



PRESS RELEASE

For immediate release

THE OSM ACCEPTS AN INDEPENDENT EXPERT'S RECOMMENDATION TO TIGHTEN ITS POLICY ON WORKPLACE HARASSMENT

Montreal, November 6, 2018 – The Orchestre symphonique de Montréal (OSM) announces the completion of an internal investigation into sexual harassment within the institution. The investigation was carried out by an independent expert who received the mandate in early 2018 after a rash of public accusations involving Charles Dutoit.

The OSM accepts the independent expert's recommendation to both tighten the terms and broaden scope of the institution's policy on workplace harassment. Consequently, the OSM will adopt a new policy to this effect. The new proposed version as recommended by the independent expert will be discussed with the *Guilde des musiciens et musiciennes du Québec*, the professional association of which OSM musicians are members, before it is submitted for final approval by the Orchestra's Executive Committee.

The portion of the investigation resulting from allegations of sexual harassment encompasses both current OSM staff and all persons employed there in the past. Regarding M. Charles Dutoit, it bears mentioning that he served as Principal Conductor of the OSM from 1977 to 2002.

Following the completion of her work, the independent expert formulated the following conclusion: "For all intents and purposes and within the purview of my investigation, I dealt with two grievances of sexual harassment involving M. Charles Dutoit. I met with and/or contacted the plaintiffs on several occasions. Though the procedure employed was rigorous and conformed to best practices in cases of internal inquiries into sexual harassment, the process did not yield sufficient information in relation to allegations of sexual harassment." In light of the independent expert's work, the two plaintiffs did not wish to follow up on their grievances and did not consider it opportune to provide formal declarations with respect to these allegations. As a result, the process of inquiry concluded in mid-October.

The independent expert based the procedure for her investigation on a model recommended by the *Ordre des conseillers en ressources humaines agréés* (Quebec Order of Authorized Human Resources Counsellors)'s *Code de conduite – Enquête interne à la suite d'une plainte pour harcèlement au travail* (Code of practice – Internal investigation following a complaint of workplace harassment), published at:

(http://www.portailrh.org/protection/codes/codeconduite_harcelement.pdf).

She was also guided in the investigation by the *Guide des meilleures pratiques à l'intention des avocats effectuant des enquêtes sur des plaintes de harcèlement psychologique en milieu de travail* (Lawyers' guide to best practices when conducting inquiries into complaints of psychological harassment in the workplace), published by the Quebec Bar at: (<https://www.barreau.qc.ca/media/1333/guide-enquetes-plaintes.pdf>).

“We sincerely empathize with the two plaintiffs who decided, for reasons entirely their own, not to follow up on their complaints in the context of this investigation,” Madeleine Careau, the OSM’s Chief Executive Officer declared. “We respect their personal choice, and with all advisement welcome the independent expert’s work. We must now acknowledge the results of this investigation and learn from its conclusions. To that end, we will adopt a new, stronger and more comprehensive workplace harassment policy. This new policy will be aligned with known best practices and be based on the principle of zero tolerance in matters of harassment, whatever form it takes.”

Salient Features of the New Policy

The new proposed policy subsequent to the independent investigation is titled *Prévention en matière de harcèlement au travail et de discrimination*, (Policy on the Prevention of Workplace Harassment and Discrimination) and will explicitly protect all musicians, whether permanent or substitutes, as well as guest artists and all members of the OSM’s administrative team, whether managers, employees, or contractors. It is also recommended that the harassment concept be defined as “the exercise of power or authority in an abusive or morally restrictive manner”.

The concept of workplace will be more precisely defined to cover all areas or locations to which staff members may be called in the context of their work or any given occasion. This applies during and outside normal working hours. In addition, the new policy will clarify terms by which complaints may be lodged and processed. The policy will protect staff members who, in all good faith, use its dispositions or collaborate as witnesses in a harassment investigation. Recourse to the complaint procedure cannot serve as an impediment to external legal redress for the purposes of compensation.

In accordance with recent modifications to the Quebec Employment Standards Act, at the beginning of 2019 the OSM will implement a programme of activities aimed at prevention, awareness, and training on workplace harassment and discrimination. It will be mandatory for all persons to whom it applies, to take an active part in this programme.

Furthermore, the OSM intends to formulate an additional clause to the contract of its next Musical Director to ensure conformity with the OSM’s new Policy on the Prevention of Workplace Harassment and Discrimination. The same clause will be included in guest artists’ contracts as well as in those of third parties such as providers of goods and services.

-30-

PRESS RELATIONS:

Pascale Ouimet, Head of Public and Media Relations: T. 514 840-7436 • pouimet@osm.ca