

What is PACT?

PACT is a member-driven organization of professional Canadian theatres which serves as the collective voice of its members. PACT plays a key role in the enhancement of Canadian theatre, providing leadership, national representation, and a variety of programs and practical assistance to its member companies. This support empowers members to focus on their creative work.

We are a leader in the national performing arts community, and a devoted advocate for the value of live performance. Since 1979, we have cultivated a community where theatre professionals and cultural workers can unite to address crucial issues and collaboratively devise innovative solutions.

We aim to be a responsive organization, cognizant of the needs of our members in order to offer programs and services that benefit our community.

We strive to be representative of the true breadth of professional theatre in this country, and work to make sure we are an inclusive organization that provides value for all theatre companies in Canada.

As PACT, and as PACT members, we are committed to adopting best practices in the creation and sharing of theatre.

Purpose & Commitment

The intent of this document is to support PACT staff and executive in fostering healthy dialogue and avenues of support with members when issues arise. It does not supersede a member organization's code of conduct, workplace policies, or dispute resolution procedures.

This document will be part of PACT's membership handbook and is meant to serve PACT staff in directing, assessing, and reevaluating our actions and their alignment with our core values. It directs us to consistently uphold our mutual support, foster accountability, and work collectively towards a thriving theatre sector.

Just as our society and practices of creating art continue to evolve, we acknowledge this is a living document that will be regularly reviewed and reassessed by the board, executive committee, and PACT staff to remain relevant to current times and proactive for the future.

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A PROCESS OF SUPPORT

Internal Protocol

In the course of making theatre, situations may arise in which PACT's members find themselves in conflict with each other or their communities which fall outside the scope of existing dispute resolution systems. In some of these cases, PACT has a responsibility to take action and support the affected members according to the needs of their situation. This protocol is intended to define the boundaries of this responsibility, and to provide PACT's staff, and board with a process for deploying PACT's support. The goal of this support is to create constructive outcomes and maintain healthy relationships between the relevant parties in any given situation.

This process is grounded in the principles of Transformative Mediation. Transformative Mediation is a process for dispute resolution that centres the experiences of the parties and communities involved in a conflict, brings them together to collaboratively acknowledge the conflict that has occurred, and helps them find a path forward for resolution. A Transformative Mediation process seeks to help the parties find new perspectives for each other and their situation, so that they may collaboratively act in ways that previously may have felt impossible. It is an organic process that tailors many elements of its expression to the unique needs of each situation. However, it is characterised by always being voluntary, collaborative, transparent to the parties involved, and outcome-focused.

Accordingly, the process described below is responsive and non-binding. This means that PACT acknowledges that this process is not able to compel members to follow a particular course of action, or apply punishments or remedies. Similarly, participation in this process is voluntary, and all parties are free to withdraw from it at any time. The aim of the process below is to allow PACT to support its members when required, and continue to assist them once a course of action has been determined. Any actions taken must be agreed to by the relevant members, and followed through on voluntarily.

When following the process described below, PACT will make a reasonable effort to keep its actions discrete. Notwithstanding this discretion, PACT also may communicate to relevant stakeholders or parties that some action is being taken. The specifics of what may or may not be shared will be collaboratively negotiated between PACT and the parties when the process is started. The details of this agreement on confidentiality may be amended throughout the process by the parties if needed.

If the process described below cannot result in a satisfactory outcome for the parties involved, then another process may be appropriate for resolution. These include PACT's own bylaws about member expulsion, or the dispute resolution processes of any other organization or institution which may apply to the situation.

A Note on The Description of the Process

The following sections describe a roadmap for a process of support. The intent of this roadmap is to define tangible goals in each step towards resolution. It is understood that real-world applications of this process will always have their own specific needs, and may not track perfectly to the shape of the process described below. These steps are not intended to be rigid or prescriptive, and at all times anyone using them as a guideline is expected to use their best interpretive judgement.

Step 1: Discovery

When PACT first receives knowledge of a situation that requires its attention, further assessment may be required before it decides to deploy its support. PACT can learn of unfolding situations in several different ways. In each instance, different responses may be appropriate.

1. PACT may be contacted directly by a member seeking support for a situation. In this case, PACT may begin support for the affected member, and may proceed directly to Step 3: Recruitment. This should be brought by the ED to the Board Executive for approval. Alternatively, PACT may choose not to take action at this time.
2. PACT may be contacted directly by an affected non-member alerting them to a situation. In this case, PACT should proceed to Step 2: Assessment. The ED should decide if further monitoring of the situation is required, or present it directly to the Board Executive.
3. PACT may observe an unfolding situation through publicly available means such as social media or news media, or through direct contact by a non-member with knowledge of the situation who is not immediately involved. In this case, PACT should proceed to Step 2: Assessment. The ED should decide the best group to assess the situation.

In all three of these situations, it is possible that someone outside of PACT's ED, Staff, or Board Executive may be the initial point of contact between PACT and the affected parties. If this is the case, it may be advisable that this point of contact continues to be included in the process. The ED should assess the desires of the relevant parties and the point of contact, and accordingly opt to include this person in the process or not.

Step 2: Assessment

Once PACT has learned that a situation is unfolding, it should take the time to assess the situation, with the goal of determining if the process should move forward to Step 3. In order to accomplish this, a group formed by the ED and approved by the Board Executive may attempt to answer the following key questions about the situation:

- Does PACT have a reasonable understanding of the situation? If not, how can understanding of the situation be deepened?
- Who are the directly affected parties? Which are members, and which are non-members?
- What is the potential harm if the situation continues? Has harm occurred in the past? Is harm likely to occur in the future?
- How many PACT members are involved in this situation?
- Is there another organization or process which may have jurisdiction over this situation? (For example, is there a union dispute process which would be the normal channel for resolution in this case? Is this a criminal case?)
- Are there any other stakeholders who could potentially be included in the process?

When these questions have been answered, PACT's ED should present their findings to the Board Executive, along with recommendations of whether to proceed with the process below. In situations which directly affect multiple PACT members, PACT is understood to have a mandate to continue this process. In situations which affect only one PACT member, the process shall only continue with the Board Executive's discretion. If the Board Executive decides to proceed, then they will begin Step 3: Recruitment.

If the Board Executive decides not to proceed, they may refer the relevant parties to another organization or process, or choose to withdraw their attention from the situation.

Step 3: Recruitment

Before PACT can begin support for a member, it must first determine who will be offering that support. A working group of no less than two persons shall be created to carry out the process. At least one person in the working group should come from PACT's Staff or Board. PACT may draw additional candidates from its Staff, Board, and Members. Persons external to PACT may also be considered, including the recruitment of qualified individuals in the area of mediation. In the case where mediation services are agreed upon by all parties, PACT may incur those costs. As before, if there is a trusted point of contact who has been involved in the process thus far, it may be advisable to have them continue.

The first goal of this working group will be to begin a conversation with the affected members and any other affected parties. As such, candidates for the working group should be selected based on their ability to constructively initiate this conversation. Candidates may be considered based on their familiarity with the parties involved, the perceived degree of trust in them by the community, or their expertise or experience.

As a reminder, this process is non-binding, meaning that this working group will not have the power to impose remedies or punishments on the parties involved. Thus, it is not necessarily a requirement for members of the working group to have “neutrality” with regards to the parties in the conflict, and in some situations it may be beneficial for members of the working group to have established relationships with the parties involved. This can help the working group initiate the conversation and support the parties through the process.

As the process continues, the people in the working group may change in order to accommodate the needs of the parties or the situation. Thus, the first working group may not have to be the “perfect” mix of people - just the one that can initiate the conversation constructively. Ultimately, the parties involved should have approval over who is directly involved in working through the process.

If not all parties in a situation wish to participate in this process, then PACT’s Board Executive may decide if it can offer support to the parties that still wish for it. The Board executive can determine if lending support is appropriate, or if there may be another organization or resource better suited to support the remaining parties.

Once the board has approved the makeup of the working group, that group can proceed to Step 4: Engagement.

Step 4: Engagement

The working group’s first task may be to separately contact all of the parties directly affected by the situation. This may be PACT’s first contact with some of the parties. In this step of the process, it is not necessary for the parties to agree to an extended process - just to a single conversation.

In this initial period of contact, the working group should seek to explain to the affected parties the goals and values of this process of support, and learn the details of the situation directly from them. The working group should attempt to form a holistic picture of the situation, and what the affected parties’ hopes for resolution of the situation might be. Before this conversation begins, the working group should establish an agreement regarding the confidentiality of the process with the parties. Confidentiality in most instances refers to keeping the information within as tight a circle as possible within the specific circumstances, but should also include a consent-based mechanism to allow PACT or the parties to share information about the process if this is desired. Any confidentiality agreement that is reached does not absolve parties of their responsibility to divulge information to authorities in the case of an investigation or where there is an expressed potential for harm. Both parties should understand and be comfortable with the terms of the agreement and it should be tailored to their needs.

Once this has been accomplished, the working group should assess the state of the situation, and decide if further support of the affected parties is necessary. If it is, then they should move on to Step 5: Support.

Step 5: Support

At this point in the process, the working group should attempt to obtain consent from as many of the affected parties as possible to continue receiving support. The exact nature of this support will be specific to every situation, but may include some of the following aspects:

- *Active Listening*: providing an open and receptive space to hearing about the experiences of the affected parties in ways that they may not have been able to express before;
- *Building Understanding*: helping the affected parties understand each other's perspectives better, and the impact that they are having on each other;
- *Establishing Values*: working with the parties to define what values they wish to uphold and act on in this situation;
- *Coaching*: Introducing new tools and perspectives into the existing situation, to try to change how the affected parties have been behaving within it;
- *Visioning Solutions*: coming up with actionable solutions to strengthen the practice of the Framework of Care in this situation.

This support may take the form of additional meetings with the affected parties, group conversations with the affected parties or additional stakeholders, or any other form which the working group deems constructive. Additional stakeholders may be brought into the process if their presence is deemed relevant. There is no prescribed form in this part of the process, and its success is judged solely by its ability to help the affected parties come to a satisfactory agreement together about their situation. Not all parties need to agree to this process for it to continue, but at least one PACT member must be willing to participate.

Throughout the process, the working group should keep a record of what activities they undertake in this process, and how it is progressing. These records should respect any confidentiality agreements made with the parties.

This part of the process can come to an end when an agreement is reached between the affected parties, when the working group determines that no more progress can be made, or when all of the affected PACT members choose to withdraw from the process. The working group shall be permitted to communicate with the parties to resolve any outstanding matters and conclude the process in each of these cases. If no satisfactory outcome can be reached between the parties, the situation may be referred to another

dispute resolution process at this point. PACT may also elect to use its own disciplinary process to address the situation.

Step 6: Follow up

Following the conclusion of the process, the working group shall report on their activities to the Board Executive. Their report shall describe the form that their process took, note the reason for the end of the process, and provide any recommendations for future processes.

If a satisfactory agreement was reached between the parties, the working group shall follow up with the parties a reasonable amount of time after the agreement was reached to check on its implementation. The time frame for this check-in should be set by the working group and the parties when the agreement is made.