

Dignity At Work Policy

NWT is committed to creating a stimulating, supportive, safe, welcoming, inclusive and diverse community, which nurtures a healthy environment and culture of mutual respect and consideration, allowing all members of the Theatre Community to thrive without fear of harassment, bullying, racial discrimination, sexual violence, abuse, coercive behaviour, sexual harassment or related misconduct. The Dignity at Work Policy details this commitment and explains what actions can be taken if its principles are not observed.

Scope of this Policy

This policy applies to paid staff, volunteers, freelance staff, trustees, creative team members and contractors undertaking work on behalf of the organisation.

Introduction

NWT expects the highest standards of behaviour of its employees, volunteers, freelance staff and trustees as they carry out their duties. To achieve these standards it is essential that all employees, volunteers, freelance staff and trustees work in a supportive environment, which does not tolerate unacceptable behaviour of any kind.

NWT deems any form of Harassment of one member of staff by another as wholly unacceptable behaviour. Any incidents will be taken very seriously and complaints will be considered as quickly as possible. Failure to comply with this policy could result in disciplinary action being taken against employees (up to and including summary dismissal) and in the case of non-employees, termination of the relationship.

You have the right to make a complaint if you feel you are being directly harassed, or if you find the behaviour of another person offensive, even if the behaviour is not directed towards you.

Individuals who are subjected to bullying and harassment related to 'protected characteristics' have special protection. The protected characteristics are:

- age
- sex
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including national origin and nationality)
- religion or belief
- sexual orientation

Any person may experience unacceptable behaviour at work, regardless of whether they have a protected characteristic or not. The key question is- is the individual experiencing discomfort, distress or unhappiness at work as a result of the action of another person?

Definition of Acceptable Behaviour

Acceptable behaviour in the workplace is behaviour that demonstrates the values of the organisation. In displaying acceptable behaviour we aim to:

- Afford dignity, trust and respect to others and ourselves
- Have awareness of the effect of our behaviour on others
- Communicate honestly and openly, clearly stating what we mean and our expectations of others
- Provide honest feedback based on evidence and be open to constructive criticism
- Assume that everyone is working to the best of their ability, considering their current stage of personal and professional development
- Challenge discriminatory language and behaviour in an appropriate way

NWT recognises that the definition of 'acceptable behaviour' varies both within and between cultures, for example, personal space, contact between sexes, levels of formality/ informality etc. In accepting and embracing diversity, we must be sensitive to these variations but not lose sight of the individual's perception of unacceptable behaviour.

Definition of Unacceptable Behaviour

Unacceptable behaviour means any behaviour in word or action that is unwanted, unwelcome and undermines an individual's dignity at work. This includes all forms of discrimination, harassment, victimisation and bullying.

The different types of discrimination under current legislation are:

- Direct discrimination- treating someone with a protected characteristic less favourably than others
- Indirect discrimination- putting rules, policies or arrangements in place that apply to everyone, but disadvantages a person with a protected characteristic
- Harassment- unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them. Further definition and examples of harassment are further on in this policy.
- Victimisation- treating someone unfairly because they have made or supported a complaint or grievance (about discrimination or harassment) at work.
- Associated discrimination- direct discrimination against someone who is associated with another person with a protected characteristic.
- Discrimination by perception- direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to
- Bullying- bullying is a type of harassment, which consists of often persistent actions, criticism, or personal abuse in public or private that makes someone feel intimidated, humiliated, degraded or offended. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email., not just face-to-face. Bullying itself is not against the law, but harassment is. This is when the unwanted behaviour is related to a protected characteristic.

Definition of Harassment

The Theatre defines harassment as single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of (i) violating that other's dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact.

Examples of behaviour which may amount to harassment under this policy include, but are not limited to the following:

- Making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours
- Engaging in harassment on the grounds of a person's sexuality (or assumptions about a person's sexuality) including making derogatory homophobic, transphobic, or biphobic remarks or jokes aimed at a particular person, offensive comments relating to a person's sexuality, refusal to acknowledge a person's gender or identity, or threats to disclose a person's sexuality to others
- Making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups
- Ignoring, disparaging, or ridiculing a person because of assumptions about their capabilities, or making offensive reference to an individual's appearance which may or may not be in the context of their disability
- Controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief

Online Harassment/ Cyber Harassment

Online harassment may take the form of intimidating, offensive, or graphic posts or threats on social media sites or chat rooms, or communications by email, text, or instant messaging.

Sexual Harassment and Misconduct

Sexual misconduct includes the following, whether or not within a sexual or intimate relationship, including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions:

- Sexual intercourse or engaging in a sexual act without consent
- Attempting to engage in sexual intercourse or engaging in a sexual act without consent
- Sharing private sexual materials of another person without consent
- Kissing without consent
- Touching inappropriately through clothes without consent
- Inappropriately showing sexual organs to another person
- Repeatedly following another person without good reason
- Making unwanted remarks of a sexual nature.

Acceptable Behaviour outside working hours

As an organisation where members of staff and volunteers may choose to attend events in their own time, a distinction is drawn between work and own time. For example, everyone is expected not to drink or be under the influence of alcohol whilst at work. Those not working and choosing to drink should behave as members of the public, including staying in public areas, and leaving the building when asked to by the Duty Manager. In all situations, staff and volunteers should afford dignity, trust and respect to themselves and others, being aware that the way that they behave at New Wolsey Theatre events, whether working or not, is seen by others and reflects on staff personally, and the organisation as a whole.

Confidentiality

Because of the particular sensitivity of harassment complaints and their consequences, confidentiality is of utmost importance and will be maintained wherever possible. Those involved in handling harassment complaints will disclose information only when absolutely necessary, and the complainant will be consulted before any disclosure of information is made. There is a possibility that complaints might be brought with mischievous or malicious intent, and this may also provide grounds for disciplinary action against individuals.

What to do if you are harassed or bullied

If you feel that you are being subjected to harassment in any form, you should not feel that it is your fault, or that you have to tolerate it. The difficulty in defining what is harassment should not stop you from discussing with your Line Manager or complaining about behaviour which is causing you distress. It is your responsibility not to discuss allegations of harassing behaviour widely, as this may make it more difficult to achieve a satisfactory resolution.

Procedure

The following process describes three stages: personal resolution, informal action and formal action. The action that you or NWT takes, will be discussed with you and depends on the circumstances of the case. In all but the most serious, NWT hopes that the complaint can be addressed through the personal resolution or informal action stages.

In cases of alleged serious assault or rape, assuming the victim decides to report the incident to the Police, the case will be the subject of Police investigation before it is handled within the theatre. NWT will not normally complete disciplinary action prior to, or instead of, any Police investigation, even if the victim expresses a strong preference for this to be the case.

1. Personal Resolution Stage

In the first instance, unacceptable behaviour should be dealt with using personal resolution, where appropriate, as this is often the most effective method for resolving issues raised under the Dignity at work Policy. You may be able to resolve the issue by making it clear to the individual concerned that the behaviour is not welcome, that it offends or makes you uncomfortable and that it interferes with your work.

2. Informal Action

If personal resolution does not succeed, the harassment continues or if the alleged behaviour is of a more serious nature, you should then draw the situation to the attention of your Head of Department or the Chief Executive. You have the right to be accompanied at this meeting, by a colleague or friend. Depending on the circumstances, the person with whom you raise the issue may investigate the allegations or take action. This may include chairing a meeting between you and the alleged harasser, or approaching them separately. The right of the alleged harasser to state their case will also be taken into account. Every attempt will be made to resolve the situation as quickly as possible. This informal stage will not in itself result in any further formal internal investigation or disciplinary action. It is intended to facilitate a local resolution of the problem without it progressing to formal action..

3. Formal Action

If the situation is not resolved by the informal process, for example because of the seriousness of the allegations, or where the outcome of an informal meeting has been unsatisfactory, then the complainant may decide to make a formal complaint to the Chief Executive. Only in exceptional circumstances will a formal complaint be considered when three or more months have elapsed after an incident of alleged harassment.

Investigation

The Chief Executive will generally instigate a formal investigation. However, if the Chief Executive considers at this stage that an informal resolution may still be feasible and appropriate, they will discuss this option with the complainant. There may be circumstances in which a complainant is not willing, or able, to make a formal complaint but where the Chief Executive considers that the implications for the complainant or others actually or potentially affected are so serious as to warrant an investigation being taken forward. In this case the Chief Executive may initiate a formal investigation, or informally look into the matter, and make a decision on further action on the basis of such evidence as is available.

The formal procedure incorporates a number of possible routes and outcomes. This is necessary in order to balance the rights and needs of both parties. The intention is to facilitate a non-confrontational approach to resolution, while ensuring that there is a clear formal route should it be necessary

Procedure for establishing whether a prima facie (at first sight) case of harassment or bullying actually exists

The written allegation, together with any other written evidence, will be submitted to the Chief Executive for consideration and review. The purpose of the review will be to establish whether or not the allegations establish a prima facie case for formal action to be taken under the theatre's Policy and Procedures in relation to Harassment. The review will be limited to acquiring sufficient information to enable the Chief Executive to determine this and next steps to be taken. The Chief Executive may reject any case which, in their view, is trivial, frivolous, vexatious or not well-founded.

The individual(s) against whom the allegation has been made will be advised that such a review is taking place. The Chief Executive will, if necessary, seek further

information from the individual making the allegations. The Chief Executive will ensure that the prima facie review is completed within 21 days of the written allegation being formally submitted. The Chief Executive will ensure that the decision resulting from the prima facie review is conveyed to the staff member concerned within 10 days of the decision being made.

If the Chief Executive determines that a prima facie case has been established, a Panel will be set up to consider the case, comprising of the Chief Executive, the Line Manager (or other senior staff member) and a Board Member. The individual/s against whom the allegations have been made, will be advised of the outcome within 10 days of the Panel's decision.

The time limit may be varied by agreement between the Chief Executive and the individual making the allegations. Where the Chief Executive determines that there is no prima facie case to be taken forward for consideration by a Panel, the complainant has a right of appeal to the Chairman of the NWT Board of Directors. Following consideration and decision by a Panel, there is no further internal avenue for action, except for an appeal on grounds of procedural fault, bias, irregularity or other inadequacy. The following approach is suggested, both for the prima facie reviewer and Panels:

- (a) The essential characteristic of harassment / bullying, as described in the existing Policy and Procedures, is unwanted behaviour by the recipient. It is for each individual to determine what behaviour is unacceptable to them and what they regard as offensive.
- (b) It is recognised that the nature of harassment / bullying may mean that it is sometimes difficult for recipients of unwanted behaviour to provide detailed evidence and absolute proof.
- (c) Decisions taken by the "prima facie" reviewer and Panels should, following consideration of the case, be based on an assessment of the balance of probability. If the complaint is rejected, the Panel may nevertheless make recommendations as to further steps. If the Panel considers the complaint to have been made out of vexatious or maliciously, it may recommend the complaint be treated as a disciplinary offence and that the Chief Executive considers further action.

See also
Grievance & Disciplinary Procedure

The Dignity at Work Policy does not form part of and is not intended to vary the contract of employment. It may be amended from time to time, as necessary.