

**Toronto Mendelssohn Choir (“TMC”)
Policy on Harassment and Workplace Violence**

Revision Approved: September 14, 2021

A. Statement of Commitment

Toronto Mendelssohn Choir is a reputable organization that abides by the highest values and standards of the community in which we operate. We aim to create a safe creative space that ensures positive and respectful relationships for everyone involved in our organization.

TMC does not tolerate harassment, sexual harassment, or workplace violence against or from any affiliates including employees, choristers or members of the Board. We will take action to prevent harassment, sexual harassment, and workplace violence. We will continue our discussion of appropriate behaviours that ensure a safe, inclusive and harassment-free environment for everyone.

TMC will respond in a timely, fair and effective manner in dealing with all reports or allegations of harassment, sexual harassment or workplace violence. The confidentiality of complainants, respondents and any other parties involved will be respected and protected throughout the handling and resolution of any complaint.

TMC will not tolerate further victimization of anyone who has experienced or perceived harassment, sexual harassment, or workplace violence. TMC will not tolerate reprisal against anyone for speaking up or raising complaints about harassment or workplace violence, or for participating in an investigation. Any person who believes they have experienced reprisal may address their concern through TMC’s procedures for filing a Complaint.

B. Purpose of this Policy

- Ensure TMC meets its obligations under Ontario’s Human Rights Code and Occupational Health and Safety Act to prevent harassment, including sexual harassment, and workplace violence;
- Ensure all employees, Board directors and members are aware that harassment is unacceptable and incompatible with the standards of the organization, as well as being a violation of the law;
- Set out the types of behaviour that may be considered offensive and that are prohibited by this policy;
- Set out responsibilities of all parties under this policy; and

- Provide procedures for filing and handling a Complaint of harassment, sexual harassment or workplace violence made by any person covered by the policy.

C. Application

This policy applies to:

- All Affiliates who participate in TMC activities;
- All TMC places of work, rehearsal, performance and work-related gatherings; and
- All forms of communications including electronic messaging, social media and digital platforms.

➤ *To understand what steps to take, see the [Guidelines and Procedures](#) below.*

D. Definitions

Under [Ontario's Human Rights Code](#), R.S.O. 1990, c. H.19:

Harassment means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on any grounds of discrimination, including:

○ Age	○ Disability	○ Family status
○ Creed/religion	○ Sex	○ Marital status
○ Race	○ Sexual Orientation	○ Place of origin
○ Colour	○ Gender identity	○ Ethnic origin
○ Ancestry	○ Gender expression	○ Citizenship
○ Association or relationship with a person identified by one of the above grounds		
○ Perception that one of the above grounds applies		

Sexual Harassment means:

- 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
- 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.

➤ *For further information, see [Ontario Human Rights Commission webpage: http://www.ohrc.on.ca/en/ontario-human-rights-code](http://www.ohrc.on.ca/en/ontario-human-rights-code)*

Under Ontario's [Occupational Health and Safety Act](#):

Workplace Violence is:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker;
- A statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker; or
- A threat or anticipation of violence in the workplace related to a situation of domestic violence experienced by a worker.

- *For further information, see Ontario Government webpage:*
<https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment>

Within Toronto Mendelssohn Choir:

Affiliate is:

- Any person acting in a paid or voluntary capacity involved in planning, preparing, production, performance, administration and oversight of TMC activities. This includes staff, members of the Board, choristers including alumni, contractors including guest artists, and volunteers.

E. Responsibilities

Chair of the Board of Directors is responsible to:

- Ensure that this Policy is applied in a timely, consistent and confidential manner;
- Handle investigation and remediation procedures for Complaints of harassment, sexual harassment and workplace violence reported directly to the Chair;
- When requested by other Recipients, consult on the investigation and remediation of Complaints;
- Ensure the Independent Third Party (as described in Procedures below) is appropriately contracted and prepared to receive and refer Complaints to the appropriate designated Recipient (as defined below);
- As appropriate, coordinate the Independent Third Party's role in receiving and recording Complaints reported directly to them;
- After Investigations and consultations are complete, determine whether or not Complaints are well founded, and determine what remedial action is appropriate; and
- Report on the number and handling of all Complaints to the Board of Directors.

Vice-Chair of the Board of Directors is responsible to:

- Handle investigation and remediation procedures for Complaints of harassment, sexual harassment and workplace violence reported directly to the Vice-Chair; and

- When requested by other Recipients, consult on the investigation and remediation of Complaints.

Chair of the Governance Committee is responsible to:

- Manage the administration of this Policy; and
- Coordinate annual review of this Policy and adjust as needed, subject to the approval of the Board.

Executive Director is responsible to:

- Foster a safe and harassment-free environment in all TMC activities;
- Arrange for education and training of all Affiliates under this Policy;
- Communicate the procedures for filing and handling Complaints of harassment, sexual harassment and workplace violence;
- Assess risk of domestic violence that may lead to violence in the workplace, and develop safety plans to deal effectively with threats or incidents;
- Deal with situations of harassment, sexual harassment and workplace violence immediately upon becoming aware of them, according to safety plans as appropriate, whether or not a Complaint has been filed;
- Promptly notify the Chair of the Board of Directors on the receipt and handling of every Complaint;
- Take appropriate actions during an Investigation, including separating the parties to the Complaint when appropriate;
- Ensure situations of harassment, sexual harassment and workplace violence are dealt with in a sensitive and confidential manner;
- Conduct investigation and remediation procedures for Complaints of harassment, sexual harassment and workplace violence reported directly to the Executive Director; and
- When requested by other Recipients, consult on the investigation and remediation of Complaints.

Artistic Director is responsible to:

- Foster a safe and harassment-free environment in all TMC activities;
- Upon learning of a potential or actual incident under this Policy, report to the Executive Director or Chair of the Board of Directors.
- Ensure situations of harassment, sexual harassment and workplace violence are dealt with in a sensitive and confidential manner; and
- Take actions as needed, following safety plans.

Artistic and Administrative Staff are responsible to:

- Foster a safe and harassment-free environment in all TMC activities;
- Monitor and report any concerns to TMC management; and
- Take actions as delegated and as needed, following safety plans.

All Affiliates are responsible to:

- Treat others with respect wherever and whenever involved in TMC activities;
- Report harassment, sexual harassment, or workplace violence experienced by themselves to one of four designated Recipients: the Executive Director, Chair of the Board of Directors, Vice-Chair of the Board of Directors, or the Independent Third Party, as defined in the [Guidelines and Procedures](#) below;
- Upon witnessing an instance of harassment or sexual harassment against another Affiliate, and feeling personally offended or harassed, consider actions including seeking advice and/or filing a Complaint (see [Guidelines and Procedures](#) below);
- Upon witnessing an instance of workplace violence, or being aware of the threat of workplace violence, report to TMC staff or leadership, or where appropriate contact police (see [Guidelines and Procedures](#) below);
- If named as a party, cooperate with an Investigation of harassment, sexual harassment or workplace violence, and respect the confidentiality related to the investigation process; and
- If after filing a complaint the Affiliate experiences further victimization or reprisal, contact one of the four designated Recipients, including the Independent Third Party (see [Guidelines and Procedures](#) below).

F. Publication, Education and Training

- This TMC Policy on Harassment and Workplace Violence will be posted in a readily accessible location on the TMC Website. It will include clear procedures on how to file a Complaint under this Policy.
- TMC staff, members of the Board and choristers will receive training on this Policy annually.
- TMC Executive Director will arrange for additional training and familiarization as needed and when requested.
- TMC staff will receive training as required on safety plans dealing with the threat or incidence of potential types of workplace violence.
- Affiliates of the TMC will be informed of the TMC Policy on Harassment and Workplace Violence, how to access the TMC Website, and their rights under the policy and their responsibility to comply with it.

G. Relationship to Other Policies and Codes

- This Policy will apply in complement with the TMC Health and Safety Policy, TMC Chorister Guidelines, TMC Director Code of Conduct and Conflict of Interest Policy, and all employment and engagement contracts.

H. Governance over Policy

- The Chair of the Board of Directors is accountable for this TMC Policy on Harassment and Workplace Violence.

- The Chair of the Governance Committee will ensure this Policy is reviewed annually or more frequently if required and reapproved by the Board of Directors.
- TMC Executive Director will track Complaints filed under this Policy and report a confidential summary to the Board of Directors.
- TMC Executive Director will identify any emerging issues related to this Policy and bring to the attention of the Chair of the Board of Directors.

➤ *See the [Guidelines and Procedures](#) related to this policy below.*

I. Guidelines and Procedures related to the TMC Policy on Harassment and Workplace Violence

Content:

1. Further information on dealing with unwanted behaviour
2. Seeking advice on rights and potential actions
3. Taking action if a person experiences Workplace Violence or the threat of violence
4. Participating in Mediation process
5. Procedures for filing and receiving a Complaint
6. TMC procedural steps to be followed in processing a Complaint through to resolution
7. Procedures available in case a Complainant decides to Appeal the resolution
8. Recipient contact information

1. Further Information on dealing with unwanted behaviour

- TMC Affiliates may potentially face violence and harassment from any person related to any TMC activity, which is referred to as a “workplace” under the legislation.
- There is a continuum of unwanted behaviours that can occur, ranging from offensive remarks to violence. Some behaviours are considered harassment or sexual harassment. Other behaviours may be offensive, distasteful or inconsiderate, but are not harassment as defined under the legislation.
- The harassing or violent person may be part of the organization, including a co-worker, manager, supervisor or employer. Or the person may be someone with no formal connection to the workplace such as a stranger or a domestic/intimate partner who brings violence or harassment into the workplace.
- As an “employer” TMC has specific duties with respect to workplace harassment and workplace violence under the [Occupational Health and Safety Act](#).
- Harassment may also be a matter that falls under [Ontario's Human Rights Code](#) (OHRC).
- [Canada's Criminal Code](#) deals with matters such as violent acts, sexual assault, threats and behaviours such as stalking. The police should be contacted in these situations.
- Examples of harassment include:
 - Epithets, remarks, jokes or innuendos related to a person’s race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground;
 - Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
 - Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a group protected by the OHRC; and
 - Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person’s dress, speech or other practices that may be related to their sex, race, gender identity or creed.

- *For further information on Harassment and Workplace Violence, see Ontario Government webpage:*
<https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment>.

2. Seeking advice on rights and potential action

- Affiliates are encouraged to contact any of the three designated TMC Complaint Recipients below to ask for support, advice or assistance in dealing with unwanted behaviour:
 - TMC Executive Director
 - Chair of the Board of Directors
 - Vice-Chair of the Board of Directors.
- *See Recipient contact information provided at the end of these Procedures.*
- If not comfortable with this approach or satisfied with the outcome, Affiliates may contact **Clearview Connects**, the independent, confidential third-party contracted by TMC that will allow you to discuss, free of charge, your rights and options in a secure and confidential manner that will not be disclosed to TMC. Contact them online, by phone or by postal mail.
- *See Clearview Connects contact information provided at the end of these Procedures.*
- Based on information provided, an Affiliate may decide to:
 - seek Mediation (see **4. Participating in Mediation process**, below);
 - file a Complaint under this policy (see **5. Filing a Complaint**, below);
 - after attempting to resolve through internal processes but still unsatisfied, file an application with the Ontario Human Rights Tribunal
<https://tribunalsontario.ca/hrto/forms-filing/>;
 - contact police (emergency 9-1-1, or Toronto Police Service at 416-808-2222; or
 - take no further action.

3. Taking action if a person experiences Workplace Violence or the threat of violence

- If an Affiliate has experienced workplace violence they should report to one of four designated Recipients: the Executive Director, Chair of the Board of Directors, Vice-Chair of the Board of Directors, or the Independent Third Party, as defined in the Guidelines and Procedures below.
- If a chorister or staff member becomes aware of a situation or threat of domestic violence experienced by another Affiliate which could lead to violence in TMC's workplace, they should report this in confidence to the TMC Executive Director or designated staff member.
- If a situation of workplace violence is occurring, or a threat or risk of workplace violence is imminent, Affiliates should immediately contact TMC leadership or staff, or contact police (emergency 9-1-1, or the Toronto Police Service 416-808-2222).

- TMC leadership and staff have been trained on safety plans dealing with the threat or incidence of potential types of Workplace Violence, and Affiliates should comply with their directions.

4. Participating in Mediation process

- Wherever appropriate and possible, the parties to a Complaint will be offered mediation prior to proceeding with an Investigation. Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution of the Complaint.
- A mediator will be chosen who is mutually acceptable to all parties.
- Each party to the Complaint has the right to be accompanied and assisted during mediation sessions.
- The mediator would not be involved in any subsequent investigation of the Complaint.

5. Procedures for filing and receiving a Complaint

- Any person may file in good faith a Complaint of harassment, including sexual harassment, or workplace violence against an Affiliate, to one of four designated Complaint Recipients:
 - Executive Director of the TMC
 - Chair of the TMC Board of Directors
 - Vice-Chair of the TMC Board of Directors
 - Independent Third Party

➤ *See Recipient contact information provided at the end of these Procedures.*

- The Complaint may be filed after Mediation has been attempted, or without any attempt at Mediation.
- The Complaint may be in writing or verbal. If the Complaint is filed verbally, the Recipient will record the details provided by the Complainant. The Complainant should be prepared to provide details such as what happened, when it happened, where it happened, how often and who else was present (if applicable).
- If the Complaint is received by the Independent Third Party, whether anonymously or otherwise, the Independent Third Party will notify the Executive Director. If the Executive Director is implicated in the allegations of the Complaint, the Independent Third Party will notify the Chair of the TMC Board of Directors.
- An anonymous Complaint may be filed and will be investigated in accordance with this Policy, but it will be more difficult to investigate and assess whether it is well founded. The Recipient will proceed to process the Complaint with whatever information has been provided.
- Complaints should be made as soon as possible unless there are circumstances that prevented the Complainant from doing so. Complaints must be filed within one year from the date of the last alleged incident.

- If any party to the Complaint believes that the Complaint is not being processed in accordance with this policy, they may contact any other of the designated Complaint Recipients.

6. TMC procedures for processing a Complaint through to resolution

a) Receiving and Communicating:

- The Recipient will notify one of the other designated Recipients (excluding the Independent Third Party), who is not involved or implicated in the allegations of the Complaint, of its receipt and will consult with them through all subsequent steps of the Complaint handling procedure.
- The person against whom the Complaint has been made (the “Respondent”) will be informed in writing that a Complaint has been filed. The letter will provide details of the allegations that have been made against them.
- The Recipient will ensure that the confidentiality of all parties and the Complaint allegations will be maintained throughout the process, and information will be shared with only those who need to know as part of the procedures for investigating a Complaint (as described below).

b) Investigation:

- Once an Affiliate has filed a Complaint, an Investigation must be conducted.
- Investigations will be handled by an individual (“Investigator”) who is qualified. The Investigator will be independent and objective, will protect confidentiality and privacy, and will maintain the security of all documents related to Complaints, including contents of meetings, interviews and investigation reports.
- Each party to the Complaint has the right to be accompanied and assisted during investigation sessions.
- The Investigator will interview the Complainant, the Respondent and any witnesses that have been identified. All persons who are interviewed will have the opportunity to review their statement, as recorded by the Investigator, to ensure its accuracy.
- The Investigator will prepare a report that includes:
 - a description of the allegations;
 - the response of the Respondent;
 - a summary of information learned from witnesses (if applicable); and
 - a decision about whether, on a balance of probabilities, harassment did occur.
- The Investigator’s report will be submitted to the Recipient of the Complaint. The Complainant and Respondent will be informed in writing about the results of the Investigation. A copy of the report will be provided to the Chair of the Board of Directors and the Chair of the Governance Committee, and may be provided to the entire Board of Directors, if determined to be appropriate by the Recipient.

c) Complaint Resolution

- Based on the findings of the investigation and human rights law and policy, the Recipient of the Complaint will decide whether the complaint is well-founded.
- The Recipient will notify the Chair of the Board of Directors and the Chair of the Governance Committee on the decision.

- Steps will be taken to ensure that the Complainant is, to the extent possible, “made whole” and the effects of the discrimination are remedied. Remedies may include: a verbal or written apology, and where appropriate for staff, compensation for lost wages and any lost employment benefits such as sick leave.
- Persons who violate this policy may face a range of consequences, depending on the nature and severity of the behaviour, including making an apology, education, counselling, reprimand, suspension or termination of employment or membership.
- The Complainant and Respondent will be informed in writing of the decision, to the extent permissible under the law.
- Where the substantiated Complaint was founded on the action of a patron or the public, TMC may refuse admission, depending on circumstances.
- If the Complaint is well-founded, the organization must take steps to address the human rights violations and prevent future occurrences and related incidents of harassment or workplace violence.
- Where a Complaint is found to be clearly vexatious or frivolous, corrective action may be taken with respect to the Complainant, possibly including reprimand, suspension or dismissal.
- The Recipient will inform the Chair of the Board of Directors and the Chair of the Governance Committee on corrective actions taken related to the substantiated Complaint.
- The Independent Third Party will provide a summary of all Complaints received through its service.

7. Procedures available in case a Complainant decides to Appeal the resolution

- If the Complainant or Respondent is unsatisfied with the resolution of the Complaint under this process, they may submit a written Appeal to the Chair of the Board of Directors, providing evidence that the Investigation was improperly conducted, or that there have since arisen significant new facts that could change the outcome of the original Investigation.
- The Chair of the Board of Directors will determine a subsequent course of action to regarding the Appeal.
- Affiliates may exercise their right to file an application with the Ontario Human Rights Tribunal. <https://tribunalsontario.ca/hrto/forms-filing/>

8. Recipient contact information:

Independent Third Party: Clearview Connects

- online through their secure website at www.clearviewconnects.com;
- call the TMC dedicated toll-free number at 1-833-550-1786 to and speak with a Clearview Agent or leave a Voicemail Report;
- or send your report by postal mail to P.O. Box 11017, Toronto, Ontario M1E 1N0.

TMC Recipients:

- TMC Executive Director
 - manager@tmchoir.org
- Chair of the Board of Directors
 - Tmchair231@gmail.com
- Vice-Chair of the Board of Directors
 - TMVicechair@gmail.com