

# Safe Spaces Agreement

## Winnipeg Fringe Theatre Festival

### Introduction / Purpose

The Winnipeg Fringe Theatre Festival (“the “**Fringe Festival**”) believes that all participants – performers, patrons, volunteers, and staff – deserve a respectful, inclusive and safe environment that is free of Harassment, Discrimination and Violence in which to enjoy the festival. Violence, Harassment and Discrimination will not be tolerated by the Fringe Festival, and every reasonable effort will be made to eliminate and control risks of Violence in the workplace.

The Fringe Festival has developed an organization-wide policy to ensure, so far as is reasonably practicable, that no participant is subjected to Violence, Harassment or Discrimination in the workplace, and to deal quickly and effectively with any incident that might occur. The Fringe Festival will take corrective action respecting any person under the Fringe Festival's direction who subjects a participant to Violence, Harassment or Discrimination.

The Fringe Festival has adopted this agreement to ensure that Participating Companies are aware that each individual has the right to work in an atmosphere that is free of Harassment, Discrimination, and Violence, to outline the Fringe Festival’s approach to ensuring that the Fringe Festival is a safe and respectful space, and to support Participating Companies in ensuring that they maintain a safe and respectful work environment in rehearsal and performance spaces that are outside of the scope of the Fringe Festival's venues.

The Fringe Festival requires that all Participating Companies sign this agreement to indicate their support of the Fringe Festival’s Safe Spaces requirements as outlined below prior to being eligible to participate in the Fringe Festival. This policy will be posted online on the Winnipeg Fringe Website on the Indoor Performers Information Page: <https://www.winnipegfringe.com/GET-INVOLVED/INDOOR-PERFORMERS/INDOOR-REGULAR-KIDS-PERFORMERS.aspx>, the Performer Toolkit: <https://www.winnipegfringe.com/Fringe-Performer-Info.aspx> as well as on notice boards at the John Hirsch Mainstage Theatre and Tom Hendry Warehouse Theatre.

The Fringe Festival requires that all Participating Companies sign this agreement to indicate their support of the Fringe Festival’s Safe Spaces requirements prior to being eligible to participate in the Fringe Festival. Where the Fringe Festival is dissatisfied with a Participating Company’s ability to maintain a safe and respectful work environment, the Fringe Festival reserves the right to take appropriate corrective action, which may include refusing a Participating Company admittance to current and/or future Fringe Festivals.

### Definitions

**Respectful Workplace:** a working environment in which all individuals feel valued, safe and supported.

**Discrimination:** any differential treatment on the basis of an individual’s ancestry, colour,

perceived race, nationality, national origin, ethnic background or origin, religion, creed or religious belief, religious association or activities, age, sex, gender, gender identity, gender expression or sexual orientation, physical characteristics, pregnancy, the possibility of pregnancy or circumstances related to pregnancy, marital or family status, source of income, political belief, political association or activity, physical or mental disability (except where such differential treatment is permitted by law), social disadvantage, or any other protected characteristic as defined by provincial Human Rights law. A failure to provide reasonable accommodation for the special needs of a person when their needs are based on characteristics listed above is also considered Discrimination.

**Harassment:** objectionable conduct that creates a risk to the health of a worker, or severe conduct that adversely affects a Participating Company Employee / Artist's psychological or physical well-being. Conduct is considered objectionable if it is unwelcome or abusive and is based on an individual's ancestry, colour, perceived race, nationality, national origin, ethnic background or origin, religion, creed or religious belief, religious association or activities, age, sex, gender, gender identity, gender expression or sexual orientation, physical characteristics, pregnancy, the possibility of pregnancy or circumstances related to pregnancy, marital or family status, source of income, political belief, political association or activity, physical or mental disability, social disadvantage, language or linguistic origin, physical size or weight, or any other protected characteristic as defined by provincial Human Rights law or provincial Workplace Safety and Health Legislation.

Harassment may occur even if no offence was intended. Harassment may occur when a person hears or sees something that they find offensive even though the person to whom it was directed does not find it unwelcome or does not make a complaint.

**Reasonable conduct of a Participating Company Principal or Leader in respect of the management and direction of employees or the workplace is not considered Harassment or Discrimination.** Reasonable conduct includes but is not limited to setting reasonable work expectations, requests to perform work related duties and holding employees accountable in a respectful manner if expectations are not met.

**Sexual Harassment:** Harassment under this Policy includes Sexual Harassment. It is defined in the *Manitoba Human Rights Code* as:

- (a) a series of objectionable and unwelcome sexual solicitations or advances of a sexual solicitation;
- (b) an advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; and/or
- (c) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

It may involve a single event if sufficiently serious.

Examples of Sexual Harassment include but are not limited to:

- behaviour or display of a sexual nature which may reasonably be perceived to create a negative psychological and emotional environment including unwelcome and unsolicited information of a sexual nature, written or verbal material of a sexual nature, the display of sexually suggestive or revealing objects, pictures or other material, and unwelcome and unwanted sexual jokes, innuendos, language, gestures, etc.;
- questions related to another's sexual conduct or offensive or humiliating behaviour related to a person's gender;
- unwelcome physical contact such as touching, patting, pinching, grabbing, tickling, etc., or leering; and / or
- behaviour that could reasonably be thought to put sexual conditions on a person's job or employment opportunities such as exercising authority to either threaten or require a subordinate employee to submit to sexual activity (quid pro quo Harassment).

**Personal Harassment:** any behaviour that humiliates, intimidates, excludes and isolates an individual or group, but is not based on provincial Human Rights prohibited grounds of discrimination. Personal harassment is objectionable and unwelcome comments or actions directed towards a specific individual which serves no legitimate work-related purpose and has the effect of creating an intimidating, humiliating, hostile or offensive environment.

**Violence:** the attempted or actual exercise of physical force against a person, and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person. Examples include, but are not limited to:

- causing or attempting to cause physical harm to another person
- threats of any nature, verbal or electronic
- aggressive behaviour or statement that constitutes a reasonable fear of bodily harm to another person
- verbal assault, causing emotional duress
- intentional damage or destruction of property belonging to either the Fringe Festival or its employees
- possession of a weapon not intended for work or performance purposes while on Fringe Festival premises or while conducting Fringe Festival work
- any threat, behaviour, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property

**Complainant:** the person who has initiated the complaint and/or the identified person to whom the alleged offense has been committed.

**Respondent:** the person against whom a complaint is brought forth.

**Participating Company:** any organization or group that applies and is accepted to participate in

the Fringe Festival.

**Participating Company Employee / Artist:** any individual who is hired or contracted by a Participating Company that is involved in a performance at the Fringe Festival. This includes cast members, directors, stage managers, designers, associates, writers, creators, etc.

**Participating Company Principal:** any individual who is the owner, founder, or primary leader of a Participating Company.

**Patron:** any member of the public who attends a Fringe Festival performance or who participates in events hosted by the Fringe Festival.

**Fringe Festival Space:** any location that the Fringe Festival occupies during the Festival, including Fringe performance venues, Old Market Square, etc., or any location where the Fringe Festival hosts events or training.

### **Action & Complaint Procedures and Resolution**

The Fringe Festival acknowledges that from time to time it may receive concerns or complaints regarding Harassment, Discrimination or Violence from Fringe Festival participants. This section of the agreement outlines the Fringe Festival's complaint procedures and resolution process as they relate to Participating Company Employees, Patrons, and Participating Companies.

Complaints received by the Fringe Festival that are raised against a Participating Company, Participating Company Employee, and / or Patron of the Fringe Festival regarding incidents that occur within a Fringe Festival Space will be addressed by the Fringe Festival in the manner outlined below.

Complaints that are raised against a Participating Company, Participating Company Employee and / or Patron of the Fringe Festival regarding incidents that occur outside of a Fringe Festival Space will be considered on an individual basis.

Any individual subjected to a harassing or violent incident is encouraged to seek out post incident counseling and support services as needed.

Where an investigation is required under these procedures, the Fringe Festival will not disclose the name of a Complainant or Respondent or the circumstances related to the complaint to any person except where disclosure is:

- (i) necessary to investigate the complaint or take corrective action with respect to the complaint; or
- (ii) required by law.

Notwithstanding the procedures set out below, nothing in this agreement is intended to discourage or prevent the Complainant from exercising any other legal rights pursuant to any other law, including the right to file a complaint with the Manitoba Human Rights Commission.

### ***Participating Company Employees***

If a complaint is raised against a Participating Company Employee regarding an incident that occurs in a Fringe Festival space, the Executive Producer and/or the Festival Manager (in conjunction with the Executive Director and Human Resources of the Royal Manitoba Theatre Centre, as applicable) will review the complaint.

If both the Complainant and Respondent are Canadian Actor's Equity Association (CAEA) members, the Fringe Festival will direct the Complainant to address their complaint with CAEA.

If the Respondent is not a CAEA member, the Fringe Festival will refer the Complainant to bring their complaint to the Respondent's engager (the Participating Company). The Participating Company will be responsible to understand and resolve the complaint, which may include a workplace investigation.

### *Patrons*

If a complaint is raised against a Patron regarding an incident that occurs in a Fringe Festival space, the Executive Producer and/or the Festival Manager (in conjunction with the Executive Director and Human Resources of the Royal Manitoba Theatre Centre, as applicable) will review the complaint. The Fringe Festival will take action, as appropriate, to address any immediate safety concern.

The Fringe Festival will outline the options available to the Complainant, including, but not limited to, filing a complaint with the Manitoba Human Rights Commission, the Police, or any other legal or enforcement avenues).

If the complaint includes an incident that is of a violent or potentially violent nature, the Fringe Festival (in conjunction with the Royal Manitoba Theatre Centre, as applicable) will keep record of the incident and may address it as part of a risk assessment, as per the Fringe Festival's Workplace Violence Prevention Policy.

### *Participating Companies*

If a complaint is raised against a Participating Company (or a Participating Company Principal) regarding an incident that occurs in a Fringe Festival space, the Executive Producer and/or the Festival Manager (in conjunction with the Executive Director and Human Resources of the Royal Manitoba Theatre Centre, as applicable) will review the complaint with the Respondent. The Executive Producer and/or the Festival Manager may attempt to seek a resolution prior to the initiation of a formal investigation.

If the complaint is not resolved, Executive Producer and/or the Festival Manager (in conjunction with Executive Director and Human Resources of the Royal Manitoba Theatre Centre, as applicable) may investigate the complaint and prepare an investigation report. The Complainant and the Respondent will both be informed of the outcome of the investigation in writing. The Executive Producer and/or the Festival Manager, in consultation with Human Resources,

Leadership and the Board of Trustees of the Royal Manitoba Theatre Centre, as applicable, will determine the course of action, if any, to be followed by the Fringe Festival.

The complaint may still be pursued and corrective action taken even if a resolution is achieved between the Complainant and the Respondent prior to, or after, the initiation of a formal investigation. If pursued, the Executive Producer and/or the Festival Manager will advise the Complainant and the Respondent in writing.

Where the investigation results in a finding of Harassment and/or Discrimination, the Participating Company (or Participating Company Principal) may be required to forfeit any performances in the Fringe Festival and may not be allowed to apply to participate in future Fringe Festivals. Where a complaint is confirmed, the outcome of the investigation and any action taken will be kept on file.

### **No Retaliation**

Retaliation of any kind against participants who file complaints will not be tolerated, and this behaviour is also considered a form of Harassment. Regardless of the outcome of a complaint made in good faith, retaliation or reprisals against the Complainant, as well as anyone providing information as part of an investigation, is not acceptable. Allegations of reprisal will be investigated and may be the subject of corrective action.

Further, if a complaint is found to be malicious and/or deliberately false, this will also result in corrective action taken against the Complainant. Documentation of the false complaint may be placed in the Complainant's personnel file.

Should more information be required about this policy, please contact:

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