, to the extent possible, be considered confidential. Refer to the Workplace Violence and Harassment Policy for further information.

Information for Person Reporting Incident	
Name:	Department:
Home phone:	Cell phone or alternate contact:
Please confirm the preferred method of contact: (phone, email, etc.):	Email address (optional):

Description of Incident(s) (attach additional sheets, if necessary)
<p>Please describe the incident (s) including the following:</p> <ul style="list-style-type: none"> • name of individuals involved in the incident (if known), and/or description of individuals • date and time of incident • any prior history of incidents that may be relevant, however minor • any witnesses, including name and contact information • location of the incident (which theatre or location, which area, etc.) • what was happening just prior to, or during incident • any relevant environmental factors (i.e. weather, noise level, light level, etc.) <p>NOTE: Indicate if you have any physical evidence of the violence or threat.</p>

