

Complaints Process Guide

Equity Complaints Process Guide

This guide explains the steps in Equity's Complaints Process for both Complainants and Respondents according to [Equity's Bylaws \(65-104\)](#). This process does not cover administrative infractions or contractual complaints, which fall under the jurisdiction of the applicable collective agreement or engagement policy.

Where the Bylaws and this guide differ, the Bylaws will prevail.

Please note, filing a formal complaint under Equity's Bylaws is not a practical first step for dealing with existing workplace issues. **It's always best to address an issue directly with the engager while in the workplace, as soon as possible.** The goal should be to restore a healthy, positive workplace where artists can thrive creatively and professionally.

If you are unsure what your options are or if your complaint falls within the scope of Equity's Complaints Process, please contact the Association to speak with a Business Representative or a Respectful Workplace Advisor.

Confidentiality

During this entire process, Equity will take all reasonable steps to preserve the confidentiality of everyone involved. The same is expected of the Complainant and Respondent.

However, confidentiality does not mean anonymity. A fundamental principle of fairness in a complaint proceeding is that the Respondent must be able to knowledgeably address the details of a complaint against them, and that involves informing them of the identity of the Complainant.

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Scope of the Complaints Process

A formal complaint may be filed against an Equity member who violates the Association’s Standard of Professional Conduct by engaging in Inappropriate Behaviour in the workplace, in their capacity as an Artist. The definitions of “workplace” and “Inappropriate Behaviour” are found on pages 1 and 3 of this guide.

Equity’s Complaints Process does NOT extend to complaints against non-members. Complaints about non-members should be directed to the Engager.

This process also does NOT extend to complaints against Equity members working in a capacity as an Engager – which falls under the jurisdiction of the appropriate collective agreement or engagement policy.

The Association and its members are committed to a complaint resolution process that is respectful, fair, timely, transparent, and equitable.

Standard of Professional Conduct

As per [Equity’s Bylaws](#), members of Canadian Actors’ Equity Association are artists who uphold professional standards in the practice of their craft and behave in a way that favourably reflects on themselves, the Association, and the live performance community in which they work.

Specifically, members are expected to:

- Execute their professional commitments and responsibilities with integrity, and
- Uphold and participate in collaborative and inclusive work environments that respect the dignity and well-being of coworkers.

What is the Workplace?

The Complaints Process applies to workplaces – both in-person or on digital platforms – related to an engagement under Equity’s jurisdiction.

Workplaces may include:

- Rehearsals
- Performances
- Fittings
- Production meetings
- Travel and housing
- Social or other events organized by an engager and related to an engagement

Additionally, the process extends to:

- The pursuit of work under Equity’s jurisdiction (e.g., auditions, meetings, and interviews)
- Member-Councillor interactions where the Councillor is acting in their capacity as a Councillor
- Member-Equity staff interactions where a staff member is acting in their capacity as Equity staff
- Occurrences at work-related social events where repercussions come back negatively into any formal workplace

Who are the parties in the Complaints Process?

Complainant

A Complainant is the person bringing forward a complaint against a member of Equity for engaging in Inappropriate Behavior. There may be more than one Complainant for a single complaint, and a Complainant need not be a member of Equity.

Respondent

A Respondent is a member of Equity who is named in a complaint for allegedly violating Equity's Bylaws.

Witness

A Witness may be anyone providing corroborative evidence for either the Complainant or Respondent. They do not have to be a member of Equity, but they are expected to respect and abide by the rules of the Complaints Process. Witnesses cannot be compelled to participate in the process, though they are encouraged to do so.

The list of witnesses is confidential and it is not shared with the other party in a complaint.

Complaints Manager

The Complaints Manager is an Equity staff person responsible for overseeing the entire Complaints Process. They can answer any questions you may have regarding the process and will act as a point of contact for both the Complainant and Respondent, and liaison between them and the Review and/or Resolution Panel throughout the process.

They may be reached at complaintsmanager@caea.com.

Review Panel

A panel of at least three Council members, charged with determining if a complaint alleges actions that violate the Association's Standard of Professional Conduct and may be pursued under the Bylaws.

Equity Council

Members serving as the elected leadership of the Association. Council is responsible for establishing the Complaints Process, forming the Review Panel, determining whether a complaint proceeds to investigation, forming the Resolution Panel should one be required, and ruling on an Appeal, if necessary.

Resolution Panel

A panel of at least three Council members, charged with determining – either on their own or with the assistance of a third-party investigator – the outcome of the investigation or hearing of the complaint, and providing a written report, as defined in Bylaws 89-91.

What is Inappropriate Behaviour?

Listed here are defined types of inappropriate behaviour that appear under [Equity's Bylaw 67](#). Actions described in a complaint must meet the criteria of one or more of the following definitions to be accepted by Council for investigation:

Abuse of Power

Use of official or vested authority to improperly disadvantage, discriminate, or harass a person, or to procure personal advantages for oneself.

Discrimination

The unfair or unequal treatment of a person on the basis of their protected personal characteristics or the Prohibited Grounds of Discrimination, as established in the Canadian Human Rights Act, and/or applicable provincial human rights legislation.

Harassment

Any action, conduct, or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation, or physical or psychological injury or illness. Though harassment is generally behaviour that persists over time, serious individual incidents may also be considered harassment.

Reprisal

Any action, or threat, that is intended as retaliation for claiming or enforcing a right under the Association's Bylaws, or negotiated agreements or engagement policies.

Unprofessional Behaviour

Any workplace behaviour not otherwise specified in Bylaw 67 that would reasonably be regarded as inappropriate and unprofessional within the context of a professional live performance workplace. Such behaviour includes, but is not limited to:

- intoxication (of any sort) while at work;
- disregard for member safety or dignity in the workplace; and
- theft of personal property.

Violence

Actions, conduct, threats or gestures that can be reasonably expected to cause harm, injury, or illness. Violence can include verbal threats, abuse, or intimidation.

Process Overview

1 An Equity member or non-member wishes to file a complaint under Equity's Bylaws for Inappropriate Behaviour in the workplace

ASK

Is the person the complaint refers to an Equity member?

If **not**, the Complainant must address the complaint with the Engager.

They may consult with Equity on how to do this.

Is the Equity member (that the complaint refers to) engaged on the production as an Artist on an Equity contract? (i.e. they are not the Engager)

If **not**, the complaint must be made with an Equity Business Rep under the terms of the appropriate collective agreement or engagement policy.

Are we still within 1 year from the date the person became aware of or reasonably should have become aware of the incident?

If **not**, the deadline for filing a complaint has passed.

The person may apply to Equity Council for an extension to the filing deadline if the delay was incurred in good faith and if granting an extension would not prejudice the process.

If the answer to all of the above is **YES**, proceed to **step 2**

2 The person may file a formal complaint under Equity's Bylaws

3 Council President appoints a Review Panel of Equity Councillors to assess the complaint

The Panel may consult with the Complainant, as well as legal or other experts.

Note: The Equity member that the complaint refers to is not notified at this time.

4 The Review Panel presents a recommendation to Equity Council
This must be done within two Council meetings of having received the complaint (usually two months – Note: Council does not meet in July and December).

5 Equity Council determines whether to dismiss, accept the complaint, or refer the matter for mediation

6 Equity Complaint Manager notifies Complainant of Council's decision
This must be done within 7 days of the Council meeting when the decision was made.

If the complaint is...

Dismissed

The Complainant may resubmit their complaint if new evidence or additional information becomes available.

Referred for mediation

If both the Complainant and Respondent agree, the Complaints Manager will arrange for an independent third-party to act as a mediator.

If either the Complainant or Respondent refuse mediation, Council will make a new determination.

Accepted

Proceed to **step 7**

7 Equity Complaint Manager notifies Respondent of Council's decision
This must be done within 14 days of the Council meeting when the decision was made.

The Respondent has an opportunity to respond to the complaint and an opportunity to file any related complaint.

This must be done within 30 days of being notified.

8 Council President appoints a Resolution Panel to investigate the complaint
The investigation may be done directly by the Resolution Panel or in conjunction with a 3rd-party investigator.

9 The investigation takes place
The Resolution Panel has an obligation to interview both the Complainant and Respondent, either separately, or simultaneously, in the form of a hearing.

10 The Resolution Panel presents their decision to the Equity Complaints Manager
This will be done within 6 months of being convened. All parties will be informed if an extension to the timeline is necessary.

11 Equity Complaints Manager notifies Complainant, Respondent, and Council of the decision
This must be done within 14 days of the Complaints Manager receiving the Resolution Panel's report.

Do the Complainant and Respondent accept the decision?

If **YES**, the Resolution Panel's decision is enforced. **The complaint is closed.**

If **NO**, proceed to step 12.

12 Both the Complainant or Respondent have a right to appeal the decision
This must be done within 30 days of being notified.

13 Equity Council considers the appeal
This will be done at the next Council meeting, though discussion may continue in the subsequent Council meeting (1-2 months).

14 Equity Complaints Manager notifies the Complainant and Respondent of the appeal decision
This must be done within 14 days of Council making a decision on the appeal.

**Council's decision of the appeal is final and binding.
The complaint is closed.**

Equity will attempt to conclude formal complaints within 12 months of the complaint filing.

Filing a Formal Complaint

Deadline to File a Formal Complaint

Complaints of Inappropriate Behaviour must be filed within **one year from the date on which the Complainant became aware or should reasonably have been aware of the incident(s) giving rise to the complaint.**

The filing deadline may be extended only if Council determines that the delay was incurred in good faith and that an extension would not prejudice the process.

It's best not to delay filing. The further the complaint is from the date of the incident, the more difficult it becomes to investigate.

Formal Complaint Form

Filing a formal complaint must be done using the [Complaint Filing Form, found here](#). It is important to provide descriptive details regarding the event(s) that form the basis of a complaint, including:

- **When** it happened (date)
- **Who** was involved
- **Where** it happened
- **What** happened

The alleged Inappropriate Behaviour must be clearly identified by the Complainant so that it may be evaluated and tested. An allegation of unspecified Inappropriate Behaviour in the workplace is insufficient grounds for a complaint.

The Complainant should ensure the details provided are relevant to the alleged Inappropriate Behaviour.

In instances where more than one member is alleged to have participated in the Inappropriate Behaviour, a separate complaint must be filed for each member.

Group Complaints

Members and non-members who were working on the same production, at the same time when the incident(s) occurred, can file a complaint against an Equity member either as a group or individually. Each person may decide how they wish to file the complaint.

Frivolous Complaints or Interference in the Complaints Process

The Association may file a complaint against any member who has been found to have:

- Filed a complaint which is solely frivolous or vexatious in its intent, or made in bad faith
- Interfered with, or failed to adhere to, the terms and conditions of the resolution process

Integrity of the Complaints Process

Once a formal complaint has been filed, all parties involved must refrain from any activities that could be reasonably seen as an attempt to undermine the fairness of the process. Interference with the Complaints Process, including any act or threat of reprisal against a participant in the process, would constitute grounds for filing a complaint by the Association.

Confidentiality and Independent Participation During the Complaints Process

All parties involved in a complaint – including the Complainant, Respondent, Council, Review Panel, Resolution Panel, and anyone serving as a witness – must maintain confidentiality to the fullest extent possible throughout the process.

Furthermore, all parties to the process must not discuss, strategize, or confer about the incident, complaint, or investigation with the intention or effect of influencing or biasing the process in any way. Contributions to the complaint process and investigation are expected to be made individually, not collaboratively.

Composition of the Panels: Conflict of Interest

Throughout the complaint process, Councillors are required to identify any reasonably perceived conflict of interest they have regarding a complaint. The Council President will determine if the Councillor is required to recuse themselves from any discussion or vote on the matter, or in the case of a panel, if they must be replaced.

A Complainant or Respondent may report any conflict of interest concerning a member of either the Review or Resolution Panel.

Composition of the Panels: Appropriate Representation

A Complainant or Respondent may indicate that a panel is lacking in appropriate representation. Any objection should be forwarded to the Complaints Manager within 14 days of being notified of the panel members.

Review Panel

Having received a formal complaint, the Complaints Manager will refer the complaint to a Review Panel made up of at least three Council members, appointed by the Council President.

The Review Panel will consider the complaint to determine whether:

- The actions described fall within the scope of the process
- The actions described meet the Bylaws' definitions of Inappropriate Behaviour and therefore violate the Association's Standards of Professional Conduct
- There is a reasonable prospect for a finding of fault and/or restoration to a respectful workplace

To make its determination, the Review Panel may choose to seek clarification from the Complainant or consult with legal or other experts.

The Review Panel will then present its recommendation to Council within two regular Council meetings, following the filing of the complaint. At this stage, a redacted version of the complaint will be presented, preserving the privacy of both the Complainant and the member against whom the complaint is being brought.

The Review Panel’s recommendation may be any of the following:

- Dismiss the complaint as having failed to demonstrate the necessary criteria
- Refer the complaint to a Resolution Panel for further investigation and determination
- Refer the matter for mediation

Ultimately, Council makes the final determination on how to proceed regarding a complaint.

Council may choose to:

- Accept the Review Panel’s recommended action
- Reject the Review Panel’s recommended action in favour of another action, be it dismissing the complaint, referring the complaint to a Resolution Panel, or referring the matter for mediation.

The Complainant will receive notice of Council’s decision within 7 days of the decision.

Complaint Outcomes

Dismissal of a Complaint

Where Council has dismissed the complaint, the Complainant may re-submit the same complaint **only if new evidence or additional information has become available since the initial complaint was submitted.**

It should be noted that the filing deadline of one year still applies.

Mediation of a Complaint

Where Council has elected to refer the matter for mediation, the Complainant and Respondent will be offered this option. If both parties agree, the Complaints Manager will arrange for an independent third-party to act as a mediator.

If either the Complainant or Respondent refuse mediation, Council will make a new determination, electing to either dismiss the complaint or refer it to a Resolution Panel for investigation.

Referring a Complaint to a Resolution Panel

Having referred a complaint to a Resolution Panel, the Council President will appoint at least three Council members to serve in that capacity. Council members who served on the Review Panel cannot be appointed to the Resolution Panel for the same complaint.

Respondent's Response to a Complaint

Where Council has referred the complaint to a Resolution Panel, the Complaints Manager will notify the Respondent within 14 days of the decision, and will provide them with a summary of the complaint process and specific deadlines.

At this point, the Respondent will have an opportunity to respond in writing to the complaint made against them.

The response should:

- Address each allegation in the complaint
- Establish which details in the complaint the Respondent agrees with or disputes
- Include any details that support their dispute

The response must be received by the Complaints Manager within 30 days of them being notified. The response deadline can only be extended if the Resolution Panel determines that the delay was incurred in good faith and that extending the deadline does not prejudice the process.

The Respondent is not obligated to participate in any element of the process. However, by not taking part in the process, any allegations made in the complaint may be deemed undisputed and the Resolution Panel may decide the matter on the basis of the information available.

Complaints Related to the Same Incident

The Respondent may choose to file a complaint related to the same underlying matters of the initial complaint. This complaint from the Respondent must also be received by the Complaints Manager within 30 days of having been notified of the initial complaint.

Resolution Panel

The Resolution Panel is charged with determining – either on their own or with the assistance of a third-party investigator – the outcome of the investigation or hearing of the complaint, and providing a written report that includes its decision and summary reasons for reaching this decision.

In pursuit of its determination, the Resolution Panel has an obligation to interview both the Complainant and Respondent, either separately, or simultaneously, in the form of a hearing.

In the event of a hearing, the Resolution Panel will provide at least 30 days advance notice to the Complainant and Respondent. Additionally, both will be given a deadline to submit evidence and provide a list of witnesses that will support the arguments presented in the initial complaint and response.

The Resolution Panel is not obliged to consider new arguments and allegations.

In its role, the Resolution Panel will also:

- Consider affidavits or other documentation provided by the Complainant and Respondent
- Consider any initial findings provided by the Review Panel
- Consult with witnesses, if necessary

Additionally, the Resolution Panel may:

- Consult with legal, mediation, or other experts
- Refer the investigation to a Third-Party Investigator

Throughout the process, parties to the complaint may elect to be represented by another person of their choice. Any such other representative shall participate at the parties' own expense.

Resolution Panel's Decision

Within 6 months of being convened, the Resolution Panel will render its decision and provide a report to the Complaints Manager which includes a summary of the reasons for the Panel's decision.

The Resolution Panel must make at least one of the following determinations:

- Dismissal of the complaint
- A restorative process, if agreed to by both the Complainant and Respondent
- One or more penalties

In the case of a restorative process, the process will:

- Require the Respondent to acknowledge their role in the harm caused
- Include some form of reparation to address that harm
- Be reasonable and appropriate to the offence
- Be within the means of the Association to carry out in a productive manner

In the case of a penalty, any of the following may be imposed:

- A reprimand
- A fine in an amount not to exceed \$5,000, with terms for payment (*the fine will be donated to The AFC*)
- Suspension of membership for a period not to exceed two years
- Expulsion from membership in the Association

In determining a penalty, the Resolution Panel will take into consideration any action previously taken against the same Respondent under these Bylaws, and take guidance from past decisions on complaints of a similar nature.

Notification of the Resolution Panel's decision

Within 14 days of receiving the Resolution Panel's report, the Complaints Manager will notify the Complainant and Respondent of the Resolution Panel's decision, and provide each with a copy of the report. Council will be provided with a redacted version of the report to protect everyone's privacy.

The Resolution Panel's decision will only come into effect once the deadline for filing an appeal has expired.

Complaint Decision Appeal Process

Both the Complainant and Respondent may file an appeal if they are dissatisfied with the Resolution Panel's decision. The appeal must be submitted to the Complaints Manager within 30 days after receiving the notification of the decision.

The filing deadline can only be extended if Council determines that the delay was incurred in good faith and that extending the deadline does not prejudice the process.

The appeal must be based on at least one of the following grounds:

- The Third-Party Investigator and/or Resolution Panel did not provide an impartial investigation or a reasonable opportunity for the presentation of the complaint or defence
- The Resolution Panel based their decision on facts that were not in evidence, did not follow the processes set out in the Bylaws, or otherwise materially erred in its procedure
- The decision contains an obvious material error
- There is new evidence available at the time of filing the appeal, that was not available or could not reasonably have been obtained at the time of the investigation
- The penalty imposed was either insufficient or excessive

At its next meeting, Council will receive a redacted version of the appeal, to protect everyone's privacy. Council members who sat on the Resolution Panel for the complaint will recuse themselves from any vote on the appeal and limit their participation in any discussion to providing clarification, should it be requested by Council.

Having considered the appeal, Council may choose to:

- Dismiss the appeal for not meeting the grounds (as stated above) necessary for an appeal
- Schedule a discussion of the appeal at the next Council meeting

Where Council has accepted the appeal for consideration at a subsequent meeting, the Complaints Manager will provide prompt notice to the original Complainant and Respondent and offer them the opportunity to submit an additional written response, addressing the grounds for appeal.

The deadline to submit a response will be 14 days prior to the Council meeting date. The submission deadline can only be extended if Council determines that the delay was incurred in good faith and that extending the deadline does not prejudice the process.

Having considered the written submissions, Council may choose to:

- Uphold the decision of the Resolution Panel, thereby dismissing the appeal
- Appoint a new Third Party Investigator and/or Resolution Panel
- Alter the remedy and/or penalty imposed by the Resolution Panel

The Complaints Manager will notify the Complainant and Respondent of Council's decision within 14 days. The appeal decision of Council is final.

Notice to Membership

Once a year, the Association will circulate a report to the membership, updating them on the status of any new complaints received, ongoing complaints, and complaints that have concluded the Complaints Process. The notice will not include any identifying information.

In the case of expelling a member from Equity, the Association will identify the Respondent in a notice that is shared with the membership, within 30 days of the motion for expulsion being passed by Council.

Questions?

If you have any questions regarding the Complaints Process, you can reach out to the Equity Complaints Manager at complaintsmanager@caea.com.

Canadian Actors'

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