

DEALING WITH HARASSMENT IN CULTURAL WORKPLACES

Annex 2 – Survey

Process

A survey was developed in English with consultation with CHRC staff, then translated into French, and reviewed again by CHRC Staff.

Groupings of questions sought out information from arts and culture organizations in three key areas:

1. 'Demographic' Information About the Organization
2. Organization's Current Compliance And "Ready-Ness"
3. Resources For Organizations To Manage Workplace Harassment Investigations

The survey was distributed between the dates of November 5, 2019 - December 10, 2019. Method of distribution was:

- CHRC's mailing list
- Social Media Platforms of CHRC and LeSage Arts Management (Facebook and Twitter)
- Email requests to Arts Service Organizations and the sector community (>40)

After removing incomplete and duplicate submissions, there were 3 Francophone and 146 English submissions. For results displayed in this report, French and English have been combined. For all qualitative responses, in some cases language has been edited for clarity/succinctness and to prevent identifiers to maintain confidentiality.

There are a few cases where individuals from the same organization submitted separate survey results. These results were NOT adjusted, but left in.

Caveat – there is not sufficient representation from Francophone respondents (3).

Pages 3 to 6 of this annex contain the survey introduction and questions.

Pages 7 to 35 present the survey compiled survey responses.

LeSage/CHRC Investigations Research 2019

Final Draft Survey to Organizations

Intro / Preamble

Thank you for taking the time to assist us in collecting this information – the survey should take about 20 minutes to complete.

In 2018, Cultural Human Resources Council commissioned a report written by Jeanne LeSage of LeSage Arts Management on *Reporting and Investigating Mechanisms for Workplace Harassment in the Arts* [[LINK to document](#)]. Among the findings related to Investigations for EMPLOYERS the report stated:

- The cultural sector needs to come together to create resources for employers managing the response to workplace harassment situations and investigating reports coming forward.
- If employers don't have trained Human Resources staff, they are not likely to know how to respond to an incident/report of harassment, including: performing the 'intake' of the complaints and incidents; triaging the situation; knowing how to map out the response and investigation process, taking into consideration the needs and rights of complainants, witnesses, and respondents; knowing when it's appropriate to conduct the investigation internally or externally."
- With a few exceptions, Arts Service Organizations (ASO's) do not have resources to assist organizations with reporting and investigating mechanisms

CHRC has engaged Jeanne to further explore the feasibility of support mechanisms for employers in the performing, literary, and visual arts who are faced with cases of workplace harassment.

Your input and participation in this survey and research will help shape tangible solutions to assist organizations in responding to workplace harassment complaints. We are NOT asking about any specific cases or confidential information and ask that you NOT share these. What is most useful is thinking about your past experience and identifying what resources would best help your organization in the future.

What is being done with this information?

The raw data will be kept confidential with Jeanne LeSage. The grouped findings and aggregate summary data will be shared with CHRC and drafted in a public report, with any potential identifiers removed.

You are welcome to refrain from answering any questions that you are not comfortable responding to, and you can leave the survey at any time. If after you submit the survey you wish to have your answers removed, please contact Jeanne at the details below, and it will be removed.

Jeanne LeSage, CHRL, MBA

jeanne@lesagearts.com

647-876-2265

Informed Consent:

I agree for the collection of my survey responses per above usage and collection.

*Agree/Disagree – Consent CheckBox. If Agree – proceed, if Disagree, it takes you out of survey.

Survey Questions:

1. Intro/Preamble
 - a. Preamble/Consent per above
 - b. Eligibility – Employers in the performing, literary and visual arts in Canada; English employers and French employers outside of Quebec
 - c. Explicit consent to proceed
2. Name and Organization Info
 - a. Your Name (This will remain confidential with Jeanne LeSage) [Optional]
 - b. Province/Territory
 - c. Organization Name [Optional]
 - d. Artistic Discipline of your organization [Literary Arts, Visual Arts, Crafts, Theatre, Music, Dance, Opera, Circus, Multi-Disciplinary, Other – please specify]
 - e. Budget Range of your Organization (based on Expenses from last complete fiscal)
 - f. How many people work with your organization?
 - i. Board
 - ii. Full Time Staff
 - iii. Part Time/Hourly Staff
 - iv. Artists (on contract or on project)
 - v. Volunteers
 - g. Do you have Human Resources staff? (i.e. a staff member whose role is at least 50% Human Resources)
3. Organization's Current Compliance and Ready-ness
 - a. Do you feel that you are aware of the minimum legal requirements for your province or territory for workplace harassment?
 - b. Does your organization have a workplace harassment policy?
 - i. IF YES:
 1. Has the Board of Directors approved it and signed off on it?
 2. When was it last updated?
 3. Is it communicated annually to all 'workers'?
 4. Is there a clear process and procedure laid out in your policy about how to investigate a complaint or allegation of workplace harassment?
 5. Other: Fill in comments
 - c. If there was a complaint of harassment that came forward in your organization, do you feel ready to deal with this and how to conduct an investigation?
 - i. If you rated < x, what are the barriers to this?
 1. No Policy
 2. No Procedure
 3. No Time
 4. No Specific Expertise
 5. No Financial Resources to hire somebody
 6. Other (Please specify)
 - d. Do you have designated staff to handle specific workplace harassment?
 - i. IF YES: Are they trained to deal with incidents of workplace harassment?
 1. Other: Can you detail the specific training they took to deal with workplace harassment? For example, trained internally, HR seminar, legal seminar, or other examples)
 - e. Have you had to conduct an investigation for workplace harassment (repeat confidentiality) (DO NOT provide specifics on the case)
 - i. If YES:
 1. Did you conduct it internally or engage a 3rd party resource to conduct the investigation? (Choice, plus Other – please specify)

2. If you conducted it internally, what was the reason that guided this decision (choose any that apply)
 - a. We had the internal expertise
 - b. The issue was 'minor' enough that we could handle it internally.
 - c. We couldn't afford external expertise
 - d. Other: please specify
3. If you conducted it internally, did you feel this was the correct path? Would you have rather engaged outside expertise? (text box – again please do not provide details of case, but rather focus on process)
4. If you engaged outside expertise, what was the approximate cost?
5. What type of outside expertise did you hire? (lawyer, mediator, investigator, HR Consultant, Other – please specify)
6. For either Internal or External investigations, what was the involvement of your Board?
7. Other: Fill in comments
 - f. What do you think the risks, challenges and barriers are to handling Investigations Internally? (i.e. confidentiality, disclosure, disciplinary measures, financial). [Open Comment Box]
 - g. What do you think the risks, challenges and barriers are to handling Investigations externally? (i.e. confidentiality, disclosure, disciplinary measures, financial) [Open Comment Box]
4. Based on the recommendations from the report [link], which resources would be most beneficial to you to assist in managing investigations for complaints of workplace harassment? Rank in order, or mark n/a
 - a. Access to a third-party resource for employers (i.e. a 1-800 # with confidential advice, information, and resources).
 - b. Access to an independent body tasked to investigate and support reports of workplace harassment.
 - c. Provide training on conducting the 'intake' for complaints and incidents.
 - d. A complaint response checklist / Decision tree.
 - e. Financial Support for external Investigations
 - f. Access to training and resources for conducting Internal Investigations
 - g. Portal for best practices, resources and referrals to service providers.
 - h. Other suggestions or comments? Please provide.
5. Followup: What resources would you like to see in a shared portal? (lawyers, mediators, investigators, etc) [Comment Box]
6. Are there service providers that you would recommend? (lawyers, mediators, investigators, etc)
7. Do you currently hold insurance that would cover the cost of an investigation? Please comment.
8. Arts Service Organizations (ASO)
 - a. Is your organization a member of an arts service organization?
 - b. IF yes, does your ASO have services to support in responding to workplace harassment complaints?
 - i. Please specify which A.S.O. and what they offer.
9. In addition to above, what do you as an organization need to support you in responding to Workplace Harassment complaints and conducting an investigation?
10. Do you have a best practice, resource or policy that you would like to share? [Comment box, option to email document for sharing]
11. Would you be willing to chat more with consultant Jeanne LeSage? Please include email here. [Optional]
12. Closing – Thank you so much for taking the time to provide your thoughts and feedback, this will assist our work greatly!

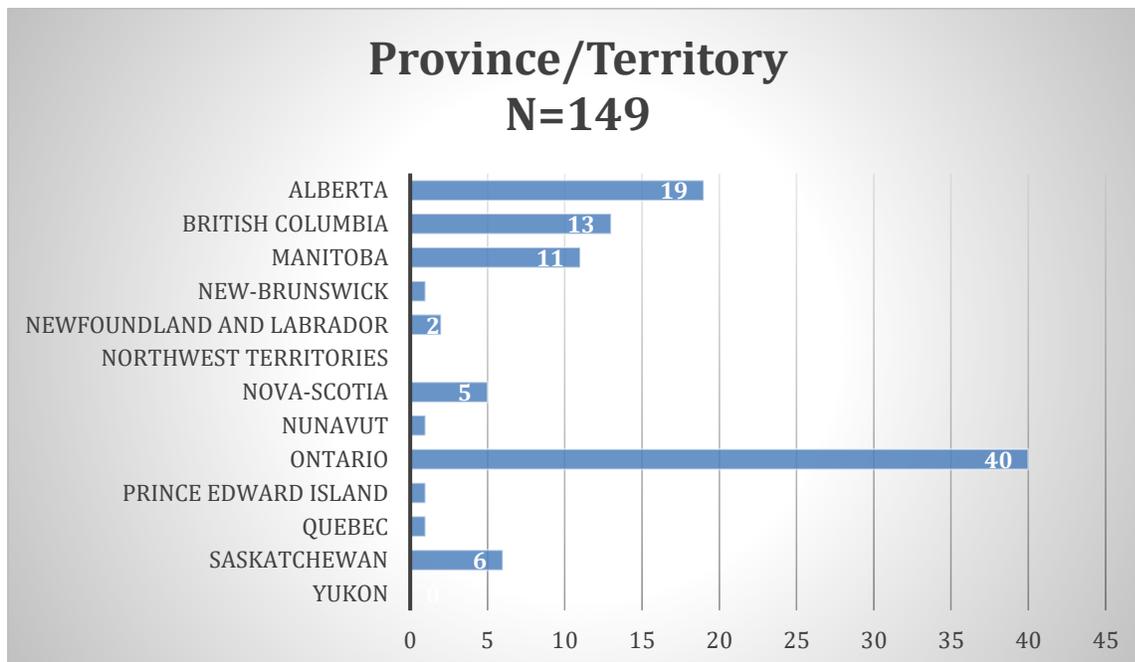
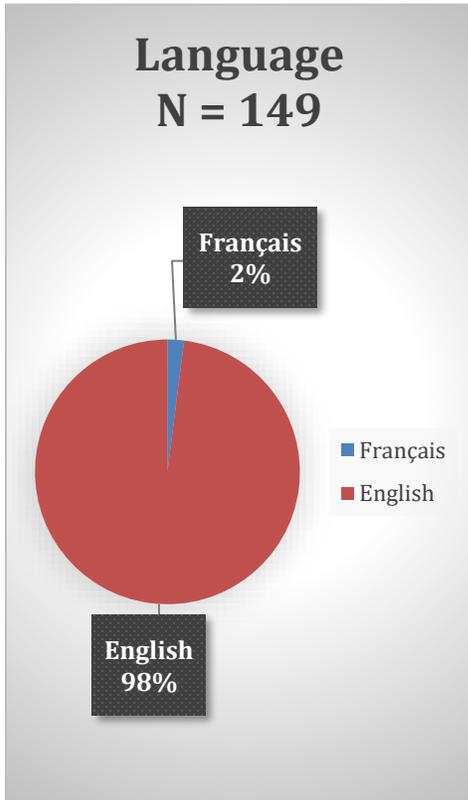
Questions for Arts Service Organizations (ASO) that serve arts and culture ORGANIZATIONS (will repeat SOME of above, plus below):

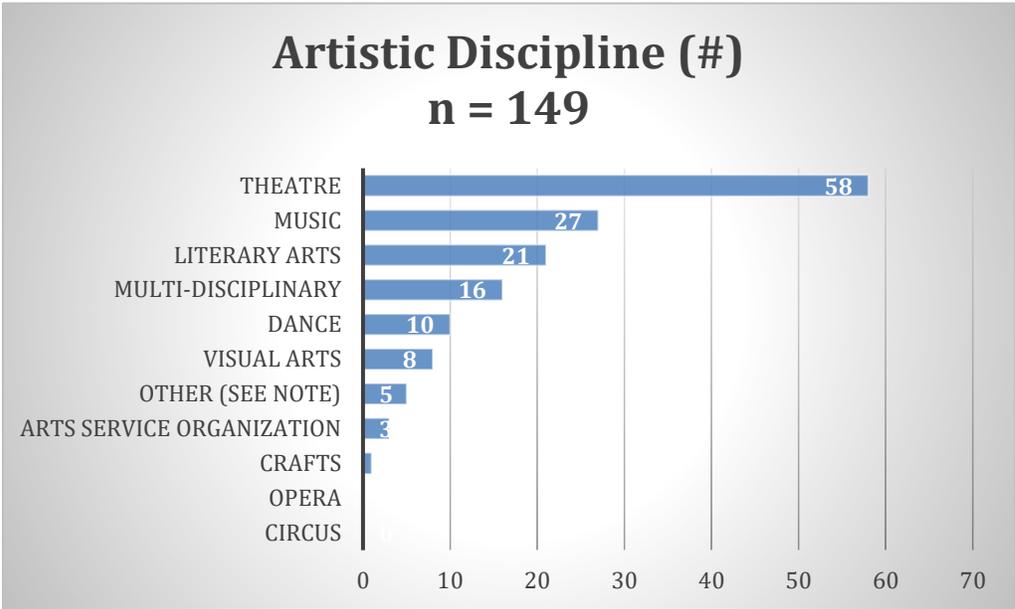
1. How many member organizations do you serve in your ASO?
2. Have your members come to you for support and/or assistance in responding to complaints of workplace harassment in their organization? [Yes/No]
 - a. F/U: How many members have approached you in the last year?
 - b. F/U: If yes, what are they asking for? (Please do not provide case details, just the question)
3. In your opinion, are your members ready and able to respond to complaints of workplace harassment in their organizations?
 - a. None of our members, Very Few Members, Don't Know, Most of our members – with Comment Box
4. What resources are your members asking for to support them in managing workplace harassment investigations?
5. What resources is your ASO currently able to provide your members in managing workplace harassment investigations?
6. If you received a complaint from an individual artist or cultural worker outside your membership how would you respond?

LeSage/CHRC Investigations Research 2019

Organization responses to survey

1. 'DEMOGRAPHIC' INFORMATION ABOUT THE ORGANIZATION





Other: Museum, Film, Arts Administration, Land-Based, Music Festival



Budget Range (Expenses-Last fiscal)

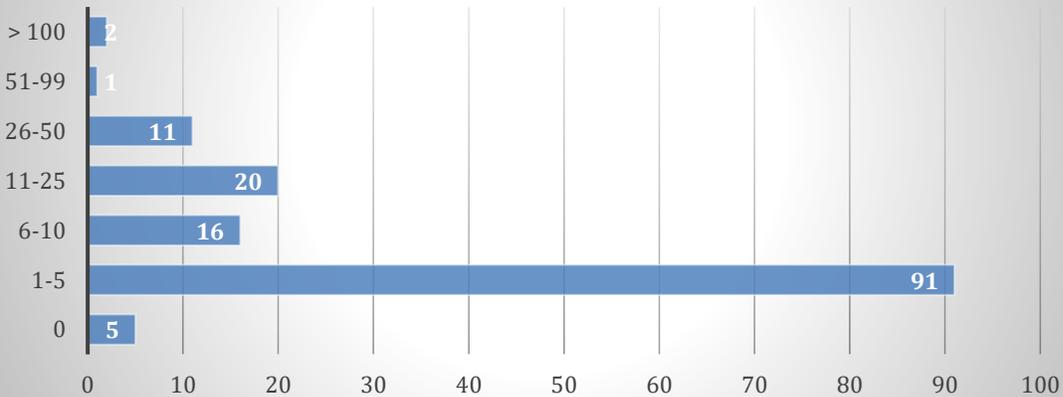
(#)

N=147



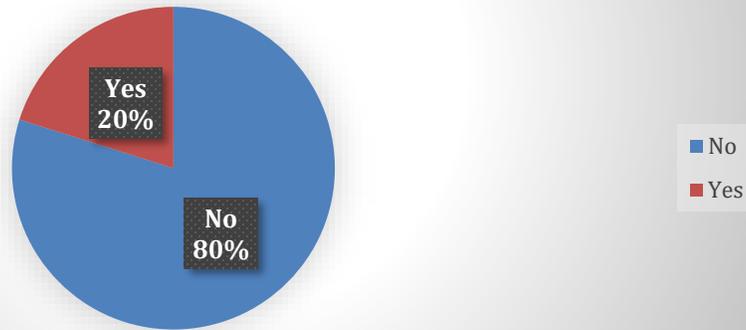
of Full Time Employees

N = 146

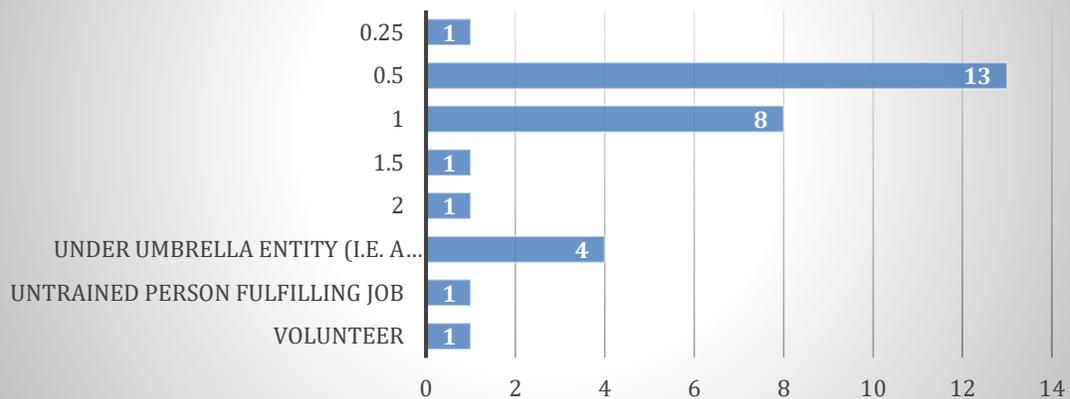


Do You Have HR Staff (whose role is at least 50% HR)

N = 149

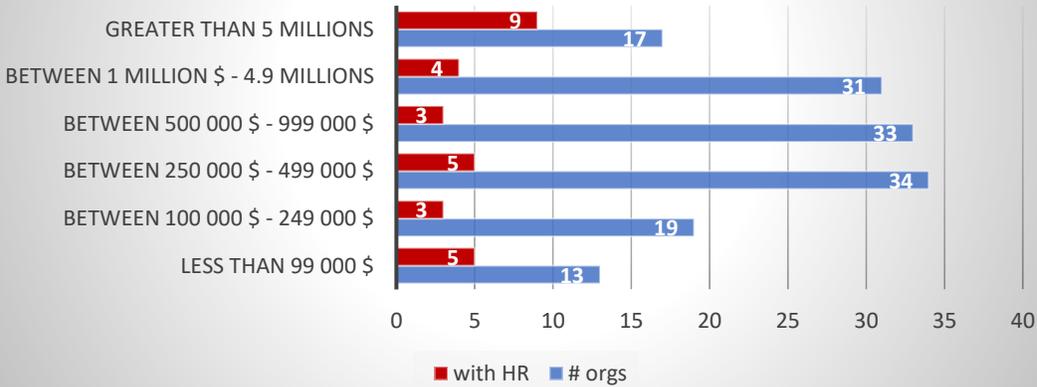


of HR staff n = 30



Orgs by budget size compared with # orgs with HR staff

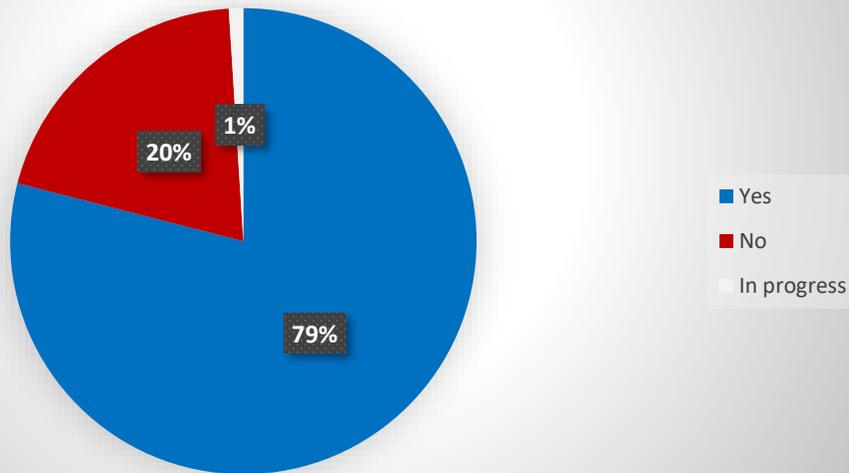
N= 149



2- ORGANIZATION'S CURRENT COMPLIANCE AND "READY-NESS"

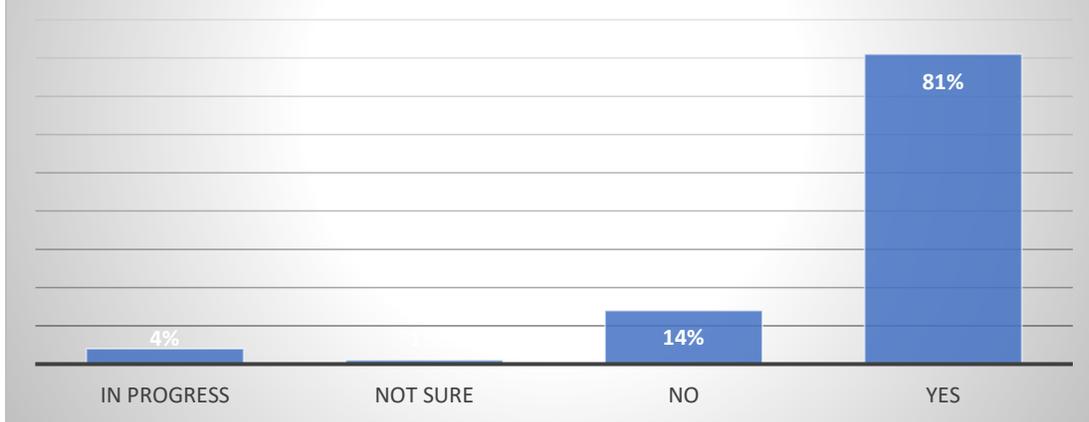
Awareness of Minimum Legal Requirements for workplace Harassment

N=139



Note: "Yes, but also more concerned with ethical requirements than legal requirements".

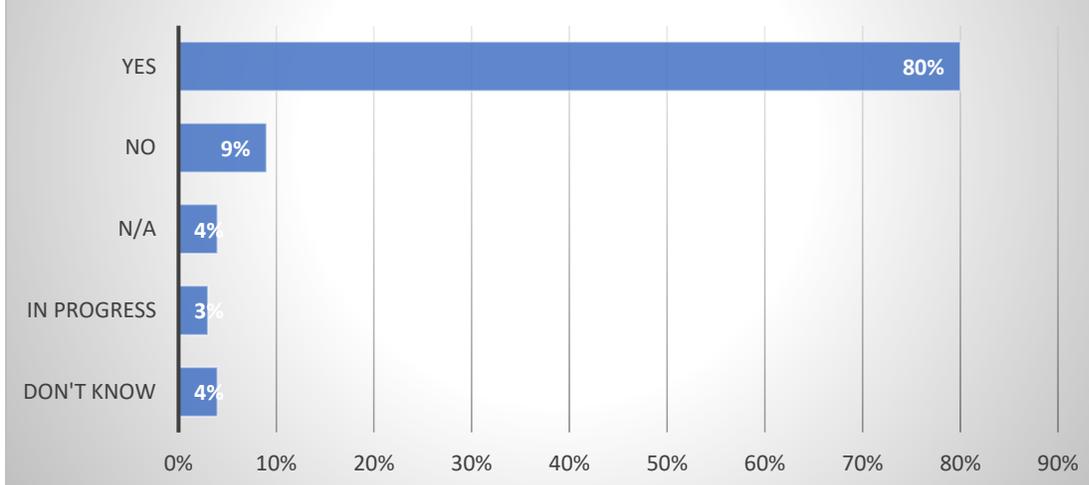
Do you have a workplace harassment policy? N=138



Additional Notes:

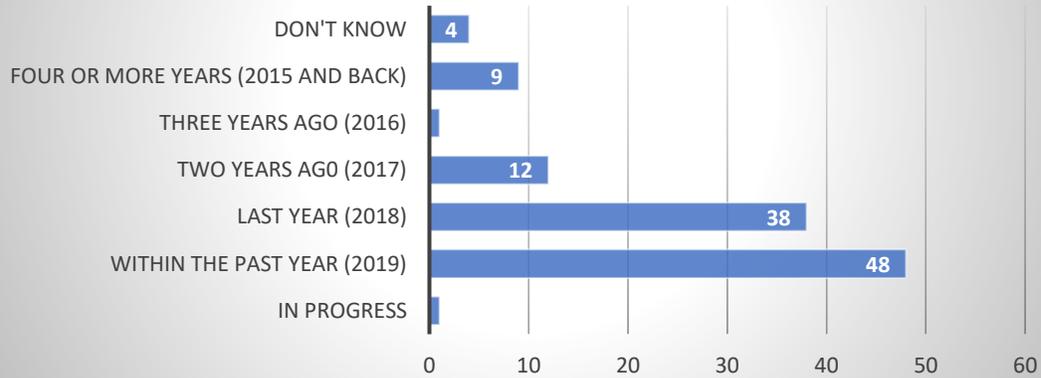
- Only a very basic verbal/substance abuse policy
- We have a policy but needs refinement. (2)
- Follows policy from ASO
- We have a Safe(r) Spaces Policy
- Respectful Workplace policy (which covers harassment), Policy on Violence, Safe Use and Conduct Bylaw
- No official documentation except under specific productions

Has the board approved your workplace harassment policy? N=112



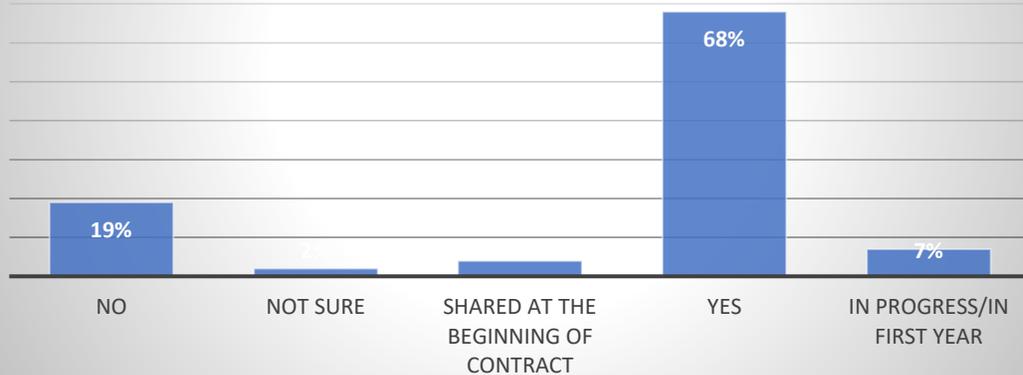
When was your workplace harassment policy last updated? (#)

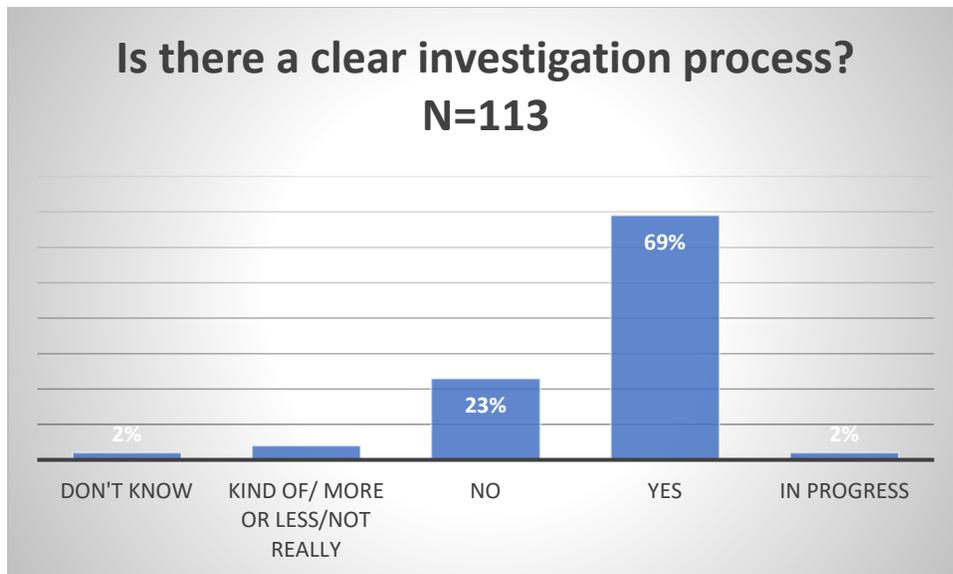
n=113



Is your policy communicated annually to all workers?

N=113





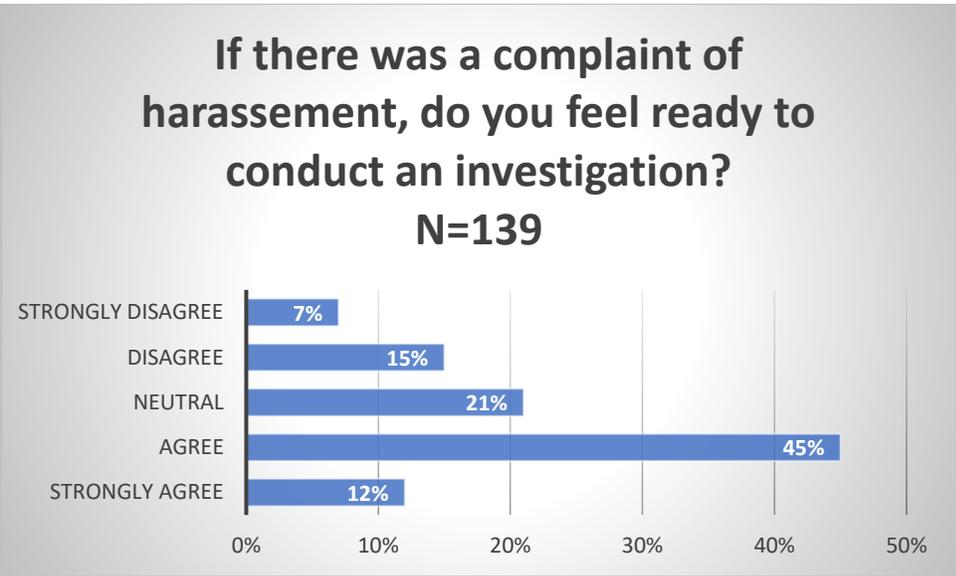
Notes:

- “Kind of / More or Less / Not Really” notes
 - Policy has who to contact and who investigates but not how to investigate
 - Clear"ish" but needs to be improved
 - Just states that complaints will be taken seriously, and the process will be confidential
 - the policy covers reporting, not investigating
- yes but we have not formal organization to handle an incident independently

Other Comments regarding the Organization’s Workplace Harassment Policy

Grouped by themes:

<p><i>Fulsome Process in place now</i></p>	<ul style="list-style-type: none"> - In practice, my employer takes harassment complaints extremely seriously and nearly all are investigated via independent contracted investigators - Includes access at all times to 3rd party ombudsperson - It was facilitated with the help of an HR specialist and vetted by our lawyer - We retained a consultant to draft our policy for compliance - mandatory bystander training for all artists, volunteers - policy is posted on our intranet for access at any time, included in the employee handbook - procedure is posted in all workspaces, policy available in all workspaces, policy discussed with all company on first day; a 'living' Respectful Workplace Primer' given to all staff and volunteers each year - we follow PACT/CAEA guidelines and policy - We followed the CHRC guidelines - We have a Board Code of Conduct document signed by all board members. - We recently built a more detailed policy on workplace harassment and have a drafted statement that we ask all employees sign.
<p><i>Needs / Gaps</i></p>	<ul style="list-style-type: none"> - Board members do not fully understand the need for HR development to assist with Harassment policies - It would be useful to have some supporting documents available to help with the processes and procedures - [current policy] is not very comprehensive or helpful, it just states how the staff would be dealt with if there is an issue but not what staff can do if there is a problem. - No formal policy - Our process could be better designed and communicated - Policy set up - not enough supportive procedural documents for once we receive a complaint - We don't have a resource plan to pay for external contractors which we might need to execute the plan - We still have work to do. - Would like to see an actual kit or at least examples of forms that can be used to take complaints or someone to use to lodge a complaint.
<p><i>In Progress</i></p>	<ul style="list-style-type: none"> - All policies are scheduled for review in early 2020 - All of our staff are also in the process of taking the Respectful Workplace online training whereby we will be certified a Respectful Workplace in 2020 - We are currently in the process of making significant revisions

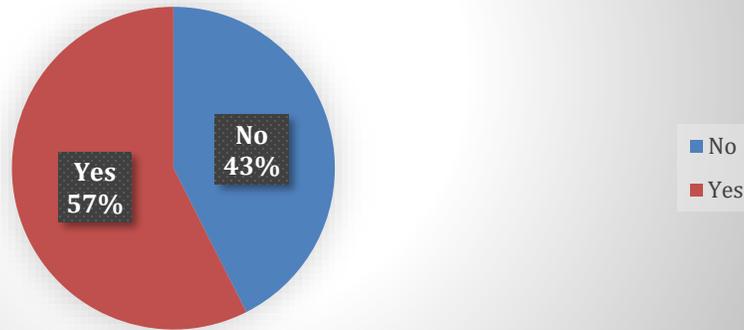


Notes: (Other – please specify)
 Board members may have a conflict of interest.

Capacity	<ul style="list-style-type: none"> - No management to deal with the complaint - We really are a fledgling operation - Past history of policy being ignored
Presence of Bias / Lack of Objective Process / Conflict	<ul style="list-style-type: none"> - Conflict in reporting - I don't believe internal investigations are appropriate - preliminary yes, but then an external investigator should be engaged for most complaints - I would not do this without HR's assistance and would prefer them to conduct the investigation to keep me neutral - Policy only denotes reporting to E.D., without option to go to Board without reprimand
Would Need Guidance / Help to Go Through The Process	<ul style="list-style-type: none"> - Have never been through the process so would look for guidance and expertise - Don't have the confidence - despite taking training modules. No one is going beyond the basics - Not sure exactly what would be entailed in an "investigation " - Though I feel confident in the streams of communication, I'm not at all confident about the "investigation" aspect - beyond the general procedures
Feel Ready	<ul style="list-style-type: none"> - If needed, we could do an investigation - Would need to brush up on the procedures - BUT - We feel very prepared now, but no longer have the financial resources for a third party anonymous reporting method.
Board	<ul style="list-style-type: none"> - Need alignment with board so procedures and policies have been agreed upon at all levels of org - Inexperienced board reluctant to proceed with formalized complaints - We have an HR specialist on our board which is a tremendous asset, but finding someone with HR skills is very difficult
Clarity	<ul style="list-style-type: none"> - Unclear who is responsible - Uncertain who to approach inside the organization

Do you have designated staff to handle specific workplace Harassment?

N = 134

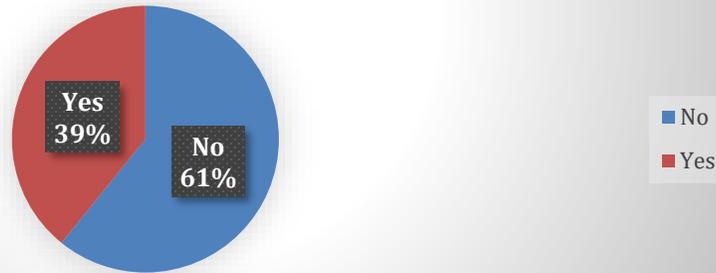


Notes:

- Member of Board (3)
- The E.D/Leader (2)
- Mix of Board/Leadership (1)
- Human Resources (2)
- Committee / Shared Responsibility
 - o We have 5 workplace contacts who are designated contacts for harassment/complaints
 - o We have an internal committee and all cases usually go to our executive director
- Other:
 - o A volunteer handles HR
 - o Depends on Complainant and/or Respondent
 - o Direct Supervisor with Executive Director support
 - o External consultant
- We have a procedure for lines of communication, and a general idea of who would handle it, but I feel like it could be more specific.

If you do have designated staff to handle investigations, do they have training?

n = 97



Types of Training - Categorized

HR Training on Workplace Harassment	22
Trained Internally	6
Legal Training on Workplace Harassment	4
CHRC Training	4
Board/Leadership/HR Staff With Existing Expertise	4
General HR Training	2
Conflict resolution	2
Training Through ASO	2
No Formal Training	2
Coaching/Training From HR Consultant/Expert	2
Formal Investigations Training	1
WorkSafe BC	1

“Apparently I am trained since I took the training modules offered. I have ZERO confidence about this.”

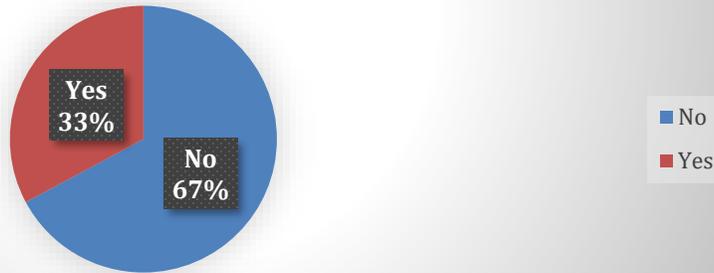
“Generally inadequate. Need more training on fostering personal responsibility in the workplace, workplace interpersonal dynamics, and conflict resolution training.”

“Executive Director is versed in process and could manage it, but we need to have more individuals in the organization ready to implement.”

“We feel that we would benefit from HR and legal seminars and would like to investigate this further.”

Have You Had to Conduct an Investigation for Workplace Harassment?

N = 134



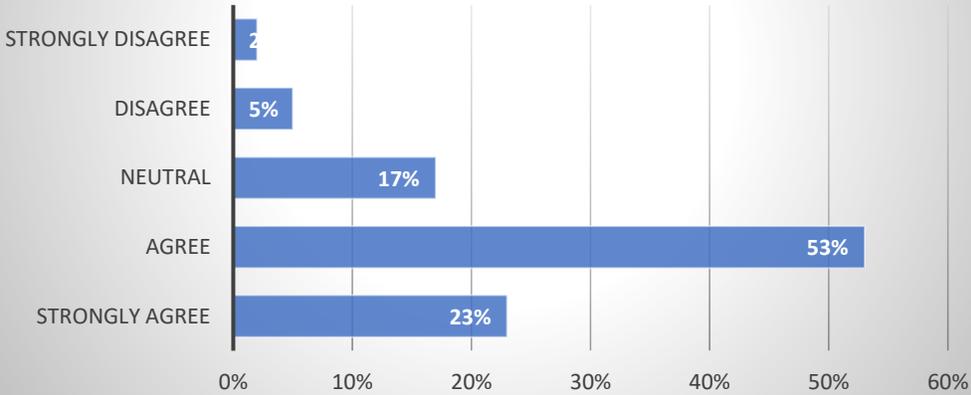
Additional Notes:

<i>Processes followed / issues resolved:</i>	<ul style="list-style-type: none"> - We did deal with a public call-out about [redacted] through a community accountability process. - We have flagged behavioural and language issues. We have addressed and resolved them immediately with no further consequence. - We provide suggestions/recommendations and lead Board discussions on need and policy to protect
<i>Challenge with definition of harassment:</i>	<ul style="list-style-type: none"> - It wasn't exactly harassment; it was more inappropriate workplace behaviour; it was challenging and time consuming - Staff have complained of harassment by outside clients or collaborators. No clear direction on what is actually harassment. - Have been on receiving end of an harassment complaint, it was not handled well and likely not harassment. - Challenge to navigate the grey areas: personal vs. professional circumstances and impact
<i>Challenge in handling the investigation / response:</i>	<ul style="list-style-type: none"> - Cases were dealt with without research in dealing with certain issues that came about. - Was generally under-prepared to conduct an investigation. Truthfully, the situation ought to have been resolved at the supervisor level, prior to it becoming an official complaint, and so it felt a bit heavy-handed for the situation that it had emerged from. - We had a situation, but no investigation was possible. - We have asked but no mechanisms are in place
<i>Other</i>	<ul style="list-style-type: none"> - We would like to take part in a share of a person on retainer to do this. Someone who is trained, and this is their area of expertise. We can't afford it on our own, but perhaps with other groups pooling our money together, this could happen.

***Cross Reference:**

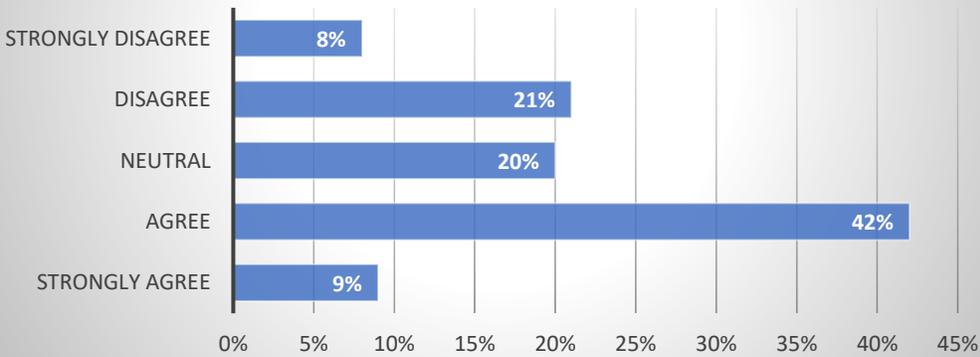
Feeling of readiness- From those who have had to handle an investigation in their organization

N=40



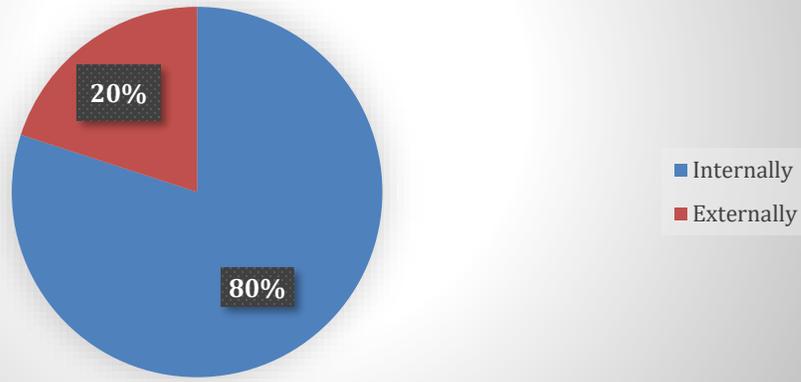
Feeling of readiness - From those who have not had to handle an investigation in their organization

N=90

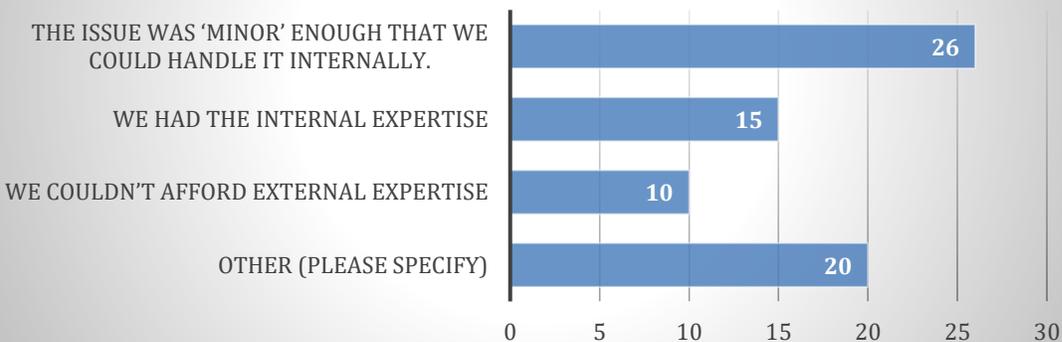


Did you conduct the investigation internally or externally?

N = 55



If you conducted your Investigation INTERNALLY, what was the reason for this choice? (check all that apply)



Other:

- Board decision (3)
- At the request of the complainant (2)
- Utilized external HR / Legal expertise to advise as Internal process was undertaken (2)
- It was minor, was not the AD or a member of the Executive Management team who was the harasser.
- Lack of clarity on procedures.
- Investigation was handled through partner organization (we were observers and not the primary engager)

If you conducted INTERNALLY - did you feel this was the correct path?

<p>Yes</p>	<ul style="list-style-type: none"> - YES (16), plus: - If we can handle it internally, which means HR and legal acumen from board members, we would attempt it. Sometimes using external resources can escalate situations. - It was the correct path. The outcomes would have been the same with an outside contractor. We had access to outside expertise within our internal investigation as resources. - It was a minor event and could rely on policy - which had also been communicated to staff in advance of the issue - it was handled and the two parties continued to work together willingly with an improved understanding. - Yes because there was a clear resolution - Our only issue as we were new to this type of procedure was that it took probably a little longer than it should to move through the stages to resolution. - Yes, but we identified that our "complaint response" team members are inadequately trained. - It was the right path. It worked well and the issue was resolved quickly and cleanly.
<p>Yes...But</p>	<ul style="list-style-type: none"> - We engaged outside experts (3) - We felt that this was the appropriate initial steps to be taken. The issue reached a resolution. If the issue had proceeded further, we would have sought external expertise as our next step. - Conducting "minor" cases have proven to work okay internally, but we could benefit from having specific HR experience on our board or staff. - For this case it seemed like the appropriate path, however it also seems like it is not resolved long term - I would attempt to deal with it internally unless it was directed towards me. - Depends on nature of the allegation (i.e. inappropriate behaviour vs harassment) - If the complainant is combative, would look to an external resource to lead process, for third-party objectiveness. - In this instance, it was the correct path. In a more grievous situation, we would want to engage an outside expert or call upon the HR specialist on our Board. - It was the correct path initially to deal internally, however more guidance and assistance with outside help would have probably helped to deal with things more efficiently and would set a better precedent to deal with other issues. - It would be best to have an external, third-party who is familiar with the region
<p>No</p>	<ul style="list-style-type: none"> - No (1), plus:

	<ul style="list-style-type: none"> - I think we most definitely should have had outside expertise. - In retrospect, engaging outside expertise would have been prudent. We did subsequently contract with an external HR consultant for a monthly fee, who assists with all such issues on an as-needed basis. - The internal investigation allowed board of directors to avoid addressing the issue. - The case ultimately resulted in staff leaving the organization because issues were not properly or adequately addressed internally, and there was no indication that external assistance would be brought in or consulted - Outside and independent is always better (4) - The process was challenging and unsupported by other management and not adequately handled or resolved. - Would prefer to hire externally for their expertise as these complaints are complex, emotionally charged and the perception is often that the investigation is biased
N/A	<ul style="list-style-type: none"> - N/A (2), plus: - We always do external investigations

Additional Notes:

“We have learned so much in the past two years that we feel better equipped to assist staff and artists in following through in an investigation.”

If you did an EXTERNAL investigation - What type of outside expertise did you hire? (lawyer, mediator, investigator, HR Consultant, Other – please specify)

HR Consultant/Firm	7
Mediator	3
External Consultant (type not indicated)	1
Former police officers	1
Lawyer	6
Professional Investigator	3
ED from another Non-profit	1
Safe Disclosure Expert	1

Other notes:

- A mediator at the request of the person who was harmed as well as a more neutral community member to be available to the wider community
- After the investigation, I worked (and still am working) with an external consultant to put in place structures to manage the behaviour and increase supervisors' skills.
- Outside help only hired to revise, update and strengthen our policy.

If you did an external investigation, engaging outside expertise, what was the approximate cost?

- \$1000 per day, \$2000, \$2500, \$5000, \$6000, \$7500, \$8,000, \$60,000

- Other:
 - Part of annual retainer with lawyer
 - Pro bono service provided
 - Board Member

For either Internal or External investigations, what was the involvement of your Board, if any?

No Involvement	13
Informed of Process	12
Direct Involvement	8
Just Board Chair or Board Executive (Informed)	7
Specific Committee / HR & Legal Expertise on Board Set to Deal with Investigations	7
Board led the process	4
Resource for Expertise/Advice	3
N/A	2

Additional Notes:

“The board was the group which received the complaint, as it was against the ED at the time. They processed it as best they knew how, but were inexperienced in proper board governance. They technically handled the entire process themselves, but inadequately.”

What do you think the risks, challenges and barriers are to handling Investigations INTERNALLY? (i.e. confidentiality, disclosure, disciplinary measures, financial, conflict of interest).

Confidentiality	51
Conflict of Interest	48
Disclosure	23
Disciplinary Measures	23
Financial	22
Lack of Expertise	18
Bias / Lack of Impartiality	16
Small Staff	10
Lack of Time	7
Impact on Staff	3
Fear of Repercussions	2
Space - No Private Space	2
Won't Be Handled Properly - Risk To Make It Worse	2
Barrier - Management and Union	1
Board - Lack of Understanding	1
Complaint Coming in Long After the Incident	1
Desire to Protect Org from Bad Publicity	1
Gossip	1

Honesty	1
Small Community	1

Additional notes:

- Internal workplace hostilities or back talk, cliques etc. That being new passive aggressive harassment's targeted at the person trying to resolve conflicts
- A lack of arms-length separation
- There is also a risk, due to limited training of internal staff/board, that investigations could be handled improperly.
- Bias (whether actual or inferred) and the difficulty in restoring a workplace after the investigation. If the allegations are very serious and/or involve senior management then an internal investigation would not be advisable.
- Because we're a smaller organization in terms of number of people, we are a tight group. I would worry about being able to be completely impartial.
- Challenge of bias with small staff
- Challenge of layout of office space – no private place to speak.
- Impact on ability of our small organization to continue regular duties/work
- It is hard to bring disciplinary measures in a community [organization].
- Past a preliminary investigation, we feel it would be vital to have external expertise if the issue was to proceed.
- HR field is increasingly complex and requires significant training, specific skill set and interest and constant upgrading

On the other hand...:

- Having an outside investigation doesn't necessarily protect the company from any of these risks.
- Having a clear process that involves two members of the executive staff and two members of the board of directors, we feel that any issues can be raised without conflict of interest. We ensure there are specific policies/procedures outlined to all staff when these conflicts arise.
- We are a fairly small organization in a very small community. It's hard to imagine what kind of situation could occur that we wouldn't deal with internally.

What do you think the risks, challenges and barriers are to handling Investigations EXTERNALLY? (i.e. confidentiality, disclosure, disciplinary measures, financial)

Financial	71
Not Familiar With Sector Context Or Specifics Of Organization	15
Confidentiality	10
Disciplinary Measures	10
Disclosure	9
Time	4
Bias (The Org Is the Client)	3
Overblown Response to The Situation	3
Access to Skilled Experts / How Find One	2
Lacking Proper Expertise in Cultural Diversity And/Or Regional Sensitivities	2
Appropriate Sensitivity to The Situation	1
Comfort Level for Participants Dealing with Third Party	1
Triggering Other Situations	1
Creates Distance Between Management and Worker	1

Additional Notes:

- An external investigator will not be familiar with the company culture and the dynamics of the parties involved, the external investigative process will likely take more time, and staff could see it as being intrusive.
- The biggest challenge is the need for the consultant/investigator to understand the specificity of the [artistic discipline]'s working environment and culture. [Artistic Discipline] are very unusual workplaces, and 'norms' from elsewhere do not necessarily apply.
- cost, disciplinary action is often not provided in that remedies are but the recommendation on discipline or termination is not;
- External consultant may be a) unfamiliar with sectoral specificities, b) unfamiliar with culture, c) take too much time to familiarize themselves, d) "fix" the one issue but not make lasting change throughout org for the future
- We don't have a framework for determining when/if an external person or company should be brought in.

On the other hand:

- There is a financial cost, certainly. But it mitigates so many other risks, it's worth it.

Anything else you would like to add?

- Confidentiality isn't something that can be promised in a small community
- Fearful that this is yet another area of litigation that Not for-profit organizations have no resources to deal with
- How to deal with people who work on short term contracts?
- I feel strongly that CHRC needs to focus on the issues that are unique to our sector and provide support/advice that is not available from other sources: i.e. Visiting artistic leaders who have power for a short time; consideration of 'artistic temperament' (however that might be defined) in the workplace; which then relates to the constant evaluation of performance by colleagues; the strange and sometime amorphous hierarchies in the performing arts workplace; the role of physical contact in many areas of performing arts practice.
- I think there are opportunities to make external investigators somewhat more affordable if we did something as a group. It feels safer and better for everyone to have someone with expertise in this area handling this.
- It is important to our organization that we also consider Indigenous and other culturally specific practices and perspectives in resolving workplace conflict. Oftentimes, our board and 3rd party consultants will introduce corporate models which we are actively trying to resist.
- The arts community needs and outside independent organization to offer this support
- We have inquired into hiring an HR firm to oversee some of the HR duties within the organization, such as clean up our policy document, track vacation and overtime, provide risk assessment and training modules

2. RESOURCES FOR ORGANIZATIONS TO MANAGE WORKPLACE HARASSMENT INVESTIGATIONS

Which resources would be most beneficial to you to assist in managing investigations for complaints of workplace harassment?

(Weighted Average in Ranking of 1-7)

N = 121



What services does your ASO have to support organizations responding to workplace harassment complaints?

Written Policies, Guides, and Tools	22
Training	13
None/Limited	13
Don't Know / Not Sure	11
HR Specialist	7
Advice/Support on Request	4
Network of Peers	2
Advocacy	1
PD Support	1
Links to Referrals and Information	1

What resources would you like to see in a shared portal? (lawyers, mediators, investigators, etc.)

Mediators	50
Lawyers	44
Investigators	37
Step by Step Process for Investigations / Resource Guides	15
Intake Checklist / Decision Tree	7
Best Practices	6
Human Resources Support/Consultant	6
Counseling / Mental Health Experts	5
Case Studies	5
Links to Information	4
Contacts for 3rd Party Expertise in Region	4
List of Recommended Training Sessions	3
Free Advice - Phone/Live	3
Access to skilled experts (no specifics identified)	3
Consultants	2
Province Specific Legislative Requirements	2
Training on Managing the Response	2
Disciplinary Measures	2
Legal pitfalls guidelines	2
Contacts for 3rd Party Experts with Arts Experience	2
Insurance Options	1
FAQ Section	1
Guide to Board Involvement	1
Training on Managing Conflict	1
Confidential Chat Room	1
Financial Resources	1
Free Advisors from Comparable Sized Orgs	1
Conflict Resolution	1
Training in Overall HR	1

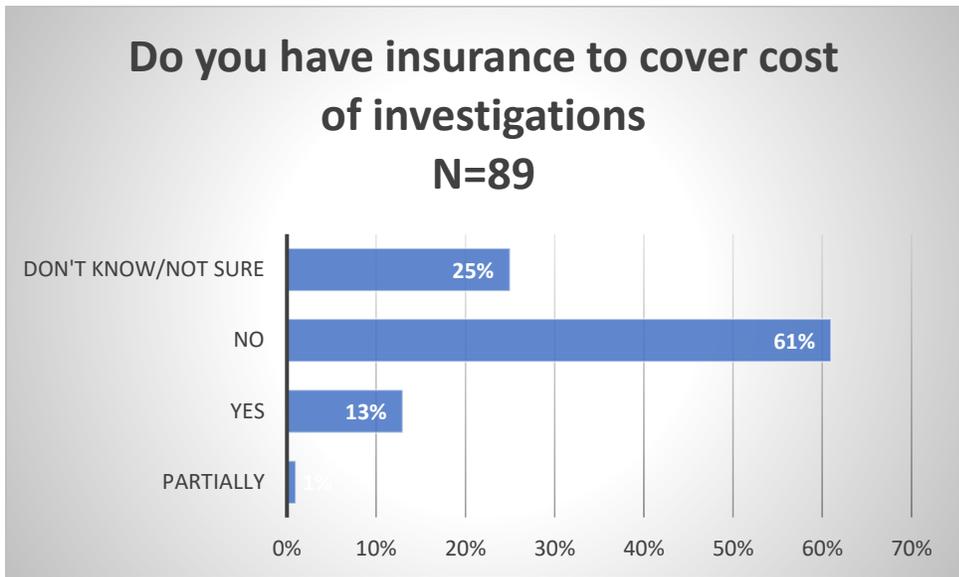
Additional Notes:

- Links to investigators familiar with arts organizations and nonprofit organizations.
- Simplified versions of the laws.
- It is also important to consider service providers such as:
 - o Health and wellness practitioners who understand the limitations of running a small to mid-sized arts organization.
 - o Indigenous experts and Indigenous language speakers

But on the other hand:

- Concern with portals and the amount of time/\$ needed to keep them current).
- Not sure if I want it to be a place for lawyers to advertise their services - more about best practices / toolkit / checklists / examples.
- Maybe more importantly how to deal with the little things before a situation escalates. Harassment doesn't happen as often if there is no room for it to begin with. Establishing a workplace free of harassment should be paramount

Do you currently hold insurance that would cover the cost of an investigation?



Respondents did indicate that they held general insurance including:

- General Commercial Liability
- Abuse Coverage
- Directors and Officers
- Management Liability.

In addition to above, what do you as an organization need to support you in responding to Workplace Harassment complaints and conducting an investigation?

<p>Support / Somebody to Call (12)</p>	<ul style="list-style-type: none"> - Access to professionals - Expert Advice to review specific situation and guidance to proceed. - More support - - Someone to call or share our documents with to give us advice on what we might be missing or how we might better clarify our policy & procedure - Someone with training to guide the process - Support - Support for Staff and Board - Support for top administrations with the stress of managing investigations - Support in changing the old boys club culture - Support with advice - We need a sounding board - someone who is experienced and skilled in these processes.
<p>Templates and Tools (11)</p>	<ul style="list-style-type: none"> - Checklist for Procedure - Guidelines and procedures - Identification Guide for types of workplace harassment - Reminder of 3-5 short points of what to do first. - Scalable resources, appropriate to different sizes of organizations - Templates for processes and procedures so we have a place to start. - Templates that are standard to Canadian practices. - Clear easily accessible language that covers more formal contracts with staff, but also makes it easy to understand for a large volunteer body - The right tools for the right situation
<p>Training (10)</p>	<ul style="list-style-type: none"> - Training in best practices. - Training in how to manage communications appropriately could be an important aspect - given how porous the world has become with information a major variable may be whether either party takes the complaint public and how to protect all parties and the organization in that case. - Training to handle the cases. - Workshops to improve skills

3rd Party Expertise / Legal Support (8)	<ul style="list-style-type: none"> - Affordable legal knowledge - External Investigator Support - Insurance Companies - Legal assistance as well as mediators - Professional expertise - The advice of legal counsel to ensure that we've complied with all of the requirements and to ask for advice on disciplinary measures (if necessary), and ongoing advice as to how we can best support the complainant, the respondent, and the witnesses during the process. - We don't know which external party we would engage to deal with the investigation.
Funding (5)	<ul style="list-style-type: none"> - Financial Resources - Financial Support - Funding - Money to get support while leadership deals with it - Operating Funding
Policy (5)	<ul style="list-style-type: none"> - A Policy body focused on arts and culture - External body to review policies and procedures - Making sure we understand the proper procedures. - Strong HR policies
Board Support / Training (5)	<ul style="list-style-type: none"> - Board Expertise in this topic - Board governance training - Board Training - Board members with this skill set
Awareness of Peers Practice / Forum for Peer Discussion (5)	<ul style="list-style-type: none"> - Access to Best Practices - Industry-wide best practices - Access to peers with experience in this area
Other (9):	<ul style="list-style-type: none"> - HR Support - Internal HR expertise - Support on issues that are not work-related but have workplace implications - Issues that involved unconventional workplaces - Mental health Training - More support from Unions/Guilds/Associations - Recognition for the strides we have already made. - We're a very small staff, so it would be helpful to somewhere outside the office that staff could go to if necessary.

Additional Notes:

- "If resources above were provided, we would feel considerably more confident in our ability to respond to complaints and conduct investigations."
- "Money to cover getting organizational support while the leadership is focused on the complaint or investigation. I would guess that it took me 2 weeks of full-time hours to deal with it, plus time with my staff. Organizationally it was harmful as well."

Final Notes from Survey Respondents

Do you have a best practice, resource or policy that you would like to share?

Selected:

- Build it into the culture of the organization that harassment will not be tolerated in any form
- Everyone whom walks into our building deserves to be treated with respect and dignity.
- Intimacy training and choreography is a worthwhile best practice to incorporate in rehearsals.
- Diversity protocols document that reinforce our values and assist in mitigating day to day conflict and relationships.
- [Management] maintaining open dialogues with [the team], to be easily approachable.