

PEI Arts Guild Inc.
Sexual Harassment Policy

Statement of Policy

Sexual harassment is unlawful. This organisation does not tolerate sexual harassment in any form. Every member of The Board of Directors, management and staff has a responsibility to ensure that sexual harassment does not occur.

Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an apology, counseling, transfer of duties or dismissal.

Reports of sexual harassment will be treated promptly, seriously and confidentially.

Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time.

The alleged harasser also has the right to have a supporter or representative chosen by them present when he/she responds to the allegations made.

No volunteer or paid staff member will be treated unfairly as a result of making a complaint of sexual harassment. Immediate disciplinary action will be taken against anyone who victimizes or retaliates against someone who has made a complaint of sexual harassment.

The organisation will afford natural justice to any person involved in a dispute.

Definition of Sexual Harassment

Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

This may include (but is not restricted to):

- an unwelcome sexual advance
- a request for sexual favours
- unwelcome comments about someone's sex life or physical appearance
- leering and ogling
- sexually offensive comments, stories or jokes
- displaying sexually offensive photos, pinups or calendars, reading matter or objects
- sexual propositions or continued requests for dates
- physical contact such as touching or fondling, or unnecessary brushing up against someone

- indecent assault or rape (these are criminal offences).

Sexual harassment may occur between one staff member and another, between volunteers and staff members, or between staff members and guests of The Guild facility, suppliers or visitors.

It

may occur wherever guests and paid staff are interacting with others in the context of their position in the organisation, including social functions.

Making a Complaint

A staff member or guest who has been harassed may choose to take their complaint to the General Manager or to the Chair of the Board of Directors. (Herein referred to as the “sexual harassment contact”)

Internal Complaint

A staff member or guest who believes they have been harassed (the complainant) should: if comfortable to do so, inform the alleged harasser the behaviour is offensive, unwelcome, against the organisation’s policy and should stop

- make a note of the date, time and location of the incident/s
- if not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report to the nominated sexual harassment contact
- if this is inappropriate, speak to another member of the organisation, such as a general manager, or a member of the board.

The sexual harassment contact shall be either the General Manager or the chair of the Board of Directors and that person shall follow the procedures set below. At any time the complainant has the right to discontinue this process.

Complaints Process

When a complaint is received, the sexual harassment contact will:

- obtain and record a full step-by-step account of the incident/s
- ensure the organization’s process for handling the complaint is understood
- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep a confidential record of all details of this discussion and subsequent steps in the process

Informal resolution

Where a complainant has chosen informal resolution, following an informal process the sexual

harassment contact will:

- inform the alleged harasser of the complaint and provide an opportunity to respond
- ensure both parties understand their rights and responsibilities under the organization's policy
- if possible, mediate an outcome that is satisfactory for the complainant
- ensure that confidentiality is maintained
- follow up to ensure the behaviour does not reoccur.

Formal investigation

If a formal investigation is requested by the complainant, or if an informal resolution fails, the sexual harassment contact will escalate the matter to a senior member of the organization.

That person will:

- afford natural justice to all involved
- interview all directory concerned, separately
- interview witnesses separately
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incidents of sexual harassment as defined by the legislation has occurred
- in such a case, determine appropriate action, which may include a change of duties for the harasser, change to working arrangements or, where the incidents were frequent and/or severe, dismissal
- where it cannot be determined by the required test, that an incident/incidents of sexual harassment as defined by the legislation has occurred, may still take action to ensure the proper functioning of the workplace; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retaining where required.
- check to ensure the action meets the needs of the complainant and organization.

Outcomes as they affect the complainant will be discussed with the complainant to ensure that needs are met, where appropriate.

Event Hosts Or Producers

The General Manager shall ensure that all parties using the facilities of The Guild Theatre and Gallery are aware of this policy and these parties shall agree in writing to be bound by the terms of this policy.

Implementation of this Policy

PEI Arts Guild Inc. will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into PEI Arts Guild Inc.

It is the responsibility of the general manager to ensure that all his/her employees are aware of the policy.

As PEI Arts Guild Inc. itself does not normally produce or host the actual events taking place at The Guild, it will ensure that all groups and organizations using the facilities of The Guild are aware of this policy and agree in writing to be bound by the terms of the policy.

Monitoring and evaluation

PEI Arts Guild Inc. recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

The General Manager shall report to the Board of Directors on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed