

## **Anti-Bullying and Anti-Harassment Policy**

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All references to “we”, the “Company”, “our” and “ETO” are references to the English Touring Opera.

## 1. Policy statement

- 1.1 Harassment and bullying can have a devastating effect on the health, confidence, morale and performance of those affected. All staff are entitled to a working environment which respects their personal dignity.
- 1.2 We will take allegations of harassment or bullying seriously. We will not tolerate harassment or bullying in the workplace.
- 1.3 This policy covers harassment or bullying occurring both in and out of the workplace, such as on business trips, work events or work-related social functions. As well as covering bullying and harassment by staff, this policy applies to any worker who, in the exercise of his/her functions may be a victim of harassment by third parties such as suppliers or customers.
- 1.4 Where appropriate, the Company will provide training around the prevention of harassment and bullying and responding to complaints and allegations of it.

### 1.5 *What is harassment?*

Harassment includes any unwanted conduct whether verbal, non-verbal or physical and whether intentional or not and whether of a sexual nature (see sexual harassment below) or related to race, religion or belief, sex, disability, age, sexual orientation, transgender status, marriage or civil partnership or pregnancy and maternity (protected characteristics) and which has the purpose or effect of violating the dignity of or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

### 1.6 *Examples of harassment and other inappropriate behaviour:*

- 1.6.1 unwanted physical conduct or “horseplay”, including touching, pinching, pushing, grabbing, pushing past someone, invading their personal space, and more serious forms of physical assault;
- 1.6.2 nicknames, insults, wise cracks or negative stereotyping;
- 1.6.3 banter related to any protected characteristic listed above;
- 1.6.4 threatening, intimidating, hostile or offensive comments or gestures;
- 1.6.5 written or graphic material that is pornographic or that otherwise demeans or shows hostility towards someone which is circulated (including by email, text messages, instant messages, video clips, or posted on the internet) or in any way displayed in the workplace;
- 1.6.6 sarcastic personal remarks about a colleague, jokes, innuendoes, pranks or other forms of humour that are or could reasonably be perceived as demeaning or hostile;
- 1.6.7 intrusive personal questions relating to a person’s sex, sexual orientation or gender reassignment;
- 1.6.8 intrusive questions relating to a person’s family plans and life and
- 1.6.9 Outing a person as lesbian, gay, bisexual or transgender without their consent or spreading rumours likely to have that effect.

A single incident can amount to harassment if sufficiently grave and irrespective of whether it is directed at a person for reasons related to their own protected characteristics or those of another person. For example, A may be considered to have harassed B if A makes jokes to B about C's sex life or if A makes fun of disabled people to B, even if B is not disabled.

## 1.7 *Sexual harassment*

1.7.1 Sexual harassment is harassment of a sexual nature or relating to sex or gender reassignment or treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. We will take a zero-tolerance approach to sexual harassment in the workplace. Please see the definition of harassment at 1.5 above.

1.7.2 Examples of conduct that could constitute sexual harassment include:

- (a) written or verbal comments of a sexual nature, such as remarks about an employee's appearance or offensive jokes;
- (b) displaying sexually graphic pictures, posters or photos;
- (c) suggestive looks, staring or leering;
- (d) propositions and sexual advances;
- (e) making promises in return for sexual favours;
- (f) sexual gestures;
- (g) intrusive questions about a person's private or sex life, and discussing your own sex life;
- (h) spreading sexual rumours about a person;
- (i) sending sexually explicit emails or text messages;
- (j) unwelcome touching, hugging, massaging or kissing;
- (k) criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.

1.7.3 The recipient of the behaviour decides whether or not it is unwanted.

1.7.4 Unwanted conduct can be a one-off. It does not need to be repeated to constitute sexual harassment.

1.7.5 The unwanted conduct does not need to be directed at a person. It can be witnessed or overheard.

1.7.6 It does not matter whether the conduct is acceptable to others or is common in the person's work environment.

1.7.7 Sexual conduct that has been welcomed in the past can become unwanted.

## 1.8 *What is bullying?*

- 1.8.1 Bullying is offensive, intimidating, malicious or insulting behaviour that can make a person feel vulnerable, upset, humiliated, undermined or threatened. It often involves the misuse of power; power does not always mean a position of authority. It can include both personal and physical strength and the power to coerce through fear or intimidation.
- (a) Bullying can take the form of physical, verbal and non-verbal conduct and may include, by way of example:
  - (b) shouting at, being sarcastic towards, ridiculing or demeaning others;
  - (c) physical or psychological threats;
  - (d) overbearing and intimidating levels of supervision;
  - (e) inappropriate and unsubstantiated remarks about someone's performance;
  - (f) abuse of authority or power by those in positions of seniority; or
  - (g) deliberately excluding someone from meetings or communications or work-based social interaction without good reason.
- 1.8.2 Legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable instructions given in the course of employment will not amount to bullying on their own.

## 1.9 *If you are being harassed or bullied*

- 1.9.1 The Company is a member of the Old Vic Guardians Scheme. There are members of staff who have been trained to support colleagues, and to offer confidential guidance and support.

### Informal steps

- 1.9.2 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult, you should consider speaking to your line manager, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 1.9.3 If informal steps are not appropriate, or have not been successful, you should raise the matter formally by following the procedure set out below.

### Raising a formal complaint

- 1.9.4 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the General Director whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If it is not possible to submit your complaint to the General Director because they are involved in your complaint, you should refer it to Assistant Producer.
- 1.9.5 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 1.9.6 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so – even if you inform us that you would like to withdraw your complaint or pursue the matter no further.

### Formal Investigation

- 1.9.7 We will investigate complaints in a timely and confidential manner. The investigation will be conducted, where possible, by someone with no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 1.9.8 We will arrange a meeting with the complainant, usually within one week of receiving a complaint, so that they can give an account of events. The complainant has the right to be accompanied by a colleague or a trade union representative of their choice, who must respect the confidentiality of the investigation. The investigator will arrange further meetings with the complainant as appropriate throughout the investigation.
- 1.9.9 Details of the investigation and the names of those involved will only be disclosed on a 'need to know' basis and the importance of confidentiality will be stressed to all those interviewed. We will consider whether any steps are necessary to manage any ongoing relationship between complainant and the person accused during and after the investigation
- 1.9.10 Where a complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 1.9.11 Where a complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

- 1.9.12 The investigator will meet with all potential witnesses to the alleged harassment or bullying. The investigation will focus on the facts of the complaint and will seek evidence both for and against the alleged harassment and/or bullying.
- 1.9.13 Once the investigation is complete, we will inform the complainant of our decision. If the investigator considers that the complainant has been harassed or bullied by an employee, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not a complaint is upheld, we will consider how best to manage any ongoing working relationship between the complainant and the accused person.
- 1.9.14 The complainant will be kept informed of the general progress of the process of investigation. However, they may not be informed of any disciplinary sanctions being imposed in relation to the bully or harasser as a result of the complaint being upheld.

#### Appeals

- 1.9.15 If you are not satisfied with the outcome of an investigation you may appeal in writing, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- 1.9.16 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a person who has not previously been involved in the case, where possible. You may bring a colleague or trade union representative to the meeting.
- 1.9.17 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

### 1.10 *Criminal investigation*

- 1.10.1 Some types of harassment, such as sexual assault, indecent exposure, stalking, offensive communications and physical threats, are a criminal matter as well as an employment matter.
- 1.10.2 In cases where the police are involved, we will offer the appropriate support to the complainant. We may also liaise with the police regarding the disciplinary process to ensure a fair process is conducted.
- 1.10.3 If we believe there is an ongoing risk of serious harm to an individual, we will contact the police ourselves and inform the complainant that we have done so.

1.11 *Protection for those making complaints or assisting with an investigation*

1.11.1 Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

1.11.2 Any staff member who deliberately provides false information or otherwise acts in bad faith either in making an unfounded or malicious complaint, or as part of an investigation may be subject to action under the Disciplinary Procedure.

1.12 *Confidentiality and data protection*

1.12.1 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Privacy Notice.

1.12.2 Confidentiality is of utmost importance under this policy. Everyone involved in the operation of the Policy, whether making a complaint or involved in any investigation, is responsible for observing the highest level of confidentiality. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

**2. The Company promotes a positive workplace culture**

2.1 The Company ensures that staff are aware of this policy by including a list of all policies in its Staff Handbook. The Company ensures that the Board are aware of this policy by conducting an annual review of all policies.

2.2 The Company promotes positive workplace culture through leading by example in all interactions between colleagues, and between staff and external stakeholders and beneficiaries.

2.3 The Company actively challenges any behaviours that could be perceived as creating a negative workplace culture. In addition, the Company encourages critical and considered individual and collective reflection on workplace culture during the normal course of work.

2.4 The Company promotes positive workplace culture through the creation of opera productions and associated works that reflect its values.