

Leeds  
Heritage  
Theatres



**POSITIVE WORK  
ENVIRONMENT  
POLICY**

**LEEDS HERITAGE  
THEATRES**

## 1.0 Introduction

Leeds Heritage Theatres (LHT) is committed to the belief that all staff have the right to be treated with dignity and respect at work and not to be subject to any form of unacceptable behaviour from colleagues, including harassment and bullying and unwanted sexual attention. Such behaviour will not be tolerated by the Charity in any form, whether this is at the workplace or at work related events. LHT will view such behaviour as a serious disciplinary offence that may lead to dismissal.

This policy applies to all employees as well as subcontractors (including agency and self-employed), consultants, freelancers and employees of other organisations when working on our sites and premises.

LHT will continue to work towards promoting an environment where:

- All forms of harassment and/or bullying and unwanted sexual attention are known to be unacceptable;
- Individuals feel confident enough to raise complaints without fear of reprisal or victimisation;
- A system of support for all parties involved as part of the resolution of a complaint.

We expect all employees to recognise that each individual has a right to a working environment which encourages respectful, considerate, dignified and non-sexualised working relationships.

The aim of this policy is to promote mutual respect at work without discrimination and draw attention to and make clear all forms of unacceptable behaviour. However, where a breach of the policy does occur the policy will also provide practical guidance and support for those who make a complaint, those whom the complaint is against and those involved in dealing with such complaints.

## 2.0 Scope

### Exclusions

Line managers are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring and management of an employee's behaviour or job performance within good management practice does not constitute bullying or harassment.

It is reasonable to expect a manager to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment, although it is acknowledged some staff may feel anxious while the procedures are ongoing.

## 3.0 Definitions

**Sexual Harassment** is any unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of individuals at work, which can include unwelcome physical, verbal or non-verbal conduct whereby the behaviour is inappropriate, offensive or distressing for the recipient. Conduct or comments become harassment when they are un-welcome to others or make others feel uncomfortable or threatened, even if they are intended as a joke. Note that

this applies equally to witnesses of such conduct and not just the recipient. Intention is not the same as impact.

Conduct tantamount to Sexual Harassment may include:

- Insinuating and sexualised remarks;
- Grabbing, deliberate touching;
- Suggestive gestures and jokes;
- Staring, meaningful glances;
- Seemingly accidental touching;
- Demands for sexual attention;
- Personal or derogatory remarks about an individual's body, manner or sexual activities;
- Insult after rejection of any advance and-or repeated propositions;
- Showing, sending or display of pornography;
- Promise of advantage for sexual concessions;
- Threat of disadvantage for rejection of advances;
- Physical force, or threat of force, for sexual action.

This list is not exhaustive and we recognise that unwanted sexual attention can take many forms, be it in person or through electronic communication e.g. email, social media etc.

**Harassment** for the purposes of discrimination law is:

- Unwanted conduct related to an individual Protected Characteristic or perceived Protected Characteristic which includes age; disability; race (including caste, colour, nationality, ethnic or national origins); sex; religion or belief; sexual orientation; gender reassignment, or unwanted conduct of a sexual nature (sexual harassment), which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- Treating someone unfavourably because they have rejected or submitted to the unwanted conduct referred to above can also amount to harassment.
- Unwanted conduct can be physical, verbal or non-verbal.
- Creating an offensive environment by, for example, making racist jokes, even if the person offended is not from the ethnic group referred to or the "target".
- Examples include offensive emails, texts or social media content, suggestive comments, unwanted physical conduct such as grabbing someone, offensive comments to persons based on a disability or demeaning comments to someone due to their sexual orientation.

It could also include any personal characteristic of the individual and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

**Bullying** is not specifically defined in law, but in their advice leaflet for employees, ACAS give the following definition: "Bullying may be characterised as offensive, intimidating, malicious or

insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'. Examples include:

- Insulting or patronising comments, exclusion or overbearing levels of supervision
- Misuse of power or position
- Deliberately undermining a competent worker by overloading their work and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Bullying can be physical, verbal or non-verbal.

Serious harassment can amount to a criminal offence even if it is not related to one of the characteristics set out in discrimination law, which are referred to above. A single incident can amount to harassment.

## **4.0 Accountabilities & Responsibilities**

The Chief Executive and Senior Management Team have overall responsibility for the provisions of the Positive Work Environment Policy.

### **4.1 Responsibility of Senior Management Team:**

- To be fully conversant with the Positive Work Environment Policy and how it operates.
- To ensure that staff for whom they are responsible for know and understand the standards of behaviour expected of them during work and other work related events.
- To set a good example to staff ensuring that they treat staff with dignity and respect, and being aware of how their behaviour can be perceived by and affect other people.
- To ensure any allegation of harassment is investigated promptly, seriously, sensitively and confidentially.
- If the investigation concludes that harassment has taken place, ensure appropriate action is taken to stop the harassment and prevent its re-occurrence.
- To provide support to any member of staff who experiences harassment and/or bullying or unwanted sexual attention.
- Not to dissuade employees from making a complaint or assume that a complainant is "over-sensitive" or a trouble maker.
- Be aware of situations where there is potential for harassment and guard against it.
- Once this policy has been invoked to ensure that harassment has stopped and that there has been no victimisation of the Complainant or anyone who cooperated with the procedures as detailed below. Careful monitoring maybe necessary to ensure victimisation does not occur.

### **4.2 Employee Responsibilities:**

- To consider how their actions or comments may be perceived by others, the potential impact of their behaviour on others and to take responsibility for their own behaviour.
- Ensure that their behaviour is not offensive or upsetting to others.
- Ensure they are supportive to individuals who state they have been bullied or harassed and take full account of their feelings and perceptions of the situation.

- Call it out, straight away, even if awkward to do so. Don't feel shame. Everyone has a responsibility to stand up for each other, to call behaviour out and to report it. If you do not feel comfortable reporting this to your line manager you may go directly to any member of the Senior Management Team or any other colleague who you trust.
- Don't be a bystander, encourage those individuals to seek help from an appropriate source.
- Refrain from participating in, encouraging or condoning vexatious gossip including that related to cases of alleged or actual bullying or harassment.
- Listen constructively to feedback on your own behaviour.
- Co-operate with investigations into allegations of harassment and bullying and act in a way which preserves the confidentiality of an investigation.
- Not to make false or malicious allegations, which in itself is an equally serious disciplinary issue.

### **4.3 The Legal position:**

In addition to the commitment to Equality and Diversity LHT has a legal obligation to ensure that harassment on the grounds of someone's race, sex, disability, sexual orientation, gender identity (including reassignment), marriage and civil partnership, pregnancy and maternity, religion or belief, age or harassment on any other grounds does not take place at work, as such conduct will fall within the discrimination provisions contained within the Equality Act 2010.

LHT has a duty of care towards its staff under the Health and Safety at Work Act 1974. Every member of staff is also personally liable under the legislation.

Employers are potentially liable for harassment of their employees by people (third parties) who are not employees of their organisation, (such as customers, visiting companies). This is known as Third party harassment.

## **5.0 Dealing with Harassment & Bullying**

### **5.1 What is Harassment & Bullying?**

The Equality Act 2010 defines harassment as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's" dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". The protected characteristics are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

It could also include any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

It is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.

Examples of behaviour that may constitute harassment, bullying and sexual harassment are defined and listed at section 3.0.

It should be noted that these lists are not an exhaustive list but one which aims to indicate areas of potential harassment, bullying, sexual harassment, discrimination or victimisation.

## 5.2 Informal Procedure

In many cases it may be possible to resolve matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion with them can lead to greater understanding and an agreement that the behaviour will stop.

Complainants are advised to keep a diary of all incidents – records of dates, times, any witnesses, your feelings etc. Keep copies of any correspondence that may be relevant as evidence, should the case become formal.

To address matters informally, the complainant should:

- Call it out straight away, ask for it to stop.
- Explain how the unwanted behaviour is making them feel.
- Explain how it is interfering with their work or their life outside work.

This could be done in writing if that is felt to be easier. The complainant should keep a record of the discussion or a copy of the letter sent to the alleged harasser.

It is recognised that this approach may not always be felt to be appropriate, particularly if the individual feels scared or threatened by the behaviour of the alleged bully/harasser. If this is the case, the initial approach may be made with the support of a manager or HR Manager.

LHT also has an independent Employee Assistance programme (EAP). The EAP is a confidential employee benefit designed to help you deal with personal and professional problems that could be affecting your home life or work life, health, and general wellbeing.

The EAP service provides a complete support network that offers expert advice and compassionate guidance 24/7, covering a wide range of issues.

### Services Available

- **Life support:** Access to counselling for emotional problems and a pathway to structured therapy sessions (employees only) at your convenience.
- **Legal information:** For issues that cause anxiety or distress including debt management, consumer, property or neighbour disputes (employees only).
- **Bereavement support:** Health Assured offers qualified and experienced counsellors who can help with grief plus legal advisors to help with related legal matters.
- **Medical information:** Qualified nurses are on hand to offer support on a range of medical or health-related issues offering practical information and advice.
- **Online CBT:** We recognise the value of self-help tools in dealing with a range of issues, which is why we have a range of CBT self-help modules, informative fact sheets and invaluable advice videos from leading qualified counsellors.

Health Assured also offers support for you and your immediate family members\*, 24 hours a day, 7 days a week, 365 days a year by calling **0800 032 7097**.

A Theatre Helpline is also available to support staff. This is a significant part of UK Theatre and SOLT's work to encourage safe and supportive working practices in theatre. The helpline is a free and confidential support available 24/7, to anyone working in theatre and the performing arts in the UK. To contact Theatre Helpline, call 0800 915 4617 or email [advice@theatrehelpline.org](mailto:advice@theatrehelpline.org)

Theatre Helpline provides advice and support on your challenges including

- Bullying or harassment
- Health issues including mental health
- Injury and mobility problems
- Issues with employment or unemployment
- Career issues including professional development and training
- Retirement and care in later life
- Debt and financial issues

### **5.3 Formal Procedure**

Where informal procedures have failed to resolve matters or if the allegations of harassment and bullying are so serious that it is inappropriate for it to be addressed informally, (for example an allegation of sexual assault), formal procedures will apply.

The complaint of harassment or bullying should be made in writing to the appropriate Head of Department or Line Manager (or the next level manager, if the immediate line manager is the alleged harasser). If you do not feel comfortable reporting this to your line manager you may go directly to any member of the Senior Management Team.

The written complaint should contain the identity of the harasser(s), full details of the nature of the harassment or bullying including dates, names of any witnesses and any other relevant details. The written complaint should also outline what informal attempts have been made to deal with the situation, including evidence of communication, including any attempts to invoke mediation.

#### **Procedure for Dealing with Alleged Harassment or Bullying from a Third Party**

Any form of harassment towards you from third parties during your dealings with them will not be tolerated by the Charity.

We appreciate that a decision to report harassment from a third party may be difficult, particularly if the third party is a valuable client or customer or has a long-standing business relationship with the Charity. However, we encourage you to report any instance of harassment from a third party so that the Charity can take appropriate action.

You should follow the procedure set out above if you experience harassment from a third party, after which a meeting with you will be arranged and an investigation undertaken.

Our action, where a complaint is substantiated, will depend on the circumstances of the case and may include:

- speaking with the harasser and warning them that any future occurrence of harassment will result in the Charity withdrawing provision of its services to the harasser;
- contacting the business for whom the harasser works and making a complaint against them. We will explicitly ask for this conduct to stop and we may require that the harasser is removed from our account;
- refusing to continue to provide our services to the harasser;
- reassigning the provision of the Charity's services to harasser to another employee.

#### **5.4 Separation**

If the complainant and the alleged harasser work together, consideration will be given as to whether the allegations warrant action to be taken to separate both parties whilst the allegations are being investigated. The Head of Department in conjunction with HR will decide whether this is appropriate. It is acknowledged that this may not always be reasonably practicable and may also be subject to service needs.

It may be appropriate in some instances to suspend the alleged harasser from duty whilst the investigation is being carried out. Suspension must only be considered as a last resort after due consideration has been given to the effect of the action may have on the working relationships concerned or if it is not possible to move one of the parties to another work area.

#### **5.5 Communication**

The complainant and the alleged harasser will be kept informed on a regular basis of the status of the investigation and the length of time it is likely to take. The investigatory officer will aim to ensure for matters to be dealt with as quickly as possible.

#### **5.6 If allegation of harassment and bullying is not upheld**

- Line management / Investigatory officer will confirm the conclusion of the investigation to the complainant in writing.
- Line management/ Investigatory officer will meet with the alleged harasser and confirm the conclusion of the investigation. This will also be confirmed in writing.
- If either party was moved or suspended, they will return to the work place as soon as possible.
- It may be that counselling or mediation is required to support the working relationship between both parties to ensure they work together in a professional manner. This will be organised as soon as practicable.
- Any request to transfer to another work area will be considered, taking account of whether suitable vacant posts(s) are available, as well as the operational needs of the organisation. Applications to transfer to an alternative post will be subject to standard recruitment processes which includes open competition.

- If the complainant is not satisfied in the way in which the investigation has been conducted or the outcome, he/she has a right to appeal in line with the Grievance Procedures.

### **5.7 If allegation of harassment and bullying is upheld**

The alleged harasser will be informed of the outcome of the investigation and will be advised that further action will be taken in line with the Charity's Disciplinary Procedures. However, serious allegation deemed as gross misconduct will normally lead to summary dismissal.

### **5.8 Right of Representation**

Throughout the process the complainant and the employee accused of harassment / bullying may be represented at meetings by a Trade Union representative or work colleague.

### **5.9 Victimisation**

Victimisation occurs when a person is treated less favourably because that person has made a complaint of discrimination or harassment, has acted as a witness in connection with such a complaint, or has been involved or intends to be involved in any way in such a complaint.

Anyone found to have victimised a person involved in a complaint as outline above, may be subject to disciplinary action, up to and including summary dismissal.

### **5.10 Malicious Claims**

All complaints of harassment will be treated within the context of the right of each individual to be treated with dignity and fairness. Staff that have bona fide complaints are encouraged to raise them without fear of recrimination, in the knowledge that the Charity takes the issue of harassment and bullying very seriously.

If a complaint turns out not to be made in good faith and/or made with malicious intent, or it has been identified through the investigation / from the evidence that the complaint's behaviour or actions has contributed towards the incident, this will be treated as a disciplinary offence which may result in disciplinary action, up to and including summary dismissal.

### **5.11 Responding to Counter Allegations**

When a complaint of harassment or bullying is made, sometimes a counter complaint is made. In these circumstances both complaints will be investigated simultaneously by the same Investigating Officer, if practicable.

### **5.12 Timescales**

Any allegation should be made in writing within 4 months from the date of action that has caused the allegation. Consideration will be given to whether complaints made after this time will be investigated bearing in mind the practicability of investigating, taking into account time

elapsed and the effect on memories of individuals who would be required to participate in the investigation. This will be dependent on the nature and circumstances of the allegation.

### **5.13 Confidentiality**

All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

All complaints raised in line with this policy, associated correspondence and interviews will be treated in strict confidence. Breaches in confidentiality will be subject to disciplinary action.

You will be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about harassment or bullying is a disciplinary offence.

**Please also refer to the most recent UK Theatre/BECTU Agreement for full details of the Grievance & Disciplinary Procedures when reading this policy.**