



CULTURAL WORKER TRAINING VIDEO REFERENCE GUIDE

Key Definitions

“Cultural workers” includes individuals who may be referred to as employees, self-employed artists, contractors and volunteers

“Employer” includes not-for-profit Boards and arts organizations

“Workplace harassment” is typically defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

“Workplace sexual harassment” is defined as 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 comment or conduct is known or ought reasonably to be known to be unwelcome. Sexual harassment also involves 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.

“Discriminatory harassment” includes harassing behaviour that involves or can be connected to a person’s characteristics which are protected by human rights legislation. This could include age, race, ethnicity, religion, gender, sexual orientation and disability, to name a few.

“Bullying”, which is a form of harassment, is defined as targeted behaviour against an individual with the objective to demean and disempower. Bullying can take on many forms, including cyberbullying where this offensive behaviour is perpetrated through electronic means such as email, text, or social media platforms.

Scenario One: The Rehearsal

Common Pitfalls

- Work that involves touch or contact
 - Employers may mishandle situations by failing to set expectations
 - Cultural workers may fail to adhere to set expectations
- Bystander observation of an incident
 - Observers should report incidents that could involve harassment
 - Bystanders often don’t want to be labeled as “snitches” or don’t want to experience retaliation for reporting an observed incident
- Expecting a complaint will be kept confidential
 - Victims of harassment are often fearful of retaliation or of losing future opportunities
 - It’s not uncommon for complainants to request concerns not to be escalated
 - Keeping the complaint confidential creates potential liability for the employer
 - Cultural workers may have the obligation to report issues under provincial laws or workplace policies even if they would rather not share them

Strategies and Best Practices

- Be familiar with and adhere to boundaries and expectations



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- This can be achieved through contracts, codes of conduct, policies and performance discussions
- Cultural workers should familiarize themselves with external policies, such as those established by unions, guilds and associations
- As a bystander, report observed incidents that could involve harassment or sexual harassment
 - Reporting methods may include direct communication using written forms, electronic means or hotlines
 - Be familiar with guidelines regarding the details that bystanders should report such as the “who, what, where, when” related to an incident
 - Be prepared to report factually
 - Understand that bystanders may have obligations to reduce workplace harassment risks
- Understand that complaints and incidents of harassment cannot be maintained in confidence in any circumstance
 - Supervisors receiving complaints cannot fail to address them
 - Supervisors may be liable for fines or other legal penalties for failing to fulfill their obligations

Scenario Two: We Will ROCK You

Common Pitfalls

- Tolerance of regular misconduct by prominent individuals
 - Cultural workers may feel that they can not speak up about misconduct by prominent individuals that could constitute harassment or bullying
 - Leaders and cultural workers may tolerate or enable misconduct so that it becomes accepted—and expected
 - There are legal protections for cultural workers against retaliation for asserting their right to a harassment-free environment
- What constitutes the workplace
 - The bar where the wrap party is being held is a workplace for the performers as the wrap party is an employer-sponsored event
- Social media misconduct
 - Social media posts can constitute cyberbullying and trigger the employer’s obligation to provide protections against and respond appropriately to the misconduct
 - Off-duty conduct can also have negative employment consequences in certain circumstances
 - Reporting harassing behaviour by workers to the employer is key

Strategies and Best Practices

- Be familiar with—and abide—conduct expectations, including not condoning behaviours that could constitute harassment or expecting that type of conduct to be condoned
 - Recall that cultural workers have obligations to protect themselves and each other against workplace harassment



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- Cultural workers who attempt to assert their rights to work in a harassment-free environment are protected by law from retaliation
- Recall that a workplace is defined more broadly than cultural workers may expect
 - A workplace can include a theatre, a rehearsal space, an installation venue, a gala, after work social events involving colleagues, post-performance feedback over drinks at a bar, and so on
 - Cultural workers may be held responsible for inappropriate off-duty conduct
- Do not consider social media and cyberbullying to be beyond the scope of workplace harassment
 - Cultural workers should report social media misconduct, and perpetrators should experience consequences

Scenario Three: This is NOT Art

Common Pitfalls

- Misconduct by third-party contractors
 - Employers have obligations to protect their cultural workers against harassment
 - Discriminatory harassment can be committed by third parties
 - Employers' responsibility to protect the safety of their workers extends to protecting them from individuals who are not workers
- Condonation of misconduct by the employer
 - Supervisors should take steps to address misconduct even if the cultural worker does not specifically request it
 - Cultural workers should not tolerate offensive misconduct silently
- Incidents which occur under performance or deadline pressures
 - Time pressures can lead employers and cultural workers to mishandle complaints or incidents of harassment

Strategies and Best Practices

- Understand that conduct expectations may apply to everyone at all times
 - Third parties should be aware that they do not have carte blanche to behave badly towards cultural workers of the organization to which they are providing services
- Do not condone misconduct perpetrated by contractors or tolerate it silently
 - Recall that cultural workers who attempt to assert their rights to work in a harassment-free environment are protected by law from retaliation
- Cultural workers should take all possible measures to protect themselves from ongoing harassment risks
 - Any concerns that exist should be expressed
 - Understand that employers are obligated to take measures to minimize the impact of the conduct and will be required to make a full response to the incident when feasible, including by investigating, as may be required



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Scenario Four: The Author & The Agent

Common Pitfalls

- Abuse of power
 - Cultural workers may be reluctant to report an incident because of the power imbalance
 - Certain people who may feel they wield power and/or influence over others may exploit others by abusing their power or authority over them
- Reluctant reporting
 - The “victim” of any unwelcome conduct may be reluctant to complain, or assert their “rights”
- What constitutes the workplace
 - Cultural workers may fail to recognize that the setting where the offensive misconduct occurs is the workplace

Strategies and Best Practices

- Ensure cultural workers understand their roles and responsibilities
 - Cultural workers have the responsibility to act in the best interest of their own safety and that of others
 - Recall that reprisals are prohibited
- Understand how and to whom to report issues
 - Cultural workers may have the responsibility to report issues, even if they may rather choose not to do so
- Consider whether a situation may be occurring in the “workplace”

General Takeaways

- Workplace harassment has become increasingly challenging for cultural workers and employers to navigate
 - Public awareness of high-profile cases, #METOO and #Timesup movement activity, enhanced legislative protections and expanded employee entitlements have emboldened those experiencing and observing this type of workplace misconduct to bring incidents and complaints forward and have prompted employers to rely on cultural workers’ own obligations to contribute to the goal of preventing workplace harassment
 - It is crucial for cultural workers and employers for whom they work, provide services, or volunteer their time to understand how to proactively contain workplace harassment and to ensure they are aware of their obligations
- Cultural workers should also strive to achieve more than mere baseline compliance
 - Ensuring safe workplaces boosts productivity and quality of projects, performances and productions, which benefits employers and cultural workers alike
- Assess issues on a case by case basis and seek advice as necessary