

Dignity in the Workplace: Towards A Code of Behaviour for Irish Theatre - Summary

This Code of Behaviour was created following assessment of the risk to health and safety of employees/workers from bullying, harassment, sexual harassment and victimisation in the theatre sector. It is suggested that this summary is read, discussed and signed by each employee/worker of the team on the first day of the rehearsal period and/or on taking up a position with the employer.

An employer can be any individual or entity engaging the services of an employee. Every employer has a legal responsibility to ensure that all employees, whether full time or freelance, are treated with respect and dignity in all situations associated with their employment including (without limitation): the workplace; at meetings; on tour; at training events; at conferences; and at work-related social events whether on the premises or off-site. The employer's responsibility also extends to clients, customers or other business contacts with whom an employee/worker might reasonably expect to come in contact during their employment.

All employees/workers, trainees, interns, students, board members, volunteers and individuals providing services to the employer are protected by this Code of Behaviour. They are also required to comply with it. All employees/workers have a responsibility for ensuring they treat their colleagues and contacts in the workplace with dignity and respect and are also responsible for their own contribution to creating and maintaining a work environment free from bullying, victimisation, sexual and other forms of harassment.

Senior staff (creative, technical and administrative) must take responsibility for the power they have and be aware of the potential impact their behaviour has on others. They must take care to ensure they are not using that power abusively over others more vulnerable than them. Management and others in positions of authority have a particular responsibility to ensure that bullying, harassment, sexual harassment and victimisation does not occur and that complaints are addressed speedily through the appropriate procedures.

The employer encourages all employees/workers to call out inappropriate behaviour as soon as it arises. Empower yourself and others. Be proactive and call out inappropriate behaviour if you see it happening. An employee/worker might find it helpful to use this type of language: *This is not appropriate - I feel uncomfortable.*

Respecting the Performer

No member of the creative team (e.g. director, producer, designer or choreographer) should ever cause a member of cast to perform, in devising, in rehearsal or in public, in a way that they experience any sense of oppression in the delivery of their performance. The capturing of still or moving images of such intimate portrayals, and their use in marketing and PR in all media, must also be managed in a way that does not threaten the dignity and respect of the performer.

Definitions of Bullying, Harassment, Sexual Harassment and Victimisation

Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another, or others, at the place of work and/or in the course of employment which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but as a once off incident is not considered to be bullying. Bullying is conduct which occurs on more than one occasion and which is offensive to a reasonable person. Bullying can consist of persistent offensive, abusive, intimidating, malicious or insulting behaviour, or abuse of power carried out by an individual, or a group of individuals, either directly or indirectly, which makes the victim feel upset, threatened, humiliated or vulnerable. A pattern of any of the following (non-exhaustive) types of conduct amount to bullying: Personal insults and name calling; Persistent unjustified criticism and/or sarcasm; Public or

private humiliation; Shouting at staff in public and/or private; Sneering; Instantaneous rage, often over trivial issues; Unfair delegation of duties and responsibilities; Unnecessary work interference; Making it difficult for staff to have access to necessary information; Aggression; Making offensive comments to a pregnant woman about her appearance; Physical abuse; Being treated less fairly than colleagues; Intrusion - pestering, spying or stalking; Menacing behaviour.

Harassment is defined as any unwanted conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person on grounds of gender, marital status, family status, race, age, religion, sexual orientation, disability or membership of the Travelling Community. Unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. Examples of harassment might include: Verbal harassment - jokes, comments, ridicule or songs; Written harassment - messages, texts, emails, letters and notices; Physical harassment - jostling, shoving, pinching, unnecessary touching or any form of assault; Non-verbal harassment or intimidation - gestures, posturing or threatening poses; Visual displays - cartoons, posters, emblems, badges; Isolation or exclusion from work-related social activities; Pressure to behave in a manner that the employee/worker thinks is inappropriate.

Sexual Harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. This conduct is not limited by the gender(s) of the complainant and the alleged perpetrator(s). The unwanted conduct may consist of acts, requests, spoken words, gestures, physical contact or the production, display or circulation of written words, pictures or other materials. Examples of sexual harassment include: Sexual gestures; Displaying sexually suggestive objects including images, text messages or emails; Unwelcome sexual comments and jokes; Unwelcome physical contact such as pinching, groping, unnecessary touching; Physical force, or threat of force, for sexual objective; Threat of disadvantage for rejection of advances; Promise of advantage for sexual concessions.

Victimisation, in accordance with the Equality Acts; Victimisation occurs where dismissal or other adverse treatment of an employee/worker occurs in reaction to: a complaint of discrimination made by an employee/worker; any proceedings by a complainant; an employee/worker having represented or otherwise supported a complaint; an employee/worker having been a witness in any proceedings under the Equality Acts or the Equal Status Act (2000-2008); An employee/worker having given notice of intention to do any of the above. Any victimisation of, or retaliation by, another employee/worker against a complainant, an employee/worker supporting a complainant, or a worker who gives evidence regarding an allegation of bullying, harassment or sexual harassment, will be subject to disciplinary action up to and including dismissal.

Complaints Procedures

The employer commits to dealing with complaints of bullying, harassment, sexual harassment and victimisation in a fair and sensitive manner. All complaints received will be treated seriously and with due confidentiality. Complaints will be dealt with as soon as is practicable. Strict confidentiality and proper discretion will be maintained by all parties. The employer has both Informal and Formal Procedures to deal with any complaint made. There is no compulsion or sanction for opting to engage with the Formal Procedure in the first instance. In both the Informal and Formal Procedures, the complainant is entitled to have a representative of their choice present with them, at any meetings arising in the course of proceedings, on the clear understanding of confidentiality by anyone accompanying the complainant. Employees/workers who believe they have been subject to abuse are encouraged to make written notes of their experience(s): *What happened? Where? When? How they felt? Any witnesses?* In the event that the Formal Procedure is invoked these notes will be important.

Informal Procedure

In the first instance, a person who believes they are being subjected to bullying, victimisation, harassment or sexual harassment should name it and ask the person responsible to stop the offensive behaviour.

If it is difficult to approach the alleged offender directly then the complainant should seek help and advice on a confidential basis from:

- their line manager e.g. director, producer, production manager, company manager, stage manager, CEO
- The Employer's Human Resources manager or designated complaints' advisor (where applicable)
- Another trusted member of the company
- An elected Trade Union representative
- An external 'guardian' (where available) who would be available from the theatre sector/union to act in this capacity

The person to whom the complaint is made should be sensitive and non-judgmental, and should support the complainant by accompanying them to a manager/supervisor.

The manager/supervisor should then raise the issue with the alleged perpetrator(s) in a confidential, non-confrontational manner. The employer, at this stage of the process, is dealing with an allegation of misconduct and must adopt a neutral position.

In many instances this informal process, which names and acknowledges inappropriate behaviour and emphasises that it's not acceptable, can result in a mutual understanding and acceptance by both the offending and offended parties. Ideally, this process will involve an apology and a declared intention not to repeat the behaviour. If this is the case, then the matter should be regarded as concluded and no further action will need to be taken except for the manager/supervisor to monitor that no negative consequence for the complainant result from having made the complaint or any repeat of the behaviour occurs.

Formal Procedure

A complainant may decide, for whatever reason, to bypass the Informal Procedure, or to use the Formal Procedure in circumstances where the Informal Procedure has been deemed to be unsatisfactory. It is recognised that it may not always be practical to use the Informal Procedure, particularly where the complaint is very serious or where there is a significant discrepancy between the position of the complainant and the authority position of the person whose behaviour is being complained about. In such instances the employee/worker should use the Formal Procedure.

When a formal complaint is made, the employee/worker should contact one of the following at the earliest possible moment:

- Their line manager e.g. director, producer, production manager, company manager, stage manager, CEO
- The Employer's Human Resources manager or designated complaints' advisor (where applicable)
- Another trusted member of the company
- An elected Trade Union representative
- An external 'guardian' (where available) who would be available from the theatre sector/union to act in this capacity

A Formal Complaint must be made in writing, outlining as much detail as possible regarding the allegation. Guidelines for a written Formal Complaint can be found in the Dignity in the Workplace document. On receipt of a formal complaint the Employer will assign a member of management (the Investigator) to investigate the complaint and to ensure that the details of the complaint are fully understood. A meeting will be arranged with the alleged perpetrator at the earliest possible time.

In the interests of natural justice, the alleged perpetrator will be notified in writing. The following information will be provided in writing in advance of the meeting to the alleged perpetrator:

- The name of the complainant
- The nature of the complaint
- A copy of the allegations made - including information about when and where and how the behaviour complained of occurred
- Confirmation of their right to representation at any meeting
- Right to rebuttal of the allegation(s) made.

Following the initial meeting with both parties and their representatives, the Investigator will determine the appropriate course of action which will include either of the following:

1. Where the facts are admitted and agreed by both parties, taking appropriate action to resolve the dispute and/or recommending to management what disciplinary action should be taken against the perpetrator.
2. The Investigator carries out a formal investigation with a view to determining the facts and the credibility, or otherwise, of the allegation(s).

Whilst it is desirable to maintain maximum confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff. If this is so, the importance of confidentiality must be stressed to them. Any statements from witnesses will be circulated to the complainant and the alleged perpetrator for their comments before any conclusion is reached in the investigation.

When the investigation has been completed, both parties will be informed as to whether or not the complaint has been upheld. Both parties will be given the opportunity to comment on the findings before any disciplinary or other action is decided upon by management. A record of all relevant discussions which take place during the course of the investigation will be maintained by management. Both parties will be given a copy, in writing, of the conclusions reached by the Investigator.

A full outline of the Formal Procedure, Appeal Process and Action Post-Formal Investigation is available in the Dignity in the Workplace document.

To read the Full Dignity in the Workplace document and to access further Information, Support Organisations, Legislative and Regulatory Framework, Reference and Source Materials please see Irish Theatre Institute's website: <http://www.irishtheatreinstitute.ie/publications.aspx>

Signed By: _____

Role in Company: _____

Date: _____



An Roinn
Ealaíon, Oidhreacht agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht