



18 Logan Avenue,  
Toronto, ON  
Canada M4M 2M8

## **WORKPLACE VIOLENCE, DISCRIMINATION AND HARASSMENT POLICY**

Shaftesbury Inc. and its related companies and productions are committed to providing all employees, contractors, partners and visitors with a safe, inclusive and productive work environment where all individuals are treated with respect, dignity and courtesy.

Shaftesbury will not tolerate any incidents of harassment (sexual or otherwise), violence (domestic or otherwise) or discrimination and steps will be taken as necessary to protect individuals from such incidents and behaviour.

This policy applies to all individuals working for or with Shaftesbury or on any of its productions. It sets out the process to be followed in the event of a complaint or incident of workplace violence, discrimination or harassment. All individuals working for or with Shaftesbury or on any of its productions are expected to comply with this policy in their dealings with other employees and third parties in the workplace.

### **What are Workplace Violence, Discrimination and Harassment?**

Incidents of workplace violence, discrimination or harassment can occur at any workplace, be it the head office, production office, on set, on location, or at any other location if the person is there as a part of work-related responsibilities or a work-related relationship. It can also happen over the phone, e-mail, internet and social media.

**Workplace Violence** is (i) the exercise of physical force by a person against an individual, in a workplace, that causes or could cause physical injury; (ii) an attempt to exercise physical force against an individual, in a workplace, that could cause physical injury; or (iii) a statement or behaviour that could be reasonably interpreted as a threat to exercise physical force against an individual, in a workplace, that could cause physical injury.

Domestic violence is considered workplace violence when the incident occurs at a workplace. Domestic violence is when a person who has a personal relationship with an individual, such as a current or former spouse/partner or family member, physically harms or attempts or threatens to physically harm, that individual.

Workplace violence also includes sexual assault if it occurs at the workplace or involves a work-related relationship. Assault, be it sexual or otherwise, is an offence under the Criminal Code of Canada.

**Workplace Discrimination** is the unfavourable treatment of a person, or proposal to treat someone unfairly, because of a personal characteristic protected by law, including:

- sex or sexual orientation
- gender identity or expression
- race, colour or ancestry
- nationality or place of origin
- creed, religious or political beliefs
- age
- marital, family or civil status
- disability
- record of offences

**Workplace Harassment** is engaging in a course of vexatious comment or conduct against an individual in a workplace that is known or ought reasonably to be known to be unwelcome and may include sexual harassment.

### **Workplace Harassment can include:**

- behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression or any other protected ground under human rights legislation;
- rude, degrading or offensive remarks, intimidating gestures; rumours, or ridicule that discredit the individual;
- bullying;
- isolating a person by denying their presence, silence or distancing them from others;
- unwelcome remarks, jokes, innuendos, propositions or taunting;
- suggestive or offensive remarks;
- bragging about sexual prowess;
- unwelcome language related to gender;
- displaying pornographic or sexist pictures or materials;
- leering (suggestive persistent staring);
- any actions that create a hostile, intimidating or offensive workplace, which may include physical, verbal, written, graphic or electronic means.
- unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin, colour, place of birth, citizenship, or ancestry;
- displaying racist material;
- insulting gestures or practical jokes based on racial or ethnic grounds that create awkwardness or embarrassment; and
- refusing to speak to or work with someone, or treating someone differently, because of their ethnic or racial background.

**Sexual Harassment** is (a) engaging in a course of vexatious comment or conduct against an individual 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 recipient and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual harassment also includes, but is not limited to, (i) the reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person, (ii) physical contact, such as touching, patting or pinching, with an underlying sexual connotation, and (iii) offensive jokes or comments of a sexual nature about an employee.

For the most part, victims of sexual harassment are female; however, conduct directed by female employees towards males or between persons of the same sex or toward other gendered persons can also constitute sexual harassment.

Sexual harassment can also include sexual assault, which is an offence under the Criminal Code of Canada.

Shaftesbury will treat workplace violence, discrimination and harassment as a serious contravention of the conditions of employment.

This policy is not meant to censor free speech or to interfere with everyday interactions; however, what one person finds inoffensive, others may not. Usually, harassment can be easily distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the recipient that determines whether the potentially offensive message is acceptable or not, be it spoken, gestural, pictorial or some other form of communication that may be deemed objectionable or unwelcome.

### **What is NOT Workplace Violence, Discrimination or Harassment?**

Reasonable actions taken by an employer or supervisor relating to the management and direction of employees or the workplace, including but not limited to performance appraisal, work assignment and the implementation of disciplinary actions are not forms of discrimination or harassment, and this policy does not restrict a manager or supervisor's responsibilities in these areas.

### **Reporting Incidents of Violence, Discrimination or Harassment:**

*In instances of serious physical violence or imminent threats of serious physical violence, “911” should be called immediately.*

Weapons are strictly prohibited from all Shaftesbury workplaces. If anyone attending a Shaftesbury workplace is seen with a weapon (or is known to possess one), you are required to immediately contact the police, emergency response services (if required) and your immediate supervisor.

Any individual who is the victim of workplace violence shall be encouraged to seek medical attention and provided with transportation if required.

For other incidents, if you feel that you have been harassed or have witnessed harassment, you may, if you are comfortable doing so, in all confidence and without fear of reprisal, advise the harasser personally to stop the harassment at the earliest stage. You may choose not to pursue a formal complaint if the matter is then resolved to your satisfaction. In general, informal action may be suitable for minor and single incidents of harassment, but not for more serious and repeated acts of harassment. Regardless of whether you deal with a situation directly or not, Shaftesbury encourages you to report all incidents of harassment, violence or discrimination so that proper records can be maintained.

If you are not comfortable addressing the harasser, or have confronted them and the behaviour has nonetheless continued or, as mentioned above, if you have dealt with the situation, you are encouraged to report any concerns or incidents of workplace violence, discrimination or harassment, to (preferably in the following order):

- (i) your department head or immediate supervisor;
- (ii) the production manager, if on a production;
- (iii) the producer on the production, if on a production; or
- (iv) Shaftesbury’s legal or human resources department at:
  - (416) 363-1411 ext 194 (Elyse Goldman, Legal)
  - ext 115 (Scott Garvie, Legal)
  - ext 125 (Hayley Phillips, HR)

Confidential emails may also be sent to [hr@shaftesbury.ca](mailto:hr@shaftesbury.ca) or confidential voicemails may be left on Shaftesbury’s anti-harassment line at 416 363-9643. A member of Shaftesbury’s legal or human resources team will use best efforts to return the call or email within 48 hours.

However, if the concern is with one of the above individuals or you are not comfortable approaching one of the above individuals, you should approach the next person listed with whom you are comfortable.

A reported complaint should include the following information:

- the date, location and approximate time of each incident you wish to report;
- the name of the person or persons involved in each incident;
- the name of any person or persons who witnessed each incident or who may otherwise have relevant information;
- a full description of what occurred in each incident; and
- any supporting documentation (e.g. emails, photographs etc.) which may be relevant to the complaint.

All reported complaints will be formalized in writing and submitted to Shaftesbury’s legal and human resources departments.

### **Investigation of Reports of Workplace Violence, Discrimination or Harassment**

Upon receipt of a complaint, Shaftesbury will select an appropriate investigator based on the nature of the complaint and as appropriate in the circumstances. The investigator shall conduct an objective and thorough investigation. The investigator may be from Shaftesbury’s legal and/or human resources departments and, where required, the matter may be referred for independent investigation, or if appropriate and at any stage of investigation, to the police.

The investigation will generally be completed within 90 days of the complaint being filed, unless there are extenuating circumstances warranting a longer investigation.

The investigation process will include:

- informing the respondent of the complaint;
- interviewing the complainant, any people involved in the incident(s) and any identified witnesses;
- interviewing any other person who may have knowledge of the incident(s) related to the complaint or any other similar incident(s);
- providing the respondent with the opportunity to respond to the allegations;
- if appropriate, providing the complainant with a further opportunity to reply;
- taking statements from all parties involved, which will be documented and held on file;
- reviewing any evidence such as emails, notes, photographs, and other physical evidence (e.g. vandalized objects, etc.).

Shaftesbury will ensure that all complainants and respondents are treated fairly and respectfully throughout the investigation.

During the investigation, all individuals involved, including any witnesses, should not discuss the incident or complaint or the investigation with each other or with anyone else, unless required to obtain advice about their rights.

Details of the complaint and related investigation, and all related records, shall be considered confidential and will not be disclosed to anyone except as necessary to investigate the incident, take corrective action, protect the safety of other individuals or as otherwise required by law. In addition, information may be disclosed as required to the applicable guilds or unions representing members involved in the complaint. All individuals interviewed as part of the investigation shall be reminded of their confidentiality obligations prior to commencing their interview.

Shaftesbury expects full cooperation from all individuals involved in an investigation.

### **Reporting Findings of Violence, Discrimination or Harassment Investigations**

Upon completion of the investigation, the investigator will prepare a written report summarizing the complaint, the response, the steps taken during the investigation, any relevant evidence and witness testimony, and the investigator's findings about whether workplace violence, harassment or discrimination was found to have occurred.

Shaftesbury will inform both the complainant and respondent in writing of the findings of the investigation and of any corrective action that has been or will be taken, within 10 working days of completion of an investigation and receipt of a report. If it is determined that an incident of workplace violence, discrimination or harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible. These measures may include, but shall not be limited to, a formal warning, suspension and termination of employment. The appropriate action to be taken will depend on the seriousness of the violation, previous discipline, and any other factors deemed relevant in the circumstances.

If the investigation is inconclusive or if it is determined that there has been no violation of this policy, appropriate preventive action may still be recommended and implemented.

Shaftesbury will ensure that an appropriate record of reported complaints and investigations relating to workplace violence, discrimination and harassment are kept, including:

- a copy of the complaint including details about the incident;
- a record of the investigation, including notes;
- a copy of the investigation report (if any);
- a summary of the results of the investigation provided to the individuals involved; and
- a summary of any corrective action taken to address the complaint or incident of workplace violence, discrimination or harassment.

Records will be kept by Shaftesbury for six (6) years from date of creation.

**Domestic Violence**

If you are concerned that domestic violence may occur in the workplace, you should report the matter to your supervisor or department head so that necessary measures can be taken to protect those affected. Shaftesbury encourages all individuals to provide notice, and where possible a copy, of any court order (e.g. a restraining order or “no contact” order), particularly where there is concern that such orders may be violated. Such information will be kept confidential to the extent possible but may be disclosed where required to enforce the terms of the order or to implement protectionary measures.

**History of Violence**

Shaftesbury will take all reasonable steps necessary to protect its employees from acts of violence or threats of violence. If Shaftesbury becomes aware of a potential encounter with a person who has a history of violence, any employees reasonably considered at risk shall be advised, and Shaftesbury shall implement reasonable measures for their protection. Shaftesbury will only disclose personal information that is deemed reasonably necessary to protect employees from physical harm.

**Fraudulent or Malicious Complaints**

No one will be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being discriminated against or harassed. However, it is important to realize that unfounded or frivolous allegations of discrimination or harassment may cause both the accused person and Shaftesbury significant damage and, accordingly, this policy must never be used to bring fraudulent or malicious complaints. If it is determined that intentionally false allegations of discrimination or harassment have been made, immediate disciplinary action will be taken against the false accuser.

**Policy Review**

As required by the *Occupational Health and Safety Act (Ontario)*, Shaftesbury will review this Workplace Violence, Discrimination and Harassment Policy as often as necessary, but at least annually.

**Posting**

This policy shall be posted in a conspicuous place in the workplace and on Shaftesbury’s website at [www.shaftesbury.ca](http://www.shaftesbury.ca)

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