

SEXUAL HARASSMENT PREVENTION AND ACTION

1. Policy statement

- 1.1. All staff members are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported and having access to redress if such behaviour does arise.
- 1.2. The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment.
- 1.3. The Company does not tolerate any form of sexual harassment in the workplace. We treat all allegations seriously and commence prompt investigations where concerns are raised. There is no time constraint around reporting an incident of sexual harassment under this policy. Substantiated incidents of sexual harassment or victimisation may lead to disciplinary action up to, and including, termination of employment.
- 1.4. Everyone has a part to play in preventing sexual harassment. This policy sets out the expectations for the behaviour of our staff as well as what we can do to protect ourselves and others from sexual harassment. It also outlines the channels for reporting concerns about sexual harassment and the proactive actions that the Company takes to mitigate the risks of sexual harassment for our staff.
- 1.5. This policy applies to all Company employees, officers, consultants, self-employed contractors, casual workers, agency staff, production depts, volunteers and interns. Collectively for the purposes of this policy document all above categories of people will be termed "staff".
- 1.6. This policy should be read in conjunction with our Conduct in the Workplace policy, our Anti-Harassment and Bullying policy and our Grievance and Disciplinary policies.
- 1.7. If you have any concerns or questions about the content or application of this policy, you should contact Associate Producer or General Manager of the production in the first instance. If you are unsure of who this maybe please ask your company manager.

2. What is sexual harassment?

- 2.1. Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.
- 2.2. Unwanted conduct that has one of these effects can be considered harassment even if the effect was not intended. A single one-off event can amount to sexual harassment, it does not have to be repeated behaviour or a series of incidents. A person can be affected by sexual harassment, regardless of their sex, sexual orientation, or gender identity, or that of the harasser.
- 2.3. Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (eg WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour.
- 2.4. Examples of sexual harassment include, but are not limited to:
 - 2.4.1. Physical conduct:
 - Any unwelcome physical contact including but not limited to patting, stroking, kissing, hugging
 - Fondling, or inappropriate touching
 - Physical violence including sexual assault and rape
 - The use of job related threats or rewards to solicit sexual favours

2.4.2. Verbal conduct:

- Comments on an individual's body, clothing, or appearance
- Intrusive questions about an individual's private life or sex life
- Sexual comments, stories or jokes about someone's sexual orientation or gender re-assignment
- Sexual advances and propositions
- Repeated and unwanted social invitations for dates of physical intimacy
- Sexual comments or jokes, which may be referred to as "banter"
- Spreading sexual rumours about a person

2.4.3. Non-verbal conduct:

- The display of sexually explicit or suggestive material or imagery including graffiti
- Sending sexually explicit emails or text messages
- Sexual posts or comments on social media or via other online apps such as dating apps
- Sexually suggestive gestures, looks, staring or leering
- Predatory behaviour, including stalking both physically and virtually/online
- Unwanted gifts

2.5. It is important to remember that the perception of what conduct is considered offensive, humiliating, hostile or degrading will vary between individuals. However, in claims of sexual harassment, the effect of such behaviour and whether it is unwanted will be considered from the point of view of the person who feels harassed.

3. Circumstances covered by this policy

3.1. Work situations

- 3.2. A situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch, a business trip or social function
- 3.3. A situation outside of a work but involving a colleague or other person connected to the Company, including on social media
- 3.4. A situation against anyone outside of a work situation where the incident is relevant to your suitability to carry out your work role

4. Responsibilities:

4.1. The Company is responsible for:

- Assessing the risk of sexual harassment, identifying areas of risk or individuals who are at high risk and taking steps to minimise this where possible. The Company carries out a Risk Assessment at the commencement of each new Production and this is under review on a regular basis for long-running shows
- Promoting awareness and understanding of sexual harassment throughout all levels of the Company
- Creating and nurturing a culture of acceptance and setting out clear expectations with regards to behaviours which will not be tolerated
- Maintaining both physically and psychologically safe spaces of work for our staff
- Ensuring there are clear processes for the reporting of sexual harassment. Treating all incidents seriously and promptly investigating all allegations of sexual harassment

- Monitoring and evaluating the effectiveness of this policy
- 4.2. Line Managers, Heads of Department and Company Managers are responsible for:
- Modelling appropriate behaviour and taking reasonable steps to maintain a working environment free from any forms of bullying and harassment
 - Ensuring all new team members are aware of the Company's Anti-Bullying and Harassment and Sexual Harassment Prevention and Action policies
 - Treating any complaints of sexual harassment sensitively and investigating any complains without delay (seeking support from the Producing team or external HR Consultant as appropriate)
 - Ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment
 - Promoting a culture of openness and communication in which employees can report concerns without fear of reproach
- 4.3. Everyone:
- Modelling appropriate behaviour
 - Familiarising themselves with the information in this policy
 - Taking reasonable responsibility and care for their own physical and psychological safety and raising any concerns with either their line manager, Company Manager or senior management team
 - Encouraging colleagues who have experienced sexual harassment to report this using the reporting channels available
 - Raise concerns and/or appropriately intervene if you witness colleagues being subjected to sexual harassment where it is safe to do so
- 4.4. Training
- The Company acknowledges the importance of training on this subject and as such requires all staff to complete mandatory Sexual Harassment awareness training as scheduled.
 - The Company will also undertake additional training with Line Managers and Company Managers on how best to implement this policy and how to respond to any reports of sexual harassment or suspicions of sexual harassment.

5. What is the alleged perpetrator is not a member of staff?

- 5.1. The sexual harassment of staff will not be tolerated, whether committed by those who work for the Company or by third parties, including customers, suppliers, clients or other visitors to our premises or workplaces. Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is.

6. If you have experienced sexual harassment:

6.1. Informal steps

6.1.1. 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 or the Company manager, who can provide confidential advice and assistance in resolving the issue formally or informally.

6.1.2. If informal steps are not appropriate, or have not been successful, you should raise the matter formally by following the procedure set out below.

6.2. Raising a formal complaint

- 6.2.1. If you wish to make a formal complaint about sexual harassment, you should submit it in writing to a senior manager, whose role is either to achieve a solution wherever possible and to respect the confidentiality of all concerned.
- 6.2.2. Your written complaint should set out full details of the conduct in question, including the name of the harasser the nature of the sexual harassment, 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.
- 6.2.3. 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.

6.3. Formal Investigation

- 6.3.1. 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.
- 6.3.2. 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. For a formal complaint, 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.
- 6.3.3. The investigator will meet with all potential witnesses to the alleged harassment. The investigation will focus on the facts of the complaint and will seek evidence both for and against the alleged harassment and/or bullying.
- 6.3.4. The investigator will also meet with the alleged harasser 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.
- 6.3.5. 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.
- 6.3.6. 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.
- 6.3.7. Where a complaint is about someone other than an employee, such as a client, 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.

6.3.8. Once the investigation is complete, we will inform the complainant of our decision. If the investigator considers that the complainant has been harassed 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 is a third party such as a client 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(s).

6.3.9. The complainant will be kept informed of the general progress of the investigation. However, they may not be informed of any disciplinary sanctions being imposed in relation to the harasser as a result of the complaint being upheld.

6.4. Appeals

6.4.1. If you make a complaint under this procedure and are not satisfied with the outcome of an investigation you may appeal. To do so, please submit your full grounds of appeal in writing to the person who had conduct of the investigation within one calendar week of the date on which the decision was sent or given to you.

6.4.2. We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case, where possible. You may bring a colleague or trade union representative to the meeting.

6.4.3. 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.

7. **Is it possible to raise sexual harassment concerns anonymously?**

7.1. It is possible to raise concerns anonymously via our Form [Here](#) This form is directed to our external HR Consultant who will take steps to discuss the matter with an appropriate member of senior management and seek to investigate the situation promptly. However, you should be aware that it will make it difficult for the Company to fully investigate and achieve a desired outcome if information is provided anonymously.

7.2. Alternatively, you can choose to complete the Form [Here](#) and include your details but highlight your preference for your identity to be kept confidential to the investigator and senior management. Although all efforts will be taken to protect your identity in this way, there are situations where your identity may need to be revealed. Where this is the case, this will be discussed with you in advance. You should also be aware, that even if your identity is protected, it may become obvious to those involved in the investigation who you are, depending on the facts. It may also be difficult for the Company to achieve a desired outcome if information on the complainant or details of the allegations are not able to be shared with the alleged perpetrator in a formal process.

8. **Protection for those making complaints or assistant with an investigation**

8.1. 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 in the Disciplinary policy.

- 8.2. 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 policy.

9. Reporting to the Police

- 9.1. Some types of sexual harassment such as sexual assault, indecent exposure, stalking, offensive communications and physical threats, are a criminal matter as well as an employment matter.
- 9.2. Personal safety is paramount and we encourage any staff member who had concerns about criminal behaviour to report this to the police.
- 9.3. 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.
- 9.4. 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.

10. Support

- 10.1. We recognise that experiencing sexual harassment can be distressing and might have a detrimental impact on an individual's physical and mental health. We encourage anyone who has experienced sexual harassment to seek support from any of the following support channels:
 - Your line manager, Head of Department or Company Manager
 - Applause for thought – Please ask your company manager for these details.
 - Roni Bruno – Company Liaison Co-ordinator