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L'APARTÉ
Ressources contre le harcèlement
et les violences en milieu culturel

A one stop shop:
an access for everyone

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The Context - 2017

Following the #metoo movement, the need to fight against harassment and sexual violence has been felt

More than forty associations and groups from the artistic community have set up an action plan

The mandate was given to Juripop

L'Aparté is one of the parts of the action plan

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The Context - 2020

In July 2020, Quebec faces a new wave of denunciations on social networks

Facebook, Instagram, media groups, lists of names that are circulating: several tools are used to give a voice to victims and/or survivors

The cultural and arts community is once again severely affected by the denunciations on social networks

The purpose of these denunciations is to respond to an urgent need: to hear, to listen, to support, to help one another, to prevent

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Going public on social media has risks

Defamation... damage to reputation

Tampering with testimonies

How to handle all that?
What are the options?

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Our topics

- Our mandate and services
- People we assist
- A few concepts on harassment
- Going public on social media
- Risks
- Legal Remedies
- Alternatives methods
- Resources
- How we can help
- Questions

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Our Mandate

- Funded by the Ministère de la Culture and the services offered by l'Aparté are free
- Offer an initial assistance to anyone working in the cultural and art industry field
- Victims or witnesses of psychological or sexual harassment or violence at work
- Inform the person about their rights and legal options
- Refer the person to external resources

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For Who?

- Anyone working in the cultural and arts industry (everyone)
- Who has experienced or witnessed a situation of harassment or violence
- As part of their work
- Regardless of their professional affiliation

- Ex: An actress who repeatedly suffers sexual advances on a film set

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Some concepts...

- What is psychological or sexual harassment?
- When does harassment become criminal?
- What are the elements of sexual assault?

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Psychological Harassment

- What is it?
 1. A vexatious behaviour...
 2. done repetitiously (verbal or actions) or once if it persists in time...
 3. that are hostile ...
 4. that affect the employee's dignity or physical integrity...
 5. Result in a harmful work environment.

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Examples of Psychological Harassment

- Humiliating a person repeatedly in front of his colleagues.
- “ S/He is incompetent –S/ he cannot do anything properly ”
- S/He can’t even write! ”
- S/He is stupid and looks like a monkey”
- S/He should talk to me as if I was her/his boss ”



Sexual Harassment

- Definition:
 - Unwanted sexual behaviour
 - Words, gestures, posters with a sexual connotation
 - Manifested repeatedly (once but persists in time)
 - Which has adverse consequences on the victim.

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Criminal Harassment

- When the harassment makes the person fear for his or her own safety (physical, psychological or emotional)
- Examples:
 - Following someone repeatedly,
 - Constantly attempting to get in touch with someone, monitoring the places where the individual usually goes,
 - Behaving in a threatening manner towards someone

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Extortion

- When an individual uses violence or manipulation to elicit a certain behaviour or something in particular from another person
- Examples:
 - Threatening a person to post compromising photos if they do not comply with a request;
 - Threatening a person to divulge facts about their private life to others;
 - Make a person fear losing his or her job or a contract if he or she refuses to have sex with them.

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Sexual Assault

- “ Sexual assault is a sexual act, with or without physical contact, committed by an individual without the consent of the victim or, in some cases, and especially when children are involved, through emotional manipulation or blackmail.”
- Institut Nationale de Santé Publique du Québec

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I experienced a situation of violence.

I don't want to file a complaint, but I want to report my aggressor on the Internet.

Can I?

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Why people go public on social media?

- Fear of retaliation
- Lack of energy or support to go through the criminal process
- Statutes of limitation/ occurred a long time ago
- Hope of preventing future abuse
- Hope of changing the culture of rape
- Need for peer support

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But there are risks

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Defamation lawsuit

- What it is?
- An individual tarnishes someone's reputation by words or writings, which discredit the person concerned or which are unfavorable to them.
- The disclosure of such events will be wrongful in the following cases:
 - The person **in bad faith intentionally** seeks to harm, humiliate or expose the other person to hatred.
 - The person has **no intention to harm**, but by his or her **negligence** or recklessness, they damage the reputation of that person.
- So: the claims do not need to be false to damage someone's reputation.

Means of defence

- The right to reputation may clash with the **freedom of expression**, which is also protected
- If a story is disclosed in the **public interest**, there is a reason for having shared it and it will not be considered wrongful
- It is important to keep in mind
 - that going public with the story in the media or social networks opens the risk to a defamation lawsuit, regardless of whether it is justified or not
 - The question to ask yourself before going public: Are you ready to defend yourself (financially and psychologically)?

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Other Risks: The tampering of testimonies

- Disclosing a personal situation to others, might be repeated by another person which can be harmful during a criminal prosecution
 - In some cases, this has led to cases being closed and acquittance
- Also, the group effect deprives the Crown (in a criminal prosecution) of certain evidence (e.g., evidence of similar facts).

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Possible Legal Remedies

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Possible Legal Remedies

- **Compensation: receiving money and/or compensation:**
 - Claim to the Commission des normes, de l'équité, de la santé et de la sécurité au travail (CNESST)
 - Labor standards division
 - Occupational health and safety division
 - Claim to the Indemnisation des victimes d'actes criminels (IVAC)
 - Complaint to the Commission des droits de la personne et des droits de la jeunesse du Québec (CDPDJ) (Quebec and Canada)
 - Civil remedies
- **Punishing the aggressor and/or preventing them from committing further offences:**
 - Reporting to the police

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Alternatives to Legal Remedies

- Meeting with the employer to discuss the issue
- Reasonable accommodations in the workplace
- Mediation with the aggressor or the harasser
- Restorative justice system
- Psychosocial intervention (active listening)

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Organizations Providing Psychosocial Support

- An array of organizations that have developed an expertise in supporting victims
- For example:
- The **Crime Victims Assistance Centre (Centre d'aide aux victimes d'actes criminels)** – 1 866 LE CAVAC
- The **Groupe d'aide et d'information en harcèlement sexuel au travail (GAIHST)** - 514-526-0789
- The **Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel (RQCALACS)** – 514-529-5252

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What can L'Aparté offer?

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Our services

- Legal consultations
- Analysis of documents and communications received by the victim in connection with the harassment
- Preparation of claims before public organizations (IVAC, CNESST, SAAQ)
- Accompanying to resources in the arts community
- Accompanying in the criminal process
- Accompanying in the complaint process (Commission des droits de la personne, CNESST)
- Bilingual service

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At L'Aparté ...

- No obligation to file a complaint
- The employer or contractual party does not know that someone has reached out to l'Aparté
- The professional association or union does not know this either
- Referral to external services or resources
- The person will receive a made-to-measure opinion on their situation
- The person can have a quick access to a lawyer

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To Contact Us

- Website: www.aparte.ca
- Phone number : 450 396-9449 / 1 833 LAPARTÉ
- Schedule: Monday to Friday 10am to 6pm

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LUTTER CONTRE LE HARCÈLEMENT & LES VIOLENCES EN MILIEU CULTUREL

Parce qu'il est urgent de mettre un terme au harcèlement et aux violences au travail.

Nos services d'assistance sont gratuits, confidentiels et indépendants.
Il faut agir. Il faut parler. Il faut s'aider. Maintenant.

CONTACTEZ-NOUS

EN SAVOIR PLUS



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Any questions?

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