



Dignity at Work Policy – Anti-Harassment and Sexual Harassment

This policy is designed to assist the Theatre in providing a work environment free from workplace harassment and/or sexual harassment. The complaints procedure is in place to ensure that any employee who feels that they have been subject to inappropriate behaviour, as defined in this policy, may raise the matter and have it resolved in an appropriate manner. This procedure is supported by the disciplinary procedure, which may be utilised where an employee is found guilty of engaging in behaviour constituting harassment and/or sexual harassment.

This policy sets out to ensure compliance with the relevant sections of the Employment Equality Acts, 1998-2015, which provide that every individual has a right to a work environment free from harassment or sexual harassment. This policy also complies with the requirements set out in the Code of Practice on Sexual Harassment and Harassment at work.

This policy is in place to protect all employees from acts of harassment and/or sexual harassment perpetrated by other employees, members of Management, or any other person with whom the employee comes into contact within the course of employment with whom the Theatre has a business relationship e.g., a supplier or contractor. This policy applies where the unacceptable behaviour occurs in the workplace, or any other place attended in the course of employment e.g., an off-site training event.

The Theatre is committed to providing a work environment free from harassment or sexual harassment. All employees are protected by this policy and are urged to raise any concerns in relation to harassment or sexual harassment through the complaints procedures outlined in this policy. If you are a witness to harassing behaviour, you should make the recipient of the behaviour aware of this policy and urge them to raise the matter through the complaints procedures. You are also expected to bring the matter to the attention of Management.

What is Harassment?

Harassment is defined as any form of unwanted conduct relating to any of the discriminatory grounds of gender, civil status, family status, sexual orientation, religion, age, disability, race and/or membership of the Traveller Community, 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.

A single incident may constitute harassment

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display, circulation of written words, pictures or other material.

The following list contains examples of harassing behaviour; however, this is provided for illustrative purposes only and is not an exhaustive list of behaviours. All situations will be considered on their own merits:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including text messages, emails or notices
- Physical harassment – any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges which may cause offence
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person's job content or targets, pressure to behave in a manner that the employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background

What is Sexual Harassment?

Sexual Harassment is defined as 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.

A single incident may constitute sexual harassment

The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

The following list contains examples of sexually harassing behaviours; however, this is provided for illustrative purposes only and is not an exhaustive list of behaviours. All situations will be considered on their own merits:

- Physical conduct of a sexual nature — This may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse.
- Verbal conduct of a sexual nature — This includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of a sexual nature — This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages. It may also include leering, whistling or making sexually suggestive gestures.
- Gender-based conduct — This includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults which are gender related.

An essential characteristic of the type of behaviour which constitutes sexual harassment is that it is unwanted by the recipient. This distinguishes it from behaviour which is welcome or reciprocated.

Sexual harassment is unacceptable whether from superiors, peers, juniors, non-employees or by persons of the same sex.

It is important that all employees understand that the Theatre is obliged to investigate all complaints of sexual harassment whether it was the intention of the alleged harasser to engage in such behaviour.

Procedure

There are both informal and formal procedures to deal with the issues of harassment and/or sexual harassment at work. Although the Theatre would prefer that issues are addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable, therefore there is no requirement to exhaust the informal procedure before progressing an issue through the formal process.

Informal Procedure

It is often preferable for all concerned that complaints under this policy are dealt with and resolved informally between the parties whenever possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship.

The objective of the informal approach is to stop the harassment or sexual harassment with the minimum conflict and stress for the individuals concerned.

In many cases, the Employee whose behaviour is causing offence may be unaware that his or her actions are inappropriate, or it may be that his or her words or actions have been misinterpreted. In such cases, every attempt should be made to clear up any misunderstanding quickly, on an informal basis.

The informal process provides options for resolving disputes including mediation, where appropriate.

The informal procedure consists of a low key and non-confrontational approach by the recipient of the behaviour to the party causing offence to advise him/her of the impact of their behaviour and to ask them to cease behaving in this manner.

The approach should be made in private and should be non-confrontational. Advice in relation to this procedure should be sought from a manager in the Theatre.

Formal Procedure

It is acknowledged that it may not always be practical to use the informal procedure to resolve an issue. An employee may not feel comfortable to approach the other party, or the employee may feel that the issue is too serious to be addressed through the informal procedure. In such circumstances, or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to a manager regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be

followed. Where assistance is required to put the complaint in writing, the employee should consult their manager to arrange this.

The complaint should state:

- The name of the alleged perpetrator
- The nature of alleged harassment i.e., the behaviours/conduct constituting harassment/sexual harassment
- Dates/times and locations of where and when the alleged harassment / sexual harassment occurred
- Names of witnesses to any alleged incidents
- Details of any action already taken to stop the harassment / sexual harassment
- Consent to your identity and the facts of the allegation being disclosed to the alleged perpetrator. This is required in order to allow the Theatre to investigate and to take action in appropriate circumstances

If the behaviour complained of does not concern harassment or sexual harassment as defined, an alternative approach may be put in place and a rationale recorded. If there are no concrete examples given, it will be deemed that there is no complaint to be answered by the alleged perpetrator as they have no recourse to repudiating an accusation that doesn't give any specifics.

Where an alternative approach is not deemed appropriate, the alleged perpetrator(s) will be notified in writing that a complaint has been made against him/her and provided with a copy of this complaint. The person investigating the complaint will indicate a timeframe for the resolution of the complaint, however such timeframes may be extended where necessary. He/she shall be afforded a fair opportunity to respond to the allegation(s), normally five working days.

Prior to commencing an investigation, the complaint and the response may be subject to an initial examination by a designated impartial member of Management or other appropriate person, with a view to determining an appropriate course of action. An appropriate course of action at this stage could, for example, include exploring a mediated solution or a view that the issue can be resolved in accordance with the Informal Procedure. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will be undertaken with a view to determining the facts of the case. In all cases there will be no inference of guilt against the alleged perpetrator, and they will be afforded a fair opportunity to respond to the allegation. The principles of natural justice will be adhered to throughout the investigation process.

All employees involved in an investigation must respect the need for confidentiality; a failure to do so may represent a serious disciplinary offence. Confidentiality is assured in so far as it is reasonably practicable. Both parties may be suspended with pay, without any negative inference, pending the outcome of an investigation, where deemed appropriate by Management. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

Investigation Procedure

The investigation will be conducted in accordance with the Company's Anti-Harassment & Sexual Harassment Policy and will be governed by terms of reference which will detail

the likely time scale for its completion (an indicative timeframe will be outlined) and the scope of the investigation, indicating that the investigator(s) will consider whether the complaint falls within the definition of harassment or sexual harassment and whether the complaint has been upheld.

The investigation will be conducted by either an independent member of Management or external assistance may be necessary to deal with complaints in some circumstances to ensure impartiality, objectivity and fairness. The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable. Due respect will be had for the rights of the complainant, the alleged perpetrator(s) and any witnesses involved in the process.

The investigator(s) will meet with the complainant in the first instance to learn more regarding the complaint and to put the alleged perpetrator's responses to the complainant. Next, the alleged perpetrator will be invited to a meeting to explore their responses to the complaint and to put any relevant evidence to them. Evidence will be provided in advance of the meetings in order to allow the employee to prepare their response to that evidence.

As many interviews as are necessary will be conducted until the investigator(s) is/are satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case. Witnesses may also be interviewed with a view to establishing the facts surrounding the allegation(s).

Statements from the complainant, the alleged perpetrator and any witnesses will be recorded in writing.

All parties required to attend investigation meetings are entitled to be accompanied by a representative, whose role is to provide moral support, oversee the process and ensure that the Employee is afforded a fair opportunity to respond and provide evidence at any investigation meetings.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to a member of Management, containing the findings of the investigation. Both parties will be given the opportunity to comment on the findings before any action is decided upon by Management.

The complainant and the alleged perpetrator(s) will be informed in writing of the findings of the investigation, i.e., whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious.

Investigation Outcomes

Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of Management will also be advised. Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with the Theatre's disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

The Theatre will also consider providing further supervision or reassignment of work where practicable and appropriate. Prior to any disciplinary action being taken, a fair

disciplinary hearing will be held in line with the Theatre's disciplinary procedure. It is important that Employees are aware that certain acts of harassment or sexual harassment may be deemed gross misconduct by the Theatre and may result in summary dismissal.

Where an investigation is inconclusive and the complaint is not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

Where it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. In this situation only may a disciplinary sanction be imposed on the complainant. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by the Theatre and may result in summary dismissal.

In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. The Theatre will take such action as is required to eliminate the risk of that behaviour recurring or continuing and will keep records of interventions used for this purpose.

Appeal

Either party may appeal the decision, outlining in writing to Management the reason for the appeal. Such appeals will be heard by a manager not previously involved in the investigation and independent advice and support will be sought if required.

Victimisation

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing, except where they are found guilty of an offence under the policy.

Third Party Harassment/Sexual Harassment

The procedures outlined in this policy should be employed to deal with harassment or sexual harassment by a third party. Sanctions which may be imposed on a third party may include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

Responsibilities

Management will endeavour to ensure that this policy is communicated to all employees and will ensure that the policy is maintained and updated in line with legislative changes and any amendments to the relevant Code of Practice. Where required, measures will be taken to ensure the accessibility of policies and procedures for all employees.

Management has a particular responsibility to prevent workplace harassment and is expected to lead by example, promote awareness of this policy, be vigilant for signs of harassment, tackle problems before they escalate, deal sensitively with employees

involved in a harassment complaint and monitor the situation in the workplace so that harassment or sexual harassment does not occur or reoccur.

Employees are expected to conduct themselves to respect the rights of others to dignity in the workplace, to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

