



## **Anti-Harassment Policy**

### **1. Scope**

Ada X is committed to fostering a workplace free from harassment and discrimination.

Because harassment can originate from and evolve with different forms of systemic oppression, this document does not replace prevention, education, and collective culture-making processes. Rather, this policy aims for stability and predictability in a professional environment. For this reason, this document will only concern itself with instances of harassment and discrimination codified by the governing laws of Québec.

To tackle the entanglement of privilege and power imbalances within arts institutions and society, we encourage staff, board members, and collaborators to engage with each other in good faith. This means initiating dialogue that takes into account socio-historical context and available facts.

If assistance is needed to understand any part of the policy, Ada X can offer alternative means of access: please don't hesitate to contact [info@ada-x.org](mailto:info@ada-x.org) or (514) 845-7934.

This policy version was proposed for adoption at the AGM during an HR Committee meeting on the 25th of September, 2024.

### **2. Definitions**

This section is meant to be updated to reflect the latest legal information affecting employer and employee relations in Québec.

#### *2.1 The CNESST defines HARASSMENT as follows:*

It is vexatious (abusive, humiliating, hurtful) conduct in the form of comments, gestures or behaviour that :

- are repeated
- are hostile (aggressive, threatening) or unwelcome
- adversely affect the person's dignity (that is, self-respect, self-esteem) or integrity (physical, psychological or emotional balance)

- make the workplace harmful to the person.

A single serious incident of such behaviour could also be considered harassment if it has a lasting negative impact on the person.

Discriminatory harassment is also considered psychological or sexual harassment if it is based on any of the grounds set out in the [Charte des droits et libertés de la personne \(art. 10\)](#):

- race, colour, ethnic or national origin
- age, language, sex, pregnancy, civil status
- gender identity or expression, sexual orientation
- religion, social condition, political convictions
- a handicap or the use of any means to palliate a handicap

Psychological or sexual harassment can occur at all levels in the hierarchy of a company or organization: between managerial staff, between coworkers, between a manager and a member of staff. Harassment may also come from clients, a supplier, etc.

Concerning condition number one of this list, the CNESST points out that to determine whether the behaviour is vexatious, it is necessary to ask whether a **'reasonable person'** would find the situation humiliating or offensive.

The intention behind psychological harassment behaviour is not important. Harassment must be identified based on an objective analysis. The most relevant point of view for this analysis is that of a reasonable, unbiased person who is well-informed of all the circumstances and is faced with a situation similar to the one described by the grievor.

The CNESST also indicates that a distinction must be drawn between actions taken by the employer in the normal and legitimate exercise of the right to manage, even if they involve various inconveniences or unpleasant events, and those taken in an arbitrary, abusive, or discriminatory manner or outside normal working conditions.

### *2.3 The CNESST defines THE RIGHT TO MANAGE as follows:*

It is the employer's right to direct their workers and make decisions to ensure the profitability of their company and the smooth running of business. In the context of a not-profit organization, the right to manage enables the employer to supervise their staff to ensure that they comply with the rules in force within the organization, and to make decisions that give the not-profit the ability to respect its mandate and the requirements of public funders, while managing a healthy budget.

The employer decides what tasks must be done, how to do them and when to do them. Here are some examples of what is part of the exercise of the employer's right to manage:

- the assignment of tasks
- the management of

- staff performance
- discipline and disciplinary measures
- attendance and absences
- terminations, layoffs, and dismissals
- the prevention of psychological or sexual harassment

Ensuring the health and safety of staff in the workplace is also part of the exercise of the employer's right to manage.

Properly exercising the right to manage means, among other things:

- making clear and firm demands based on the needs of the company
- supervising the execution and quality of the work in an objective and respectful manner
- making expectations known and, if necessary, giving the worker the means and the time to meet them
- managing discipline in a progressive, fact-based, reasonable, and fair manner and taking the appropriate disciplinary measures
- The proper exercise of the right to manage is done with respect for workers.

Disciplinary measures allow the employer to inform a worker of their failings, thereby giving them the opportunity to change their conduct (behaviour, attitude, interpersonal relationships or substandard performance).

Sanctions must be applied according to the seriousness of the behaviour. Except in the case of gross misconduct, a worker should not be dismissed for disciplinary reasons unless all other sanctions have failed, and the person has been informed of the case against them and given a reasonable amount of time to correct their behaviour.

*2.4 Québec's Human Rights and Youth Rights Commission defines DISCRIMINATION as follows:*

Discriminating means treating someone differently because of their personal characteristics and thereby preventing them from exercising their rights. Treating someone differently means differentiating, excluding, or preferring them because of their personal characteristics. There are 14 personal characteristics that are prohibited grounds for discrimination:

- **Race,**
- **Colour,**
- **Sex,**
- **Gender identity or gender expression,**
- **Pregnancy,**
- **Sexual orientation,**
- **Civil status,**
- **Age,**

- **Religion,**
- **Political convictions,**
- **Language,**
- **Ethnic or national origin,**
- **Social condition,**
- **Disability.**

### **3. Roles and responsibilities**

#### *3.1 Complaint committee*

Ada X is responsible for fostering a workplace free of harassment and discrimination for all staff, members, and those who interact with the organization.

The complaints committee is formed by one staff member and one board member. Each member will sit on the committee for one year. These committee members must be reachable and announced to the public via the Ada X website.

This complaint committee is responsible for:

- Receiving and treating harassment and discrimination allegations;
- Communicating to the HR committee all eligible allegations;
- Determining the nature and eligibility of the allegations;
- Consulting an external body when required, who will determine what corrective action is appropriate in the case of an instance of harassment.

Employees, board members, members, and all those who interact with Ada X have the right to issue complaints and to expect that these complaints will be handled within a reasonable timeframe and with care by those responsible for upholding this policy.

As of this writing, the Complaint committee are:

Ida Toft, Board Member  
idatoft@gmail.com  
(438) 827-5268

Deborah VanSlet, Production Coordinator at Ada X  
van@lux.ca  
(514) 924-6078

#### *3.2 Human Resources Committee*

The Human Resources committee and the general and administrative coordination are in charge of reviewing and maintaining the policy. They are tasked with:

- Ensuring the policy is disseminated to all who interact with Ada X, whether by directing people to it online or providing a copy;
- Making adjustments to ensure that the policy meets the current needs of Ada X.

### *3.3 Employees, board members, and members*

All Ada X stakeholders are responsible for:

- Signing and upholding the policy and its subsequent revisions.
- Contributing to a culture that demystifies, recognizes, and prevents harassment and discrimination. Prevention includes, but is not limited to, partaking in healthy dialogue, engaging with training material individually and as a group, proposing updates and adjustments of procedures, policies, and habits of equity and collaboration;
- Participating fully in any investigation of a harassment or discrimination complaint;

## **4. Procedure to report incidents of harassment or discrimination**

An incident of harassment or discrimination can be reported both internally and externally.

If their safety and integrity are deemed sufficiently protected by the context, employees, board members and members who believe there is a possibility of harassment or discrimination should have the space and the opportunity to raise their concerns directly with the individual responsible for the alleged misconduct. If an employee, board member, or member feels comfortable with this approach, the exchange must be witnessed by a member of the complaint or HR committees.

When the immediacy of an incident impedes the Complaints or the Human Resources Committee from witnessing a confronting conversation, the allegations of harassment and discrimination must still be reported and investigated as per the procedure described below.

### *4.1 Internal Reporting*

The person who experiences harassment can report the situation to one of the members *Complaint committee*.

A complaint must be made in writing (or other means of permanent record keeping) to ensure the integrity of archiving and timeline-building measures. The allegations must be communicated in detail, with timing, and description of incidents and witnesses registered in a report as accurately as possible.

There are two ways to submit a written complaint of harassment or discrimination to the Ada X Complaints Committee:

- By email at: [plaintes@ada-x.org](mailto:plaintes@ada-x.org) or by contacting directly the persons designated by Ada X or;
- Anonymously via the Google form on the complaint page of Ada X's website. In the case of an anonymous complaint, there will be no personal follow-up from the committee.

Once a complaint has been filed, the Complaints Committee must :

- Investigate the allegations promptly;
- Preserve the dignity and privacy of the persons involved, i.e., the person who made the complaint, the person who is the subject of the complaint, and the witnesses;
- Determine the eligibility of the allegations as per the definitions of harassment, discrimination, and right to manage listed in this policy;
- Mandate a third party to complete an objective investigation if such impartial investigation is unattainable by the Complaints committee;

#### *4.2 Results*

If an investigation does not establish that harassment or discrimination has occurred, the HR committee can attempt conflict resolution. In this process, the HR committee can apply measures listed in the performance and progressive discipline policy, or enlist external mediation at its discretion. The HR committee will also ensure that physical records of this investigation are destroyed within two years of the submission of results to the grievor(s).

If the investigation determines that the allegations are eligible harassment or discrimination complaints, the HR committee must:

- Inform all the parties cited in the complaint of the nature of the accusations separately, and in a manner that protects the confidentiality of the response process;
- Take appropriate measures, which may or may not involve disciplinary or legal action, employment suspension, or termination;

#### *4.4 Privacy and Confidentiality*

At their discretion, the Complaints and the HR Committee, can keep conflict resolution meetings confidential between the affected parties, their legal counsel, and their health and safety counsel.

Likewise, the Complaints and the HR Committee can determine that employee(s), member(s), and stakeholders other than the parties cited in a report are to be involved in a conflict resolution plan that appears reasonably beneficial to the parties involved.

The Complaints committee shall keep a record of the incident(s) in reports accessible to the Board of administrators, the affected parties, their legal counsel, and their health and safety counsel exclusively.

Whether resolved or unresolved, all complaints and conflicts reported must be kept confidential within the ranks of Ada X board of administrators, employees, their legal counsel, and their health and safety counsel exclusively.

#### *4.5 External Report and Counsel Options*

In the event of psychological or sexual harassment in the workplace, employees, members and board members may file a complaint with the CNESST. This process is separate and independent of Ada X's policy and procedures. Ada X encourages all stakeholders to take note of the following external resources:

CNESST

<https://www.cnesst.gouv.qc.ca/>

1-844-838-0808

Commission on Human Rights and Youth Rights (CDPDJ)

<https://www.cdpcj.qc.ca/>

1-800-361-6477

L'Aparté

<https://aparte.juripop.org/>

450-396-9449

Emergency helpline for victims of sexual assault: 514-933-9007

### **5. Review**

To ensure that this policy remains relevant and responsive to the needs of Ada X, it will be reviewed every two (2) years, or as needed, by the Human Resources Committee.

### **6. Commitment**

Individuals who participate in Ada X activities, use Ada X services, and accept an employment or training opportunity provided by and through Ada X are assumed to be bound by and accountable for compliance with this policy.

I, \_\_\_\_\_ acknowledge that I have read and understand the anti-harassment policy.

Signature:

Date: