

CIVILITY AND ANTI-HARASSMENT POLICY

COMPANION GUIDE

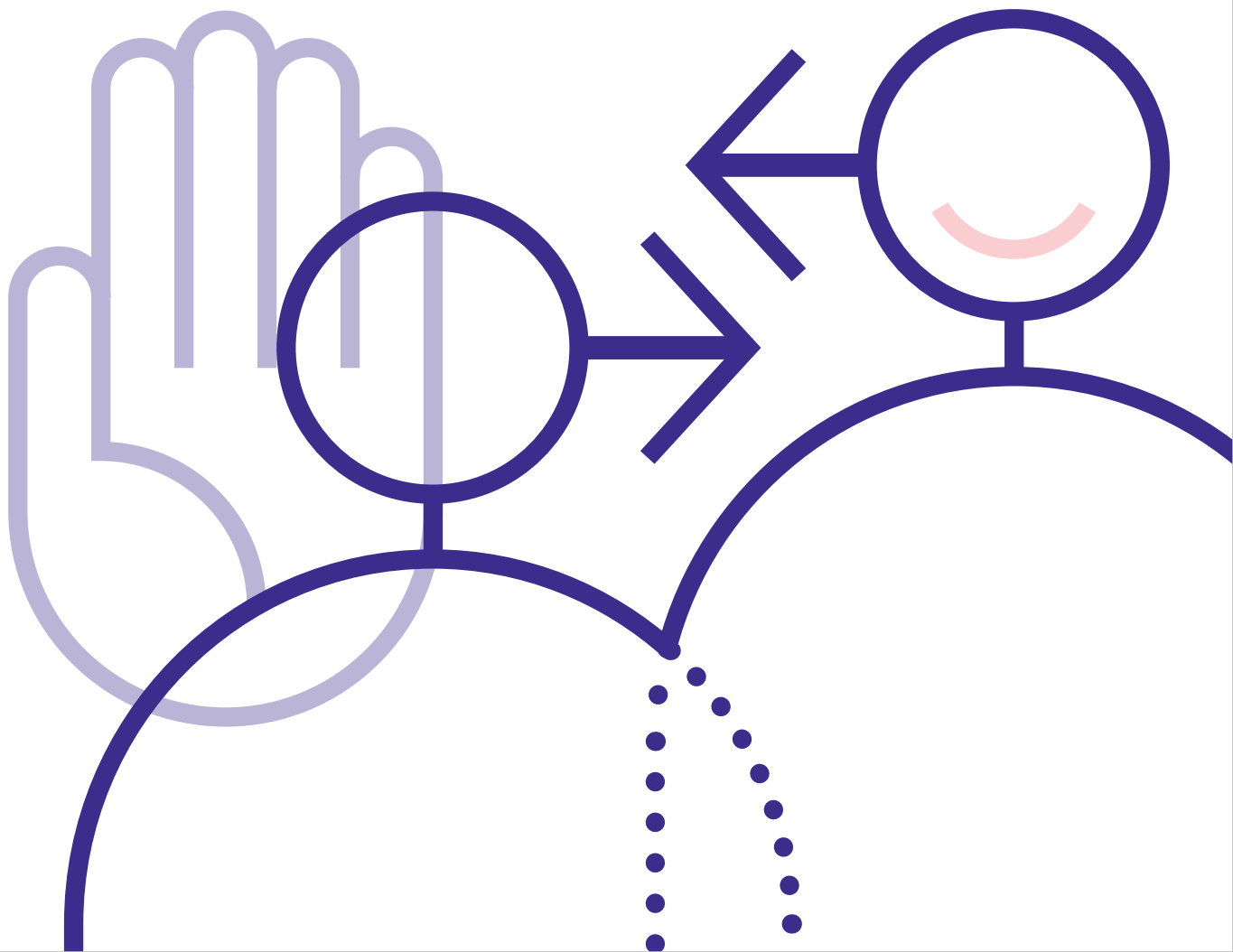


Table of Contents

1. Definitions

- Admissibility assessment
- Complainant
- Complaint*
- Interim measures*
- Investigation*
- Investigation report*
- Mediation*
- Persons subject to the Policy
- Respondent
- Responsible Persons
- Workplace

2. Different forms of harassment

- Psychological harassment
- The scope of psychological harassment
- Sexual harassment
- Discriminatory harassment
- Illustrative examples of rulings involving harassment

3. Other concepts and principles

- 3.1 Confidentiality
- 3.2 Risk factors

4. Procedure for filing a complaint

- 4.1 Interim measures, guidance, and alternative dispute resolution mechanisms
 - Interim measures
 - Accompaniment
 - Mediation and other alternative dispute resolution methods

5. References

APPENDIX I

APPENDIX II

APPENDIX III

APPENDIX IV

APPENDIX V

1. Definitions

Admissibility assessment¹

The process of determining whether or not a complaint is serious, in other words, a complaint that can reasonably be expected to constitute psychological harassment, as opposed to a frivolous complaint or one that has no chance of being upheld.

Complainant

A person who files a complaint under the Policy.

Complaint*

Any written allegation of psychological harassment or its equivalent.

Interim measures*

Appropriate and proportionate measures implemented by the employer during the investigation to limit contact between the complainant and respondent to maintain a healthy workplace.

Investigation*

A structured process aimed at gathering evidence that will undergo legal analysis to determine whether a complaint of psychological harassment is well founded in fact and in law.

Investigation report*

Document produced in whole or in part by the investigator in which they analyze the evidence gathered during the investigation process in accordance with the applicable legal framework and make conclusions on the merits of the complaint.

Mediation*

A voluntary dispute resolution process facilitated by a competent, impartial third party.

Persons subject to the Policy

All staff members, Board members, peer evaluators, contract staff, volunteers and interns in the workplace, on their premises or elsewhere while working for or representing the Conseil des arts de Montréal (CAM), or while attending work events or representing the CAM at outside events.

Respondent

A person who is the subject of a complaint and whose alleged behaviour violates the Policy.

¹ The use of the asterisk means that the definition is taken from or inspired by the Barreau du Québec publication [Guide des meilleures pratiques à l'intention des avocats effectuant des enquêtes sur des plaintes de harcèlement psychologique en milieu de travail \(Best Practices Guide for Lawyers Investigating Complaints of Psychological Harassment in the Workplace\)](#).

Responsible Persons

The persons holding the positions of Executive Director and Director of Management, Administration and Finance are responsible for applying the Policy. If a complaint involves any of the Responsible Persons, the Chair of the CAM Board is responsible for applying the Policy in the handling of this complaint.

Workplace

The workplace includes the physical location, surrounding areas and any other location where CAM-related activities are carried out by a Person subject to the Policy. The workplace includes any location where CAM-related volunteer activities take place. The workplace also includes virtual spaces.

2. Different forms of harassment

Psychological harassment

For behaviour to be considered “psychological harassment” under the *Act respecting labour standards (“Act”)*, it must meet the following five (5) conditions:

<p>1. Vexatious behaviour</p>	<p>Vexatious behaviour is humiliating, offensive, or abusive to the person experiencing it. It adversely affects the person’s self-esteem and causes anxiety. It goes beyond what a reasonable person would consider acceptable in their job.</p> <p>Behaviour can be vexatious even if the person doing it does not intend to cause harm.</p>
<p>2. Hostile or unwelcome words, gestures, or conduct</p>	<p>Unwelcome conduct is behaviour that was not objectively sought, wanted or desired, either explicitly or implicitly. Hostile conduct is behaviour that exhibits aggressive intentions, from someone behaving as an enemy, in a belligerent, antagonistic, adverse, negative, or threatening manner.</p> <p>Behaviour can be hostile or unwanted even if the person experiencing it does not express their discomfort.</p>
<p>3. The hostile or unwelcome words, gestures, or conduct are repetitive in nature</p>	<p>The incident must be analyzed in a wider context to determine whether the overall accumulation of gestures and behaviours constitutes psychological harassment. Behaviour that does not constitute psychological harassment may become so if it occurs frequently; however, frequency is less of a consideration the more serious the behaviour is.</p> <p>A single serious incident can also be considered psychological harassment if it affects the dignity and integrity of the person and has a lasting harmful impact.</p>
<p>4. Loss of dignity or physical or psychological integrity</p>	<p>A loss of dignity must affect the person’s fundamental attributes, such as respect, self-esteem and self-worth. The right to dignity implies the right to be treated with modesty, discretion, restraint, courtesy, esteem, consideration, deference, and respect. For a loss of dignity to occur, the victim does not have to suffer permanent negative effects.</p> <p>The right to integrity refers to a person’s psychological, emotional or physical integrity. A loss of integrity occurs once an incident has a more than temporary, but not necessarily permanent, effect on the victim’s physical, psychological, or emotional integrity.</p>
<p>5. A harmful work environment</p>	<p>The workplace of the person experiencing the harassment deteriorates; it becomes harmful, unhealthy, and damaging. It prevents employment contract objectives from being achieved in a healthy manner.</p>

The Act and the Policy make no distinction between whether the source of harassment comes from inside or outside the organization. For example, a Person subject to the Policy who is harassed by a third party (e.g., a supplier, client, or visitor) would be covered by the Policy's harassment prevention provisions. The same applies if the harassment was committed using information technology (social media and other platforms), during or outside working hours.

The scope of psychological harassment

Psychological harassment differs from incidents of conflict, problematic social relationships, the exercise of the right to manage, and organizational constraints or difficult working conditions.

There is often confusion as to whether an incident is one of harassment or one involving a **conflict**. Conflicts are normal and fulfill a necessary social function. In the event of a conflict, criticisms are expressed and the conduct of the parties focuses on the matter of the dispute to be resolved (finding a solution), in contrast to an event of conflict whereby the conduct of one of the parties focuses on the individual (denigration). Moreover, many investigations conducted following a harassment complaint conclude that the incident constitutes more of an interpersonal conflict.

There is also often confusion differentiating between **problematic social relationships** and an incident of harassment. The Act is not intended to punish bad taste, passing and ad hoc misconduct, or to punish every oversight. Psychological harassment will only occur if problematic social relationships lead to socially intolerable behaviour.

For the employer, the **right to manage** consists of making decisions related to company management and profitability. Unless used to harm or disadvantage an employee, the exercise of the right to manage cannot constitute psychological harassment. Examples of the exercise of the right to manage include requirement of work procedures or processes, implementation of new technologies, increase or reduction in productivity, creation of positions and allocation of tasks, evaluation of performance, imposition of disciplinary or administrative measures, management of absenteeism, or requirement for satisfactory work performance.

Finally, it is important to emphasize that **organizational constraints** or **problematic working conditions** do not constitute harassment unless they are intended to harm or disadvantage an employee.

Sexual harassment

In Quebec, the definition of sexual harassment is included in the concept of psychological harassment, and although the criteria are the same, certain aspects are specific to sexual harassment. Case law defines sexual harassment in the workplace as: “(...) *conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment. (...) By requiring an employee, male or female, to contend with unwanted sexual actions or explicit sexual demands, sexual harassment in the workplace attacks the dignity and self-respect of the victim both as an employee and as a human being.*”²

In addition, the Human Rights Tribunal has clarified that sexual harassment may take a variety of forms: “*This illegal conduct may take different forms, sometimes subtle, sometimes more flagrant: for example, verbal manifestations (words, advances, propositions or demands for favours, remarks that may unfavourably affect the workplace psychologically or emotionally), physical manifestations (leers, touching, hugging, rubbing, pinching and various other unwanted acts ranging on up to assault), or psychological manifestations (insinuations, invitations ranging from hints on up to explicit demands, unwanted attention and marks of affection known as such, and explicit or implicit threats of reprisal).*”³

Sexual harassment can take several forms. These may be behaviours that infer that consequences or benefits are conditional upon accepting or refusing sexual advances. Examples include refusing a pay increase, changing work conditions, granting a promotion, or even maintaining employment. Sexual behaviours that make the workplace unhealthy or harmful can also constitute sexual harassment. Examples include sexual touching, jokes of a sexual nature, and crude language.

Discriminatory harassment

In Quebec, the definition of discriminatory harassment is included in the concept of psychological harassment. Although the criteria are the same, discriminatory harassment is defined when the behaviour is founded on or affects one or more of the fourteen grounds prohibited by Section 10 of the *Quebec Charter of human rights and freedoms*, namely race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, disability, or the use of any means to palliate a disability.

² *Janzen v. Platy Enterprises Ltd.*, 1989, 1 S.C.R. 1252 to 1284.

³ *C.D.P. v. Fred Habachi*, [1992] R.J.Q. 1439, 1450, upheld by the Court of Appeal, 1999, R.J.Q. 2522.

Illustrative examples of rulings involving harassment

To illustrate the concepts described in this Companion Guide, concrete examples from case law are set out below.

[*Antoine v. Centre Belles Dents Inc.* 2019 QCTAT 851 \(exercise of the right to manage\)](#)

Ms. Antoine, a dental assistant, filed a psychological harassment complaint against her boss, Dr. Krimi. She accused him of making disparaging remarks and insults in front of employees and patients of the clinic. The evidence showed that her employer's conduct was indeed vexatious. While the employer had the right to establish rules and ensure that they were followed, they should have acted within a certain standard of behaviour, which was certainly not the case: her boss raised his voice, criticized her in front of witnesses, and made derogatory remarks. For example, when Ms. Antoine parked illegally behind the clinic, Dr. Krimi was entitled to warn her that she was not allowed to park there, but that did not justify raising his voice to berate her when she had already moved her vehicle, without arguing. Nor was it acceptable for him to point out in a disparaging manner that she did not have the professional level required to enjoy this privilege and, above all, to offer the parking space to another employee in her presence. The hostile behaviour began shortly after her hiring and continued until her departure a year later. While a period of time may have elapsed between certain specific events, Dr. Krimi's offensive and derogatory remarks remained in the background and exceeded the reasonable limits of exercising his right to manage.

[*Fortin and Paquet Nissan Inc.* 2018 QCTAT 58 \(exercise of the right to manage\)](#)

Mr. Fortin was a long-time employee of the employer. During an organizational restructuring, the employer abolished his position and offered him the choice of three other positions. Mr. Fortin rejected the offer of reassignment. Discussions were held and new offers of assignment were proposed, but all were rejected for various reasons. Mr. Fortin also reported that his superior had made expletive-laden comments about him. The judge held that the entire process of abolishing a position fell within the legitimate exercise of management rights. There was therefore no evidence of vexatious conduct that could constitute psychological harassment. While the abolition of a position after 23 years of service was a serious blow for Mr. Fortin, the employer's repeated attempts to reassign him demonstrated a willingness to mitigate the impact. The employer's bad faith cited by the complainant was based solely on unfounded perceptions. As for the language used by his superior, the judge stated that while verbal outbursts are not desirable in the workplace, the few episodes reported in the context of the bonds of familiarity, friendship, and closeness between the parties concerned did not lead to the conclusion that these excesses constituted psychological harassment.

[*Moore and A & G Électrostatique Inc.* 2018 QCTAT 6031 \(single incident of serious misconduct\)](#)

Ms. Moore was working in an office. She learned that a company employee, Mr. Lafontaine, was to appear in court on a child sexual assault allegation. Running into a former company colleague at the grocery store, she shared the news about Mr. Lafontaine. On the same day, shortly before 3 p.m., Mr. Lafontaine burst into Ms. Moore's office and began insulting her with obscenities. He shouted for about ten minutes and threatened

to kill her, saying such things as: “*You bitch, you told my friend that I’m going to court. I know people, I’m going to get you.*” After he left the office, Ms. Moore called the police and filed a criminal complaint. The judge held that a reasonable person placed in these circumstances would certainly see it as serious and vexatious conduct, which adversely affected her physical or psychological integrity. The employer cannot discharge its responsibility even if the employee’s misconduct involved an isolated incident.

[Navion and Ivcom Inc. 2018 QCTAT 688 \(sexual harassment\)](#)

Ms. Navion, a secretary-receptionist, had consensual sexual relations in 2012 and 2013 with her superior, Mr. Bilic. Their relationship ended in 2014. In the summer of 2015, Ms. Navion met with Mr Bilic to discuss her heavy workload and asked that he hire an additional person to help her with her duties. At that meeting, Mr. Bilic asked her whether she still wanted to have sex with him, to which she said no. He then alluded to a pay increase if they resumed sexual relations. That same day, he grabbed her bottom from behind and asked her if she wanted a promotion. She cried and pushed him back as a refusal. The judge found that once their romantic relationship ended, it should only be examined exclusively from an employer-employee perspective. She found that Ms. Navion had been sexually harassed by her superior when he alluded to a potential promotion if she agreed to his requests for sexual relations.

[Gélinas and Centre d’aide aux victimes d’actes criminels de la Mauricie 2018 QCTAT 3752 \(subjective perceptions\)](#)

Ms. Gélinas claimed to be the victim of psychological harassment by Mr. Biscaro, her superior. According to her, Mr. Biscaro randomly changed the location of her office, removed her from assigned projects as punishment, invented breaches of confidentiality, cancelled her attendance at meetings, monitored her conversations, pressured her to quickly correct documents, controlled her work activities, threatened to dismiss her, and prohibited her from speaking to her colleagues. However, the evidence showed that her claims that she was intimidated, discredited, humiliated, and subjected to excessive pressure, isolation, and ongoing threats of dismissal could not be upheld. This purely subjective view was also distorted by hypersensitivity, which influenced her perception of the director’s actual actions toward her. These actions amounted more to management decisions exercised legitimately in the normal course of the organization’s activities or interventions aimed at solving problems, which do not qualify as behaviours constituting psychological harassment. Changing the office location, reassigning projects, and justifiably cancelling participation in meetings were actions that did not exceed the limits of her superior’s management rights.

3. Other concepts and principles

3.1 Confidentiality

To ensure everyone's rights are respected, the CAM undertakes to treat all information obtained under the Policy as confidential. In the event of a complaint, **the Complainant, Respondent and witnesses are entitled to discretion and protection of their reputations.**

The purpose of **confidentiality** is to ensure the file is handled impartially and to avoid reprisals, rumours, and comments that could undermine the dignity and reputation of the persons involved so that the process does not have an adverse or harmful impact on the workplace. Confidentiality is also essential to ensure that the investigation proceeds smoothly.

However, **confidentiality is not absolute**. When handling an incident, information may need to be transmitted to the persons concerned or third parties, if necessary. For example, a Respondent has the right to be informed of the alleged facts during an investigation. Therefore, an anonymous complaint could not be followed up on because there would be insufficient information to ensure that it is handled diligently and thoroughly. Furthermore, confidentiality does not prevent the persons concerned by the incident from consulting and disclosing information to a professional authorized to receive it in the course of their duties (lawyer, union representative, psychologist, doctor, etc.).

Confidentiality covers:

- information related to the application of the Policy
- the identities of the persons concerned
- the content of the discussions of the persons concerned, provided this information is required to intervene in and manage the incident
- the investigation report.

Files should only be discussed when it is essential in the handling of the incident, and always with a view to protecting reputations and minimizing negative impacts on the Workplace. **Furthermore, the Complainant and the Respondent have the right to know the status of the incident's investigation process and its conclusion, if applicable.**

3.2 Risk factors

One of the best ways to prevent harassment is to identify risk factors, making it possible to detect them and intervene before an incident occurs. **The Conseil will work to identify risks** such as lack of respect, abuse of power, unfair treatment of employees and persons representing the CAM, conflicts, jealousy, unreasonable competition, unfair distribution of work, the arrival of a new person in a management position, lack of communication between management and employees, lack of intervention by managers when a conflict occurs, etc.⁴

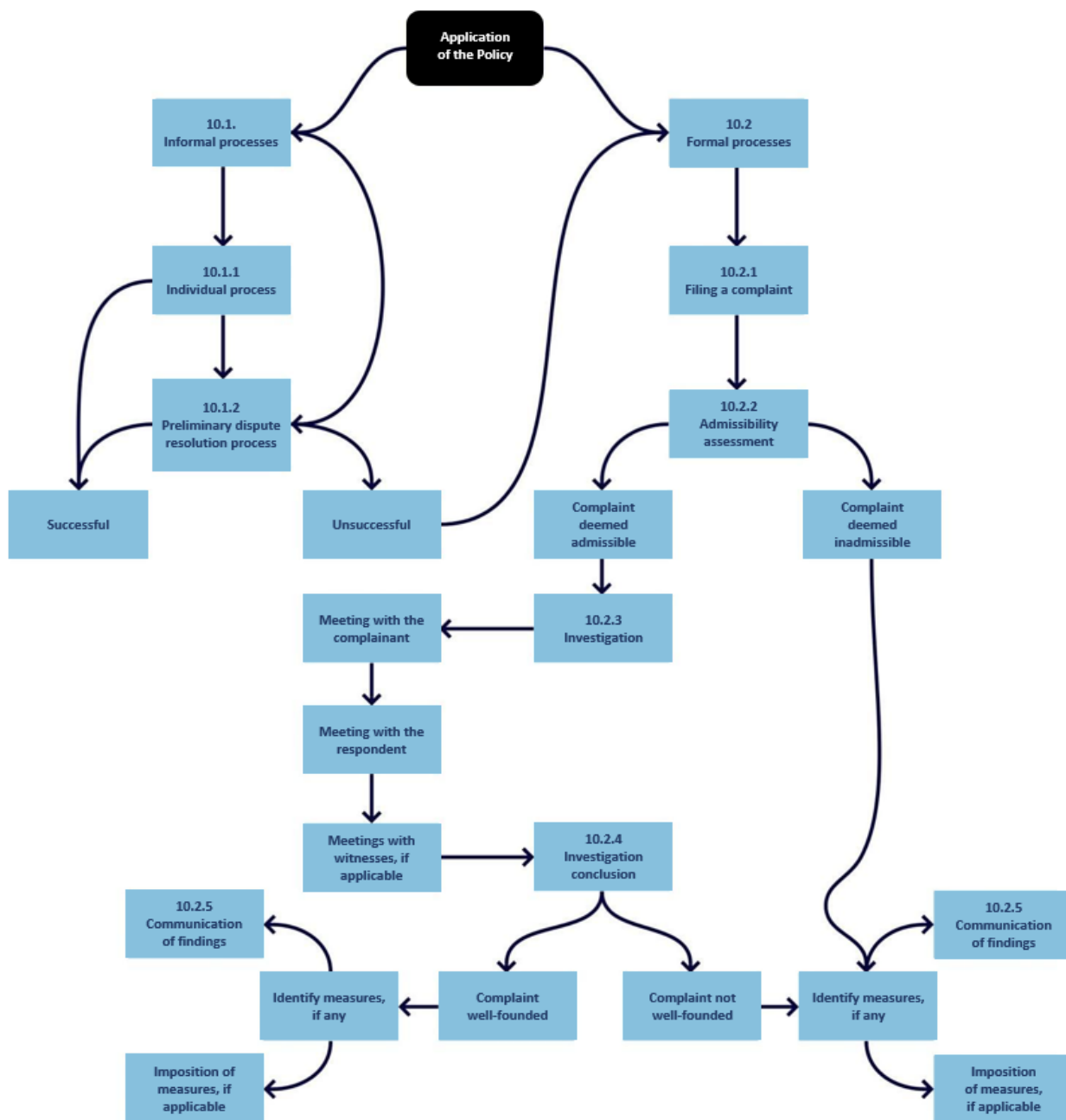
The Conseil also undertakes to pay special attention to individuals that are more susceptible to experience harassment or intimidation⁵, such as those who are more vulnerable due to their psychosocial reality, which can mean lacking self-confidence, being introverted, or having difficult social relationships, but also to social realities such as sexism, ageism, racism, homophobia, transphobia, discrimination, etc.

⁴ The Commission des normes du travail included a self-assessment checklist in its document [Comprendre et prévenir le harcèlement psychologique au travail, Guide pratique de l'employeur](#), p. 20. (French only)

⁵ Based on the [Quebec government's 2015–2018 Action Plan Ensemble contre l'intimidation, une responsabilité partagée](#). (French only)

4. Procedure for filing a complaint

The diagram below provides a step-by-step visual representation of the process for handling an incident under the Policy. It is intended to inform and guide the Persons subject to the Policy and the Persons responsible for applying the Policy.



4.1 Interim measures, guidance, and alternative dispute resolution mechanisms

The mechanisms for handling reports and complaints are consistent with the Policy's commitments and principles: **impartiality and timeliness, protection against all forms of retaliation, and confidentiality of information.**

Interim measures

The CAM may take any action it deems necessary to maintain a healthy and safe workplace. This may include interim administrative measures such as work reorganization, schedule changes, relocation of workspaces, or temporary suspension of the Respondent. The Respondent and Complainant shall be notified of the interim measures taken and the rationale behind them.

Accompaniment

The Complainant, Respondent and witnesses may choose one person to accompany them in the investigation process. The accompanying person cannot be a Complainant or Respondent (in the case of multiple complaints) or a witness in the same investigation. During the meeting, the accompanying person's role is one of support and not representation, which means that the investigator may limit their interventions.

Mediation and other alternative dispute resolution methods

Mediation or any other alternative dispute resolution method may be implemented at any time during the complaint process. Participation in mediation or any other alternative dispute resolution process is voluntary and any participant may refuse or withdraw without explanation. Initiating a dispute resolution process suspends the investigation process, if under way.

5. References

Legislation

- [Act respecting labour standards](#) (CQLR, c. N-1.1)
- [Quebec Charter of human rights and freedoms](#) (CQLR, c. C-12)
- [Civil Code of Québec](#)
- [Act respecting occupational health and safety](#) (CQLR, c. S-2.1)
- [Act to prevent and fight sexual violence in higher education institutions](#) (CQLR, c. P-22.1)
- [An Act to strengthen the fight against transphobia](#)

Harassment in the workplace (Quebec)

- Commission des normes du travail, [Comprendre et prévenir le harcèlement psychologique au travail. Guide pratique de l'employeur](#), 2014, 30 pages.
Intended to help employers meet their legal obligations and understand what psychological harassment is so they can distinguish it from their management rights. It includes concrete examples and a preventive approach, including a risk self-assessment tool.
- Commission des normes, de l'équité, de la santé et de la sécurité du travail, [Amendments to the Act respecting labour standards assented to on June 12, 2018](#)
- HENRI, Frédéric and Roméo Aguilar Perez, [Contre le harcèlement : une affaire d'équipe avec en son centre le gestionnaire de proximité](#), Revue RH CRHA & CRIA, Special edition: Harcèlement sexuel et harcèlement psychologique, même combat ? November 2018.
- Commission des normes du travail, [Le harcèlement psychologique au travail 2004–2014 : de la prévention à la résolution](#), Éditions Yvon Blais, Québec, 2014, 221 pages.
A collection of texts presented at an event organized by the Commission des normes du travail on the coming into force of the provisions on psychological harassment in the Act respecting labour standards.
- Commission des normes, de l'équité, de la santé et de la sécurité du travail, [Psychological or sexual harassment in the workplace](#)

Harassment in the workplace (Quebec) – *Continued*

- Louise Langevin, [Sexual Harassment](#), INSPQ, November 2012
- [Éducaloi, Psychological Harassment in the Workplace](#)
An organization whose mission is to inform the public about the law and their rights and obligations
- [Réseau juridique du Québec, Le harcèlement psychologique en milieu de travail](#) by Robert E. Boyd, updated on August 21, 2018
A website that publishes simplified legal texts on various subjects written by lawyers, judges and other legal professionals.
- Barreau du Québec publication, [Guide des meilleures pratiques à l'intention des avocats effectuant des enquêtes sur des plaintes de harcèlement psychologique en milieu de travail](#), 2017, 23 pages.
- Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) and Ministère du Travail, de l'Emploi et de la Solidarité sociale, [Guide sur les droits des personnes face à l'homophobie en milieu de travail](#), 2016, 20 pages.
Aims to raise awareness of the rights of lesbian, gay, bisexual, transsexual, and transgender (LGBT) people in the workplace, as well as the organizations offering redress to ensure those rights are respected.

Workplace harassment (Canada)

- Canadian Human Rights Commission, [Anti-harassment policies for the workplace: An Employer's Guide](#), 2006, 44 pages.
Includes policy templates for small and large businesses as well as case studies.
- [Government of Canada, Guide on Applying the Harassment Resolution Process](#), updated December 31, 2012
Provides information on why the informal process is encouraged in the harassment resolution process.

Many resources are available to provide support in the event of sexual assault, a criminal act, or harassment. Here are some of these resources^[1]:

PSYCHOSOCIAL SUPPORT

- **CITY OF MONTRÉAL EMPLOYEE ASSISTANCE PROGRAM**
Accessible only to Conseil employees. Not accessible to people representing the Conseil. This program offers confidential professional services to listen and provide you with the necessary support and counselling (psychologists, social workers, lawyers, sexologists, addiction specialists, etc). 514-723-2433
- **[CRIME VICTIMS ASSISTANCE CENTRE \(CAVAC\)](#)**
Crime Victims Assistance Centres, CAVACs, are there to help you overcome the psychological and social repercussions of a crime. Do not hesitate to contact them: a worker can accompany you to the police station when reporting a crime. 1-866-Le CAVAC (1-866-532-2822)
- **[ACTION TRAVAIL DES FEMMES](#)**
An organization that advocates for the rights of women in the workforce, particularly on discrimination issues. 514-768-7233
- **[HELP AND INFORMATION CENTER ON SEXUAL HARASSMENT IN THE WORKPLACE \(GAISHT\)](#)**
An organization that helps victims of harassment by providing phone counselling and support. 514-526-0789
- **[MONTREAL SEXUAL ASSAULT CENTRE](#)**
Accompanies anyone aged 18 and over who has been the victim of sexual violence in the last 12 months. It provides medical support, follow-up treatment and listening services. There is a 24/7 toll-free helpline for victims of sexual assault: 1-888-933-9007.

ACCESSING COMPENSATION

- **[INDEMNISATION DES VICTIMES D'ACTE CRIMINEL \(IVAC\)](#)**
Crime victims can apply to the IVAC within two years of the crime (if the crime occurred after May 23, 2013), or from the time they became aware of the damage caused by the crime. The IVAC may cover lost wages, required treatments (e.g., psychotherapy), and compensate for the resulting permanent effects of a crime.
- **[COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ & SÉCURITÉ AU TRAVAIL \(CNESST\)](#)**

An employee who is subjected to harassment may file a complaint with the CNESST – Labour Standards Division within two years of the last occurrence of the harassment.

If the worker is judged to have been a victim of harassment, they may receive moral damages, compensation for lost wages, a court order putting an end to the harassment, or payment of psychotherapy costs.

An employee who develops a mental health problem as a result of harassment may file a claim with the Occupational Health and Safety Division. In this case, psychological harassment may be considered a work accident or occupational disease. In such case, the person will be compensated as if they had had a work accident. They will receive wages, treatments, compensation for permanent impairment, etc. The deadline for filing their claim is six months from the date of the accident.

If the person harassed is a self-employed worker and not an employee or a union member, they may initiate proceedings against the perpetrator for damages. In addition, if they have a contract with the perpetrator, they may sue them for breach of contract. If they do not have a contract with the perpetrator, they may file a claim for damages relating to the offence committed. The deadline for initiating an action in cases of sexual assault is 30 years. In this case, it is strongly recommended that the victim meet with a lawyer before filing the claim.

CLAIMING FOR DAMAGES

[LEGAL ADVICE](#)

L'Aparté provides legal advice and information about your rights as well the solutions available. It works in conjunction with psychosocial and legal community organizations. 450-396-9449 OR 1-833-LAPARTE.

APARTE@JURIPOP.ORG

[1] Source: <https://aparte.ca/resources>

APPENDIX I

Acknowledgement of receipt of the Policy

Harassment Prevention and Civility Policy

Conseil des arts de Montréal

ACKNOWLEDGEMENT OF RECEIPT

(The duly signed copy will be kept in the personnel file of the Person subject to the Policy).

I certify that I have received a copy of the Harassment Prevention and Civility Policy of the Conseil des arts de Montréal, as well as the Companion Guide.

I declare that I have read, understand and agree to comply with the Policy.

Print first and last name: _____

Signature: _____

Date: _____ 20_____

APPENDIX II

Report or complaint form

Harassment Prevention and Civility Policy

Conseil des arts de Montréal

COMPLAINT FORM

I believe I am the victim of harassment

Psychological Sexual Discriminatory

Your contact details

First and last name: _____

Personal telephone no.: () _____ - _____

Business telephone number (if applicable): () _____ - _____

Email address: _____

Contact details of Respondent(s) (against whom the complaint was made)

First and last name: _____

Status: _____

(employee, volunteer, other)

First and last name: _____

Status: _____

(employee, volunteer, other)

First and last name: _____

Status: _____

(employee, volunteer, other)



CONSEIL
DES ARTS
DE MONTRÉAL

Contact details of witness(es) identified by the Complainant (if applicable):

First and last name: _____

Status: _____
(employee, volunteer, other)

First and last name: _____

Status: _____
(employee, volunteer, other)

First and last name: _____

Status: _____
(employee, volunteer, other)

First and last name: _____

Status: _____
(employee, volunteer, other)

Desired solution(s):

Did you express your disapproval to the Respondent?

Yes If yes, what was the nature and outcome of the exchange? Please specify:

No If not, what factors deterred you from doing so? Please specify:

Would you be willing to try to resolve the issue through an alternative dispute resolution method such as mediation?

Yes

No

Have you taken any other steps?

No

Yes If yes, please specify the steps:



CONSEIL
DES ARTS
DE MONTRÉAL

Allegations

Describe the incident, detailing the facts, actions, dates, locations, repercussions, and names of witnesses, if applicable. (If the space below is insufficient, write on the back or use another sheet, then attach it to the form and indicate number of pages in the appendix.)



Statement

The facts stated in this form are true to the best of my knowledge. I realize that some of the information I have provided may be disclosed by the person handling my complaint to, among others, the Respondent and the persons named as witnesses, to the extent necessary for the handling of my complaint.

I agree to exercise the utmost discretion and not to discuss the contents of this form with my colleagues or other persons, except for purposes permitted by law, by the Policy, or for consultation with an adviser, if applicable.

Print first and last name: _____

I have signed at _____ (city),
this _____ day of the month of _____ in the year 20__.

Signature: _____

APPENDIX III

Confidentiality agreement of either party or witness

Harassment Prevention and Civility Policy

Conseil des arts de Montréal

CONFIDENTIALITY AGREEMENT

I, the undersigned, _____ expressly acknowledge that I am bound to discretion and confidentiality surrounding all facts known to me regarding the complaint filed by _____ [First and Last name of the Complainant].

I hereby expressly agree to respect the confidential nature of any information relating to the above-mentioned complaint and the complaint process.

More specifically, I hereby undertake not to discuss any information relating to the complaint or the complaint process.

Furthermore, I undertake to ensure that any information relating to the complaint and/or the complaint process is not disclosed except to persons duly authorized to receive it in the course of their duties or under applicable law, or unless duly summoned to a court in this regard.

This confidentiality agreement remains in force at all times, even after the complaint process has been completed, without any time limit.

Signed at _____, this _____ day of _____, 20____.

Signature

APPENDIX IV

Confidentiality agreement of the accompanying person

Harassment Prevention and Civility Policy

Conseil des arts de Montréal

CONFIDENTIALITY AGREEMENT

I, the undersigned, _____ expressly acknowledge that I am bound to discretion and confidentiality surrounding all facts known to me regarding the complaint filed by _____ [First and Last name of the Complainant].

I hereby expressly agree to respect the confidential nature of any information relating to the above-mentioned complaint and the complaint process.

More specifically, I hereby undertake not to discuss any information relating to the complaint or the complaint process.

Furthermore, I undertake to ensure that any information relating to the complaint and/or the complaint process is not disclosed except to persons duly authorized to receive it in the course of their duties or under applicable law, or unless duly summoned to a court in this regard.

This confidentiality agreement remains in force at all times, even after the complaint process has been completed, without any time limit.

Signed at _____, this _____ day of _____, 20____.

Signature

APPENDIX V

Incident self-assessment – Harassment or not? ⁶

Put the incident into context by asking yourself the following questions:

- What was the context in which the incident(s) took place?
- Was the behaviour hostile or unwanted?
- Was the behaviour directed at me?
- Was I offended by the behaviour?
- Did the incident occur in circumstances covered by the Policy?
- Was this the first incident or is it a series of incidents?
- What is my work relationship with this individual?
- Are individuals doing or saying things to make me feel uncomfortable?
 - ▷ Would a reasonable person consider the behaviour hostile or unwanted?
 - ▷ As I describe and evaluate my work environment, are there other factors contributing to the situation (level of stress, workload, professional constraints, etc.)?
 - ▷ Am I being singled out and treated differently than my colleagues, being given the “silent treatment”?
- Is the incident related to my work performance?
 - ▷ Am I being criticized regularly even though my standards have not changed and my performance has always been satisfactory or better?
- Am I being blamed for mistakes I believe are not my fault?
- What impact(s) and/or consequences did this/these incident(s) have on me?
 - ▷ Physically?
 - ▷ Emotionally?
 - ▷ Professionally?

⁶ Reference: [Is it Harassment? A Tool to Guide Employees](#)

- Are my work relationships different from those I have experienced in the past?
- Am I at risk in some way?
- How would this behaviour be perceived by other work colleagues?
 - ▷ Are there other factors in my life that could have an influence on my reaction to this event?
 - ▷ Is this behaviour typical for the individual? Are there any personal or professional circumstances contributing to their behaviour?
 - ▷ Have I spoken to the individual and tried to clarify the situation? Have I informed them of the impact the situation has had on me?
- Have I asked them to stop the behaviour?
 - ▷ Has the other person expressed regrets and stopped or has the behaviour continued?
 - ▷ If I choose to file a complaint, will it be done in good faith, with the intention to honestly inform?
 - ▷ Have I considered resolving the situation through informal means of conflict resolution, such as a facilitated discussion, coaching, or mediation?



This Companion Guide was initially inspired by the Companion Guide created for organizations supported by the Ministère de la Culture et des Communications through its Operating Assistance for Arts Training Organizations program. This document was produced by the Institut national de l'image et du son with the financial support of the Gouvernement du Québec.

The Conseil would like to extend its warmest thanks to the Gouvernement du Québec, including the Ministère de la Culture et des Communications and the Institut national de l'image et du son for its permission to use this document as inspiration.