

Gallery 44 Centre for Contemporary Photography
Anti-Harassment Policy

Sponsor: Board of Directors and Executive Director

Summary: Describes Gallery 44's commitment to Anti-Harassment and Anti-Discrimination, protected grounds under the Ontario Human Rights Code, and the responsibility to zero tolerance and swift action in instances of workplace or other harassment.

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1. Organization commitment

Gallery 44 is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully and have equal opportunities. We understand that discrimination does not have to be intentional. It can result from practices or policies that appear to be neutral but, in reality, have a negative effect on groups or individuals based on a variety of factors, including race, religion, gender identity and expression, disability, and age, among others.

Under the Ontario Human Rights Code, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned or ignored. All reported incidents will be [investigated](#), and if escalated, disciplinary measures will be applied, up to and including termination of employment, membership and volunteer service.

Gallery 44 is committed to a comprehensive strategy to reduce harm, prevent and address all forms of [discrimination](#) and [harassment](#), including [sexual and gender-based harassment](#), [racial harassment](#), and [personal \(non-code\) harassment](#). Our commitment includes:

- providing training and education to make sure everyone knows their rights and responsibilities
- regularly monitoring organizational systems for barriers relating to Code grounds
- providing an effective and fair complaints procedure promoting appropriate standards of conduct at all times.

Gallery 44 will achieve this commitment by maintaining the goals of anti-discrimination as outlined in our Equity Policy and will take action to respond to any actions or complaints as outlined in [Appendix A: Harassment Intervention](#) and [Appendix B: Complaint Procedure](#).

2. Policy objectives

The objective of this policy is to ensure that all Gallery 44 staff, Board, members, and other stakeholders, including artists, partners and community participants, are aware that harassment and discrimination violate the terms of the [Ontario Human Rights Code](#), as well as Gallery 44's governing policies and organizational culture.

The policy sets out to communicate and uphold Gallery 44's commitment to zero-tolerance of harassment and discrimination against any community member, stakeholder and employee. Harassment and discrimination are human rights violations, and this conduct runs contrary to the Gallery's fundamental values.

This policy also serves as a tool to remove obstacles to participation and works in conjunction with our [Code of Ethics and Conduct](#), to protect and maintain a culture of mutual care, integrity and well-being within Gallery 44's community.

3. Application

The right to freedom from discrimination and harassment extends to all Gallery 44 employees, including full-time, part-time, temporary, probationary, casual and contract staff, as well as volunteers, co-op students and interns. This policy applies at every level of the organization and to every aspect of the workplace environment and employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits and termination. It also covers rates of pay, overtime, hours of work, holidays, shift work, discipline and performance evaluations.

Furthermore, this policy applies and seeks to reduce any possible harm to all officers, directors, members, employees, representatives, exhibiting artists, artist-educators, program participants, guests and visitors to Gallery 44. It is unacceptable for any of these parties to engage in

harassment or discrimination when dealing with each other, and any others they have professional dealings with, such as neighbouring organizations, suppliers and service providers.

This policy also applies to Gallery 44 activities outside of the physical workplace, such as business trips or company parties, as well as non-physical, online gathering and programming spaces, and digital communications, including Gallery 44's public posts, and comments between parties, including interpersonal messaging.

We do not tolerate harassment of our organization's personnel, members and participants in any form. All reported incidents, regardless of an individual's position or status within the organization, will be handled with the same gravity, care and professionalism, and in accordance with the rules outlined in this Policy.

4. Protected grounds

This policy prohibits discrimination or harassment based on the following grounds, and any combination of these grounds:

- Age
- Creed (religion)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Gender identity
- Gender expression
- Family status (such as being in a parent-child relationship)
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour (for example, colourism, shadism and alike)
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

5. Key Terms

[Ontario Human Rights Code](#): The Ontario Human Rights Code is a provincial law that gives everyone equal rights and opportunities without discrimination in areas such as jobs, housing and services. The Code's goal is to prevent discrimination and harassment on the basis of 17 protected grounds, including race, gender, sex, disability, and age. See: [4. Protected grounds](#) for the full list.

[Code of Ethics and Conduct "CEC"](#): The CEC is a governing policy that applies to all members, officers, directors, employees, contractors, representatives and guests of/visitors to Gallery 44, as well as all activities and services provided by Gallery 44. In summary, the CEC outlines Gallery 44's commitment to: Demonstrate Artistic Leadership; Act with Integrity; Provide Sustainable Stewardship; and Ensure a Safe, Healthy and Accessible Workplace.

Discrimination: Discrimination is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group because of personal characteristics or circumstances unrelated to the person's abilities or the employment or service issue in question (e.g., disability, sex, race, sexual orientation-See: [4. Protected grounds](#)). Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way. Either way, if the effect of the behaviour on the individual is to withhold or limit full, equal and meaningful access to services, facilities, employment, or contracts available to other members of society, it is discrimination.

Harassment: Harassment means improper comment or conduct that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful. It is a form of discrimination. Harassment may result from one incident or a series of incidents. Harassment can occur between co-workers, between management and employees, and between any combination of employees, members, Board Members, community partners, participants, artists and publics.

Harassment includes, but is not limited to:

- verbal comments that reinforce social structures of domination related to any of the protected grounds, as well as other grounds, including physical appearance, body size, technical skill level, etc (see also: **Personal (non-code) Harassment**)
- deliberate intimidation, stalking, following
- harassing photography or recording
- sustained disruption of talks or other events
- advocating for, or encouraging, any of the above behaviour

Sexual and Gender-based Harassment: A specific form of harassment based on gender and sex, including gender identity, expression, sex, and sexual orientation. This includes a sexual advance or solicitation from anyone if they know or ought to know the advance is unwelcome, especially if the

advance is from a person in a position to give or deny a benefit or to engage in a reprisal or if a threat of reprisal is made if the advance is rejected.

Sexual and gender-based harassment includes, but is not limited to:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines their self respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours

Racial Harassment: A specific form of harassment on the ground of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic background, citizenship or even a person's language.

Racial Harassment includes, but is not limited to:

- racial slurs or jokes
- ridicule, insults or different treatment because of your racial identity
- posting/emailing cartoons or pictures that degrade persons of a particular racial group
- name-calling because of a person's race, colour, citizenship, place of origin, ancestry, ethnic background or creed

Personal (non-code) Harassment: Personal (non-Code) Harassment is harassment that is not related to a prohibited ground identified in the Ontario Human Rights Code. Personal harassment is improper comment and/or conduct, not related to a legitimate work purpose, directed at and offensive to another person or persons in the workplace and that the individual knows or ought to reasonably know would offend, harm or is derogatory, demeaning or causes humiliation or embarrassment. Personal harassment often involves a course or grouping of behaviours. However a single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute personal harassment.

Personal Harassment includes:

- frequent angry shouting/yelling or blow-ups
- regular use of profanity and abusive or violent language
- physical, verbal or email threats, intimidation
- violent behaviours - slamming doors, throwing objects
- targeting individual(s) in humiliating practical jokes
- excluding, shunning, impeding work performance
- spreading gossip, rumours, cyberbullying
- retaliation, bullying, sabotaging
- unsubstantiated criticism, unreasonable demands
- insults, name calling
- public humiliation
- communication that is demeaning, insulting, humiliating, mocking

Personal Harassment does not include:

- legitimate performance/probation management
- appropriate exercise and delegation of managerial authority
- operational directives
- a disagreement or misunderstanding
- conflict between co-workers
- work related change of location, co-workers, job assignment
- appropriate discipline
- less than optimal management
- a single comment or action unless it is serious and has a lasting harmful effect
- rudeness unless it is extreme and repetitive

Workplace Harassment: engaging in a course of vexatious comment or conduct (causing or tending to cause annoyance, frustration, or worry) against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Note: A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace Sexual Harassment: 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.

Poisoned environment: a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. Even a single comment or action, if sufficiently serious, may create a poisoned environment.

Investigation: Workplace investigations are investigations by an Employer into allegations of misconduct. In larger organizations and businesses, investigations are often conducted by human resources departments. In smaller ones, they may be done by consultants who are often lawyers, or other members of the organization, like management or Board members. At Gallery 44, investigations are led by the Executive Director, in consultation with the Board of Directors and may involve external parties at the discretion of the ED and Board. The process is outlined in [Appendix B: Complaint Procedure](#).

An appropriate investigation into an incident of workplace harassment seeks to be timely and fair while addressing all relevant issues. Employers must treat all incidents and complaints seriously, act upon them promptly, and allow time and sufficient resources to investigate and respond to such matters.

6. Roles and responsibilities

All persons involved in Gallery 44 programs, governance and administration are expected to uphold and abide by this policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment or discrimination in accordance with the actions laid out in Appendix A: Complaints Procedure. Managers and supervisors are responsible for creating and maintaining a harassment- and discrimination-free organization, and should seek to reduce harm by addressing potential problems before they become serious. This responsibility also extends to Board members, especially in their roles as committee representatives, where they work alongside Board colleagues, staff, members and community advisors.

7. Timelines

All complaints will be responded to promptly and resolved as quickly as possible. As per [Appendix B: Complaint Procedure](#), Gallery 44 will initiate the investigation process within three working days of receiving a complaint. Furthermore, investigators will make reasonable efforts to keep all involved parties updated throughout the investigation process, including offering an estimated timeline for resolution.

8. Closing statement

Through the regular review and implementation of this policy, Gallery 44 will maintain an active culture of Anti-Harassment/Anti-Discrimination and provide reasonable transparency and efficacy to uplift its community, deepen and maintain a shared sense of mutual care, integrity and well-being.

9. Linked policies

Code of Ethics and Conduct

Equity Policy

Human Resources Policy

10. Appendices

Appendix A: Harassment Intervention

Appendix B: Complaints Procedure

Adopted: September 29 2021

Next Scheduled Date of Review: September 2024

Appendix A: Harassment Intervention

1. Definitions

Organizer: Refers to the organization, Gallery 44, as well as the individual staff, committee members, or instructors running an event or program.

Participant: Refers to any individual(s) participating in, or attending Gallery 44 activities, events, programs and services as listed below.

Intervenor: Individual(s) who seeks to end or address an incident of harassment, utilizing the methods of intervention outlined below.

2. Intervention and Harm Reduction

Gallery 44 reserves the right to intervene if any harassing behaviour occurs during its events or activities; including, but not limited to online, onsite and offsite programs, opening receptions, general gallery attendance, and during member events or facilities usage.

The organizer may take action to redress any behaviours that are designed to, or have the clear impact of, disrupting the event/activity or making the environment hostile for any participants.

Participants asked to stop any harassing behaviour are expected to comply immediately. Participants violating these rules may be sanctioned or asked to leave at the discretion of the organizers.

The intent of intervening should always be to prevent and mitigate harm to the individual(s) experiencing harassment and the larger group (participants, attendees, etc). The intent should NOT be to shame any individual who enacts harassing behaviour.

3. Method of Intervention

We encourage the use of "[5 Ds of Bystander Interventions](#)," at the discretion of the intervenor:

- *Direct:* assess your safety; speak up while the harassment is occurring; be firm and clear.
- *Distract:* take an indirect approach to deescalate the situation.
- *Delegate:* get help from someone else.
- *Document:* video documentation may help later if the incident is investigated, but note that documentation should be used internally and not distributed for shaming purposes.
- *Delay:* after the incident is over, check in with the person who has been harassed.

4. Documentation

In any instance where an individual utilizes the above listed methods of harassment intervention, an [incident report](#) should be documented and filed with the Executive Director.

Appendix B: Complaint Procedure

Purpose

Providing information and instruction to workers on Gallery 44's Anti-Harassment Policy, including how to report incidents of workplace harassment, is an important step to help protect workers.

Gallery 44 must provide employees with information and instruction on what conduct is considered harassment, including sexual and gender-based harassment. ([See Anti-Harassment Policy, Section 5. Key Terms](#))

Supervisors must also receive specific instruction and information on how to recognize and handle incidents of workplace harassment so that workplace harassment does not go unaddressed. Workplace harassment that is not addressed may escalate into workplace violence.

Documentation of the information and instruction provided to workers should be kept by the employer for at least one year.

Procedure

1. Definitions

Complainant: the individual alleging the discriminatory treatment or behavior.

Respondent: the individual against whom the allegation of discrimination is made.

Employee: for the purpose of this policy, the term employee includes employees, volunteers, contractors and consultants working with Gallery 44.

2. Right to Complain

Individuals have the right to complain about situations they believe to be discriminatory or harassing in nature. This policy prohibits reprisals against employees because they have complained or have provided information regarding a complaint. Alleged reprisals are subject to the same complaints procedures and penalties as complaints of discrimination.

3. Avenues of Complaint

The following internal procedure is available to individuals to resolve complaints of discrimination. Parties also have recourse to the Ontario Human Rights Commission (OHRC); however, once a grievance is filed with OHRC, the internal procedure is not an option.

Complaints will be dealt with by the Executive Director.

Where appropriate, the Executive Director will consult with the Board of Directors. All complaints in which the Executive Director has been named as the alleged harasser (directly or indirectly) will be dealt with by the President of the Board of Directors in consultation with the Board of Directors.

4. Reporting a Complaint

Although individuals may first choose to make a verbal complaint, a written summary of the incident will be required. Complaints should be reported as soon as possible. If the complaint is delayed beyond three months, the complainant should outline the reason for the delay in reporting the incident(s).

A letter of complaint should contain a brief account of the offensive incident(s), when it occurred, the person(s) involved and the names of witnesses, if any. The letter should be signed and dated by the complainant.

5. Investigation

Within three working days of receiving a complaint, the Executive Director and/or President of the Board of Directors (investigators) must initiate the investigation process, which includes interviews with complainant/s, respondent/s and witnesses. As soon as possible after receiving the complaint, the Executive Director will notify the individual(s) being named in the complaint. All individuals named in the complaint have a right to reply to the allegations against them.

6. Settlement and Mediation

With the consent of the complainant and the respondent, the investigators may attempt to mediate a settlement of a complaint at any point prior to or during an investigation. Every effort will be made to reach a settlement satisfactory to the complainant and the respondent. An external mediator may be included in the process if necessary.

7. Confidentiality

All individuals involved with a complaint must ensure the matter remains confidential. Identifying information about any individuals involved, will not be disclosed unless necessary for the purpose of investigating or taking corrective action or otherwise as required by law. Whenever possible, investigation reports are presented in a summary format without the names of witnesses.

8. Findings and Recommendations

Once the investigation is complete, the investigators will prepare a written report summarizing investigation findings. The complainant and respondent, if a worker of the employer, will be informed in writing of the results of the investigation and any action taken or to be taken as a result of the investigation.

9. Final Decision and Remedy

The individual(s) who filed the complaint and those named in the complaint have the right to review and comment on the investigation findings with the Executive Director or the President of the Board of Directors.

A response to a founded complaint could include remedial action ranging from:

- requiring the respondent to provide a verbal or written apology;
- giving a verbal or written reprimand with a copy to the respondent's personnel file;
- dismissal of the respondent;

- third party involvement, including police involvement as required by law¹

If the findings do not support the complaint, Gallery 44 might:

- make a recommendation for training or better communications; or
- recommend that no further action is necessary. It may be that no action is taken against the respondent, but there might be a need for some management or systemic activity.

A person who is found to have made a frivolous or vexatious complaint may be subject to disciplinary action.

10. Records

When remedial action requires discipline of an employee, a record of the disciplinary action will be placed in an individual's personnel file. All other records of the investigation will be kept separate and apart from the personnel file.

¹ [Canada's Criminal Code](#) deals with matters such as assault, sexual assaults, threats of bodily harm and behaviours such as stalking. NOTE: Police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence.