



Violence, Harassment and Abuse

POLICY

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Applicable Legislation:		
<i>The Workplace Safety and Health Act (Manitoba) and the Workplace Safety and Health Regulation (Manitoba)</i>		

1.0 POLICY

- 1.1 Every employee, contractor, vendor, volunteer, patron and visitor (hereinafter collectively referred to as “Individual(s)”) of the Winnipeg Folk Festival (hereinafter referred to as the “Festival”) has the right to work and/or attend Festival sites, premises, events and activities in an environment free from violence, harassment and abuse. The Festival will not tolerate any form of violence, harassment or abuse.
- 1.2 The Festival is committed to providing a respectful and safe environment that is free from violence, harassment and abuse and will ensure, so far as is reasonably practicable, that no Individual is subjected to violence, harassment and/or abuse while working at or attending a Festival site, premises, event or activity.
- 1.3 Individuals are at all times required to treat all other Individuals they interact with in the course of or as a result of their employment or engagement with the Festival or when attending a Festival site, premises, event or activity with dignity and respect, whether such interaction occurs during or outside of work hours and inside or outside the Festival workplace, including the office in Winnipeg, the Festival site and any premises where an event and/or activity is being hosted by the Festival.
- 1.4 The Festival requires the reporting of all incidents of violence, harassment and abuse regardless of who the offender might be (including if the offender is a patron or visitor). In the case of employees, contractors, vendors and volunteers, any Individual, regardless of position, found to have engaged in violence, harassment or abuse (including against a patron or visitor) will be subject to disciplinary action, up to and including termination of employment or engagement. In the case of

patrons or visitors, any Individual found to have engaged in violence, harassment or abuse will be subject to removal from the Festival site and all Festival premises, events and activities.

- 1.5 This Policy and the Incident Report Form will be posted in a conspicuous location at the Festival office in Winnipeg and at the Festival site (i.e. backstage, box office). This Policy and the Incident Report Form will also be referenced in both print and electronic volunteer materials and will be available on the Festival's website for viewing by all patrons and visitors.

2.0 **DEFINITIONS**

2.1 "Violence" means:

- (a) the attempted or actual exercise of physical force by a person against a person; and
- (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

2.2 "Harassment" means any comment or conduct that:

- (a) is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, political belief, political association or political activity, marital status, family status, source of income, disability, physical size or weight, age, nationality, ancestry or place of origin and that creates a risk to the health and well-being of a person; or
- (b) adversely affects a person's psychological or physical health and well-being and, in the case of repeated conduct, could reasonably cause a person to feel humiliated or intimidated or, in the case of a single incident, has a lasting, harmful effect on a person.

2.3 "Sexual harassment" includes, but is not limited to, the following:

- (a) unwelcome physical contact, such as inappropriate touching;
- (b) unwelcome sexual remarks or jokes that denigrate one's gender;
- (c) unwelcome sexual solicitations or advances;
- (d) displaying material such as pictures or cartoons that are denigrating;
- (e) leering;
- (f) sexually suggestive or obscene comments or gestures;
- (g) unwelcome inquiries or comments about a person's sex life;
- (h) persistent unwanted contact or attention whether after the end of a consensual relationship or otherwise;
- (i) implied or expressed threat of reprisal or promise of reward for complying with a sexual solicitation or advance; or
- (j) sexual assault.

All Individuals can be victims of sexual harassment.

2.4 "Abuse" means the mistreatment of a person that causes physical, psychological and/or emotional harm. Abuse can be verbal, nonverbal, psychological, physical, violent and/or personal or sexual in nature.

- 2.5 Violence, harassment and/or abuse can be a series of incidents or one severe incident which has a lasting impact on the person.
- 2.6 “Complainant” is the person who alleges that they have been subjected to violence, harassment and/or abuse by the Respondent.
- 2.7 “Respondent” is the person who is alleged to have violated this Policy.

3.0 **RISK ASSESSMENT AND STEPS TO ELIMINATE OR MINIMIZE RISKS OF VIOLENCE, HARASSMENT OR ABUSE**

- 3.1 The Festival and its year-round venues are typically low-risk environments, however some risk potential of violence, harassment or abuse was identified in a risk assessment conducted by the Festival in conjunction with its Workplace Safety and Health Representative.
- 3.2 The following measures have been taken by the Festival to eliminate or minimize the identified risks:
- In the case of employees, contractors, vendors and volunteers, all Individuals are provided with standards of conduct outlining basic expectations of all who work at the Festival to ensure the understanding of behavioural standards. Individuals will be required to review them on an annual basis.
 - Volunteer roles are documented in crew descriptions that indicate the limits of their duties as well as the chain of command available through which to escalate problems.
 - All Festival ticket purchasers are provided with Participant Responsibilities at the time of purchase that outline public standards of conduct, including that violence and harassment will not be tolerated and children under 12 are not to be left unaccompanied.
 - Safety and security volunteers and staff receive specific additional training in the areas of violence, harassment and abuse prevention as well as specific lost children protocols (i.e. Code Orange, Code Adam).
 - Any volunteer crews responsible for rule enforcement (e.g. traffic and wellness volunteers) also receive additional training to ensure their understanding of safety protocols.
 - Volunteers working in the Family Area and on security crews are required to have child abuse registry checks and also receive specific additional training in the area of child protection with respect to child safety.
 - Volunteers working in the Taverns receive responsible service certification required for bartenders (currently called ‘Smart Choices’).
 - Most volunteers do not work alone and if they do, there are specific safety protocols of which they will be aware.
 - All youth programming takes place in public spaces and/or in group sessions and no one-on-one instruction or activities are undertaken.
 - Festival protocols for safety and security-related issues beyond volunteer capabilities engage external enforcement including Birds Hill Park enforcement staff and RCMP.

- 3.3 The Festival has also implemented the following safety procedures to eliminate or minimize the identified risks:
- All Individuals (including patrons and visitors) are trained to seek out a safety/security person (identified by a blue vest) if they see any incidents of violence, harassment or abuse.
 - Safety and security volunteers and staff follow specific protocols for violent/harassment/abusive situations, as well as lost children, and engage appropriate law enforcement if/when necessary.
 - On the rare occasions volunteers may work alone, they are given the appropriate implements (such as flashlights and radios), support systems and specific protocols to ensure their personal safety.
 - Apprentice volunteer coordinators who manage volunteers under the age of 18 have specific protocols to ensure the safety of apprentices and to ensure they do not work alone.
 - Programming protocols ensure children and youth under 18 years of age participate in activities in group settings only.
- 3.4 An Individual may further eliminate or minimize the risk of violence by:
- taking all reasonable steps to protect their own personal safety;
 - taking all reasonable steps to remove themselves from violent situations;
 - calling for help from another Individual or their supervisor/manager when a situation has become violent or has the potential to become violent; and
 - notifying their supervisor/manager when they have concerns about violence or the potential for violence in the workplace.

4.0 **REPORTING BREACHES OF THIS POLICY**

- 4.1 The Festival encourages Individuals who may have experienced or witnessed, or otherwise have concerns of, a suspected breach of this Policy to bring such concerns forward in accordance with these procedures. As well, such Individuals should keep a detailed written record of the event(s) including the name(s) of the individuals involved, place, date, time, witnesses (if any) and details of the offensive behaviour.
- 4.2 Where appropriate, in the case of employees, contractors, vendors and volunteers, the Festival encourages Individuals to attempt to resolve interpersonal workplace issues directly as soon as the issues arise. However, the Festival recognizes that addressing such issues directly with another Individual can often be uncomfortable and/or unsafe. Therefore, an Individual is not required to attempt to resolve workplace issues on their own before initiating a formal complaint under this Policy.
- 4.3 This Policy provides for both an Informal Process and a Formal Process for Individuals who believe they have been subject to violence, harassment or abuse. Notwithstanding that, Individuals who have experienced or witnessed an act of violence must take the following steps:
1. if an emergency exists and the situation is one of immediate danger, call 911 and take whatever steps are appropriate to protect themselves from immediate harm, including leaving the area;

2. inform their supervisor/manager or the Executive Director, or in the case of patrons and visitors, inform the Festival's Security team and/or appropriate Festival representative, of the incident as soon as possible; and
 3. seek any necessary medical attention.
- 4.4 For greater certainty, in the event that a complaint of violence, harassment or abuse is made and both the Complainant and the Respondent are patrons or visitors, Sections 4.5 to 4.8 of this Policy will not apply. Instead, the Security team and/or appropriate Festival representative will assess the situation and take whatever steps that they deem appropriate to address the complaint including, in the event that the complaint is substantiated, the removal of the Respondent from the Festival site and all Festival premises, events and activities.

Informal Process

- 4.5 To initiate the Informal Process, the Complainant should advise their supervisor/manager that they have a complaint under this Policy which they would like to try to address under the Informal Process. All volunteer supervisors should bring any complaints to the attention of their contact on Festival staff. All patrons and visitors should bring any complaints to the attention of the Festival's Security team and/or appropriate Festival representative.

The supervisor/manager will separately meet with the Complainant and the Respondent (with a Festival staff member when appropriate). If an Individual has a complaint against their supervisor/manager, they should contact the Executive Director. If an Individual has a complaint against the Executive Director then they should contact the Board Chair.

Mediation may, where appropriate, be offered as an option for resolution.

If an informal resolution acceptable to both the Complainant and Respondent is reached, the Festival may document the resolution and place such documentation on the files of the Complainant and Respondent (if applicable).

If an informal resolution acceptable to both the Complainant and Respondent is not reached, either the Complainant or the Festival may choose to proceed to the Formal Process.

The Festival reserves the right to at any time initiate the Formal Process, whether or not a complaint has been made under this Policy.

Formal Process

- 4.6 To initiate the Formal Process, an Individual should submit to the Executive Director a completed Incident Report Form. If an Individual has a complaint against the Executive Director then they should contact the Board Chair in writing.
- 4.7 The Respondent will then be advised of the complaint and will be given an opportunity to respond in writing.

The Festival may, where appropriate, attempt to seek a resolution prior to the initiation of a formal investigation. Where a pre-investigation resolution is not appropriate or achieved, a formal investigation will occur.

The formal investigation will be conducted by the Executive Director or, where appropriate, an external investigator. The formal investigation will typically include interviews of the Complainant, the Respondent and individuals with information relevant to the complaint.

Following completion of the investigation, the Festival will determine the appropriate course of action, including whether any corrective action (such as, in the case of patrons or visitors, the removal of a patron or visitor from the Festival site and all Festival premises, events and activities) or disciplinary action (in the case of employees, contractors, vendors or volunteers) ought to be taken.

Where the investigation results in a finding that the complaint is substantiated, the outcome of the investigation and any resulting corrective or disciplinary action will be recorded in the personnel files of the Complainant and the Respondent. In the event that a contractor, vendor, volunteer, patron or visitor is involved, a file will be created and kept by the Executive Director.

Where the investigation results in a finding that the complaint is not proved, all records of the complaint shall be removed from the file of the Respondent (if applicable), unless the Respondent chooses to have such records kept in their file.

Where the investigation results in a finding that the complaint had been brought maliciously: 1) if the Complainant is an employee, contractor, vendor or volunteer, the Complainant may be disciplined and the outcome of the investigation and any resulting corrective and disciplinary action will be recorded in the files of the Complainant and the Respondent; and 2) if the Complainant is a patron or visitor, the Complainant may be removed from the Festival site and all Festival premises, events and activities.

- 4.8 All complaints will be dealt with to completion in a timely manner. Timelines will be set on a case-by-case basis by the Executive Director and regular updates will be provided by the Executive Director to the Complainant and the Respondent.

5.0 **CONFIDENTIALITY**

- 5.1 Strict confidentiality is required to properly investigate a complaint and to offer appropriate support to all parties involved. Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. The Complainant's name and the circumstances related to the incident will be disclosed only when necessary to investigate the alleged incident or to take corrective disciplinary action in response to the alleged incident or as may be required by law, and such disclosure will be the minimum amount necessary for the purpose.
- 5.2 Gossiping about a complaint seriously undermines the privacy of all parties involved and will not be tolerated.

6.0 **PROTECTION AGAINST RETALIATION**

- 6.1 Individuals will be protected against retaliation for having made a complaint in good faith or having participated or cooperated in an investigation under this Policy.
- 6.2 This Policy is not intended to discourage or prevent an Individual from exercising any other legal rights pursuant to any law. In that regard, an employee has the right to file a complaint of harassment or discrimination with the Manitoba Human Rights Commission.

7.0 **REFERENCES**

- 7.1 *The Workplace Safety and Health Act* (Manitoba) and the Workplace Safety and Health Regulation (Manitoba)
- 7.2 Winnipeg Folk Festival Standards of Conduct
- 7.3 Winnipeg Folk Festival Participant Responsibilities
- 7.4 Winnipeg Folk Festival Incident Report Form