Dignity at Work Policy (Anti-Harassment and Bullying Policy)

About this policy

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

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff and also by third parties such as customers, suppliers or visitors to our premises.

This policy applies to all employees of the New Wolsey Theatre (NWT), consultants, freelance staff, contractors, volunteers, casual workers and agency workers.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Breach of this policy may be dealt with under our Disciplinary Policy and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

The Executive Team is responsible for this policy and any necessary training requirements for harassment and bullying.

Introduction

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

All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

NWT deems any form of harassment or bullying of any 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.

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 are stated in the Equal Opportunities and Diversity Policy.

Definition of Harassment

Harassment is a single incident or a series of repeated incidents involving unwanted physical, verbal or non-verbal conduct towards another person that has the purpose or effect of (i) violating a person's dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Harassment may be verbal, psychological, or physical and this includes in person, via a virtual platform or through other methods of contact.

It also includes treating someone less favourably because a person has submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

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

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome

- Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet)
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- Outing or threatening to out someone as gay or lesbian
- Offensive emails, text messages or social media content
- Mocking, mimicking or belittling a person's disability

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

Sexual Harassment- Worker Protection

The Worker Protection (Amendment of Equality Act 2010) Act 2023 introduced in October 2024, states a legal duty for employers to proactively take reasonable steps to prevent sexual harassment.

To ensure worker protection the NWT is committed to:

- Educating all staff about sexual harassment
- Fostering a working environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment, and violence, including gender-based violence
- Providing a process and procedure for dealing with harassment to ensure it is properly managed
- Capturing learning and monitoring our progress in achieving a workplace free from harassment
- Building continuous improvement into our culture.

As part of these commitments it is also important to note that as part of this Dignity at Work Policy that:

- This policy is supported by the senior leadership team, including the Board of Directors, who are all champions of this policy
- NWT will not tolerate any form of sexual harassment in the workplace* and all instances will be investigated in line with this policy
- There is no time limit around reporting an incident of sexual harassment under this policy
- No one will be victimised for making a complaint of sexual harassment or for supporting another person to make such a complaint. No one will be subject to disciplinary action or to any other detriment simply because their complaint is not upheld
- In the context of harassment, impact is paramount above intention

- *The definition of workplace includes NWT buildings as well as off-site locations. NWT recognises that sexual harassment can occur whilst working at a location away from the theatre and can potentially involve those who are not NWT staff. See below under Third Parties.

Definition of Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Inappropriate derogatory remarks about someone's performance

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

Consumption of alcohol at performances / work events

In most circumstances the consumption of alcohol is not permitted whilst working at the theatre or at another work related location (i.e. at another venue). However, alcohol consumption is permitted at select work events, or whilst attending a theatre performance in a working capacity, or whilst attending a theatre performance in a personal capacity, provided that the consumption is not excessive and professional and appropriate behaviour standards are maintained at all times. For further details about substance misuse, please see the Substance Misuse policy.

In all situations, you must afford dignity, trust and respect to yourself and others, being aware that the way that you behave at NWT performances and / or events, whether working or not, is seen by others and reflects on you personally, and the organisation as a whole.

If you are unsure about the alcohol rules at any particular work event or performance, please ask the Executive Team or the Head of People.

Confidentiality

Because of the particular sensitivity of harassment complaints and their consequences, confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

What to do if you are being harassed or bullied: Informal Steps

If you feel that you are being subjected to harassment or bullying in any form, you should not feel that it is your fault, or that you have to tolerate it.

You may wish to 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 or embarrassing, you should speak to your Line Manager, who can provide confidential advice and

assistance in resolving the issue formally or informally. If you feel unable to speak to your Line Manager, for example, because the complaint concerns them, then you should speak informally to the Head of People or another Senior Manager.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your Line Manager or the Head of People informally for confidential advice. The difficulty in defining what is harassment or bullying should not stop you from discussing it with your Line Manager or Head of People or making a formal complaint about behaviour which is causing you distress.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below and/or refer to our Grievance Policy.

Raising a Formal Complaint

If you wish to make a formal complaint about bullying or harassment, you should put it in writing and submit it to your Line Manager and the Head of People, indicating that it is a formal complaint. If the complaint concerns your Line Manager, you should submit it to the Head of People. If the complaint concerns the Head of People, you should submit it to the Executive Director or Chief Executive / Artistic Director. If the complaint concerns the Chief Executive / Artistic Director, you should submit it to the Chair of the Board of Directors.

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.

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.

Formal Investigation

It may be necessary for us to carry out an investigation into the matter. The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any matter, before deciding how to proceed. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

We will instigate an investigation in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and 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.

If we consider at this stage that an informal resolution may still be feasible and appropriate, we will discuss this option with you. There may be circumstances in which you are not willing, or able, to make a formal complaint but where we consider that the implications for you or others actually or potentially affected are so serious

as to warrant an investigation being taken forward. In this case, we 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.

We may initiate an investigation into the matter before holding a meeting with you where we consider this appropriate. In other cases we may hold a meeting before deciding what investigation (if any) to carry out.

Meeting following a formal complaint

We will usually arrange a grievance meeting with you, within two weeks of receiving your written complaint.

The purpose of a meeting is to enable you to explain your complaint and how you think it should be resolved.

Third parties

Where your complaint is about someone other than an employee, such as a customer, supplier, visitor, participant or individual from another organisation e.g. partner organisations or venue staff, we will consider what action may be appropriate to protect you 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.

During the investigation

We will consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

Suspension

Where your complaint is about an employee, it may be appropriate to suspend them from work during any investigation. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. Suspended employees must not visit our premises or contact any of our customers, suppliers, contractors or staff, unless they have been authorised to do so by the Chief Executive / Artistic Director.

Suspension of this kind is not a disciplinary sanction and does not imply that any decision has already been made.

Investigation outcome

Following the conclusion of an investigation, the investigator will submit a report to the appropriate senior staff member to consider the complaint. This would usually be either the Chief Executive/ Artistic Director, Executive Director or a member of the Board of Directors.

You will be notified, usually within a week of receiving the report, the outcome and what action, if any, should be taken. In some cases, we will arrange a meeting with you to discuss the outcome. You have the right to bring a colleague or a trade union representative to the meeting.

The types of outcome are:

- No further action
- Informal action
- Formal action (disciplinary hearing)

Action following the investigation

If it is determined that harassment or bullying has occurred, prompt action will be taken to address it.

Where the harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Policy.

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 your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Policy.

Appeal

If you wish to appeal against the outcome you should appeal in writing, stating your full grounds of appeal, to the Chief Executive / Artistic Director within one week of the date on which you were informed of the outcome.

We will hold an appeal meeting. This will be dealt with impartially by another manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

We will confirm our final decision in writing. This is the end of the procedure and there is no further appeal.

Protection and Support for those involved

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 policy.

Record-keeping

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 Data Protection Policy.

Other Related Policies

The Grievance Policy should be used as a way of dealing with any grievance which you may have in the course of, and related to, your employment or engagement with NWT that is not related to bullying or harassment.

The Whistleblowing Policy enables employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under the Grievance Policy.

Confidentiality

Our aim is to deal with complaints under this policy sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a grievance.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this policy.

Help and Resources

ACAS- Advisory, Conciliation and Arbitration Service Helpline 0300 123 1100

Citizen's Advice- Sexual Discrimination and Harassment at Work
Advice Line (England) 0800 144 8848

See also

- Disciplinary Policy
- Capability Policy
- Grievance Policy
- Equal Opportunities Policy