

## Respect at Work Policy

### OUR VALUES

These values are the Unicorn's touchstones for artistic activity and organisational practice:

- Curiosity
- Respect
- Courage

### OUR COMMITMENT

**We are committed to creating a safe and supportive work environment, free of discrimination, harassment (including sexual harassment) and bullying.** Everyone here is treated with dignity and respect. When you work here we want you to feel confident, valued and proud to be a part of the Unicorn.

We recognise that the nature of theatre is to examine topics that are controversial, complex and even provocative; we want to encourage a workplace where all staff can have open – and challenging – discussions about work-related matters. We aim to manage discussions and disagreements in a calm and open-handed way; everyone should listen with care to everyone's point of view and their particular position.

Everyone who works in the theatre has a right to be free of the threat or presence of any type of harassment and bullying. Artistic freedom of expression is essential but the creative space must be a safe space. No one group is exempt from criticism or privileged with different treatment; this stretches from our Board, to our rehearsal room, and to all areas of our work.

Behaviour that contravenes either the law, or our values, is never tolerated. Some harassment and/or bullying may constitute unlawful discrimination and may also amount to civil wrongs or criminal offences. In addition, we will not tolerate victimisation of someone for making allegations in good faith of discrimination, harassment or bullying, or for supporting someone to make such a complaint.

If we consider you have been harassed or bullied, the matter will be dealt with under the Unicorn's Grievance procedure and/or Disciplinary procedure. You can find details of these procedures in this document.

As per the Grievance procedure and depending on the nature of the grievance, it could be possible to resolve it informally in the first instance.

Regardless of the outcome of your complaint, we will consider how best to manage any ongoing working relationship between you and the person concerned.

### Who?

This Respect at Work policy covers discrimination, harassment and bullying both of and by members of staff, artists, consultants, contractors and anyone else engaged to work at the Unicorn. It is

communicated clearly to everyone who works here. It also aims to empower you in knowing what behaviour not to tolerate in your professional interactions with our audience members, donors and other members of the public.

If the harasser or bully is a third party we will consider what action is appropriate to deal with the problem.

#### Where and when?

This policy covers behaviour in any work-related setting, at any time, including the Unicorn's auditoria, offices and rehearsal spaces, and also any off-site meetings, business trips and work-related social events. It also covers digital communications. This is not an exhaustive list.

#### **WHAT SHOULD YOU DO**

If you feel you or a colleague are being discriminated against, harassed or bullied, you should speak to the General Manager, your line manager or their manager in confidence. They will advise you on next steps based on the Unicorn's Grievance procedure. You could first consider whether you feel able to raise the problem informally with the person responsible. This informal stage helps to foster an honest and open community and is often the fastest path to a resolution. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. However, you should only do this, if you feel comfortable doing so. If this is not appropriate, too difficult or embarrassing, we will discuss the next steps of the Grievance Procedure with you.

You may find it useful to speak to one of several resources available to you:

- The Unicorn's Employee Assistance Programme Care First, who can also provide confidential advice and support. Further information is available at <http://www.care-first.co.uk>. Care First are available 24 hours a day at the following number: 0800 174 319
- The UK Theatre helpline who can also provide advice and support: You can also email on [advice@theatrehelpline.org](mailto:advice@theatrehelpline.org), or call 0800 915 4617.
- We have a Guardians programme here at the Unicorn, loosely based on the Old Vic's Guardian Guardians are Unicorn employees who provide confidential listening and signposting to anyone working at the Unicorn who needs advice about a workplace conflict. The terms of reference for our Guardians Programme are provided here as an Appendix. You can contact a Unicorn Guardian by emailing [guardians@unicorntheatre.com](mailto:guardians@unicorntheatre.com).

#### **PROTECTION AND SUPPORT FOR THOSE INVOLVED**

We commit that any 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.

Equally, we commit that those who are the subject of a complaint must not suffer any form of retaliation or victimisation as a result of being required to participate in a grievance or disciplinary process. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary procedure.

## **FURTHER INFORMATION TO HELP YOU**

### **DISCRIMINATION AND THE LAW**

As stated in our Equality Policy it is unlawful to discriminate against employees and other workers because of sex, marriage or civil partnership, gender reassignment, pregnancy or maternity, sexual orientation, race (including national origin and nationality), religion or belief, disability and age. These are known as 'protected characteristics'.

The law divides discrimination into four broad categories — direct discrimination, indirect discrimination, harassment and victimisation.

Direct discrimination involves treating a person less favourably because of a protected characteristic (for example not promoting an individual because of their race or sexual orientation). It includes discrimination because of perceptions or assumptions about a person's characteristics, even if these are incorrect (for example, not promoting an individual because they are assumed to be gay). It also includes discrimination because a person associates with someone who has a protected characteristic (for example, not promoting an individual because they have a disabled child). Direct discrimination cannot be justified (with the exception of age discrimination).

Indirect discrimination occurs when an apparently neutral provision, criterion or practice is applied across all groups, but this would put those with a particular protected characteristic at a particular disadvantage when compared with others who do not share this characteristic (for example imposing a requirement that candidates work shifts on Sundays, which could particularly disadvantage candidates whose religious beliefs wouldn't allow them to do so). Indirect discrimination will be discriminatory unless it can be justified.

Harassment is unwanted conduct related to a protected characteristic or of a sexual nature 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. Harassment can occur through conduct by third parties as well as by work colleagues.

Victimisation has a particular legal meaning and involves subjecting a person to a detriment because they have, for example, complained about discrimination or assisted somebody else in doing so.

It is not normally an answer to an allegation of discrimination to say that it was not intentional or deliberate.

The law makes it unlawful to discriminate against: job applicants (in recruitment arrangements and decisions); employees and other workers (in relation to terms and conditions of employment/work, opportunities for training and promotion, dismissal and other matters); and to certain ex-employees (e.g. in relation to references).

### **DEFINITIONS OF HARASSMENT AND BULLYING**

What is bullying?

Bullying may be persistent unwelcome behaviour, mostly using unwarranted or invalid criticism, fault-finding, exclusion and isolation. Bullying may include a person feeling that they are:

- constantly criticised
- subject to trivial fault-finding
- undermined, especially in front of others
- overruled or marginalised
- isolated and excluded
- singled out and treated differently from other employees
- belittled or patronised
- taunted and teased where the intention is to embarrass and humiliate
- denied information or knowledge necessary for undertaking work and achieving objectives
- denied support by your manager
- either overloaded with work or have all their work taken away
- have your responsibility increased but your authority removed
- encouraged to feel guilty, and to believe you're always the one at fault
- physically or psychologically threatened

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.

#### How is harassment different from bullying?

Bullying and harassment can seem similar. The key difference is that bullying is rarely connected to gender, race or another form of discrimination. At the Unicorn, we define harassment as behaviour motivated by discrimination and the protected characteristics (as outlined in our Equality policy).

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Conduct or comments become harassment when they are unwelcome to others or make others feel uncomfortable or threatened, even if they are not intended in that way. **Intention is not the same as impact.**

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.

Examples of harassment related to protected characteristics can take a number of forms, and can include:

#### **Sexual harassment**

Specific examples of harassment related to sex or of a sexual nature might include:

- derogatory comments about gender or matters associated with gender
- ostracism related to gender (whether the person affected is of the same or different gender)
- degrading comments about appearance or dress
- physical conduct of a sexual nature ranging from unnecessary touching to sexual assault
- making offensive comments to a pregnant woman about her appearance

- unwelcome sexual advances, flirtatious or suggestive remarks, leering, whistling or sexually suggestive gestures
- display of pornographic or sexually suggestive pictures, objects or written materials
- repeated requests to go on a date or to socialise outside of work when this is unwanted
- pressure for sexual behaviour/favours in return for avoiding detrimental treatment
- detrimental treatment following the rejection of a sexual advance

### **Racial or religious harassment**

Specific examples of racial or religious harassment might include:

- derogatory or degrading abuse or insults and offensive comments about race or religion
- display, circulation or discussion of racist pictures, objects or written materials
- repeatedly dismissing or not taking seriously a person's request for their religious practices to be accommodated
- unjustified display of emblems that have sectarian or religious significance
- telling of jokes related to race or religion

### **Harassment related to disability**

Specific examples of harassment related to disability might include:

- mimicry and imitation of the disabled person
- telling of jokes related to disability
- offensive comments about disability or matters associated with disability

### **Harassment related to sexual orientation**

Specific examples of harassment related to sexual orientation might include:

- teasing or name calling about an individual's sexual orientation (real or perceived)
- homophobic 'jokes' or derogatory stereotyping based on sexual orientation
- 'outing' a person (i.e. revealing their sexual orientation) against their wishes

### **Harassment related to age**

Specific examples of harassment related to age might include:

- telling jokes related to age or the perceived effects of age
- derogatory stereotyping based on age
- talking down to and humiliating staff on the basis of their age

## **Appendix 1**

### **Guardians Programme Terms of Reference**

The Guardians' Programme was developed by the Old Vic, and the Unicorn has used some of the learning and training from it to inform our own take on it, which we expect to develop over time based on the people and events involved.

The role of a Guardian carries responsibility, and requires significant maturity and discretion. Guardians complement existing roles and processes available at the Unicorn:

- The General Manager as HR representative
- Managers
- Trustees
- Grievance, Disciplinary and Whistle-Blowing Procedures

Guardians facilitate best use of these staff and processes, and of external mechanisms for help such as the UK Theatre Helpline, and in doing so empower their colleagues to take control of situations which cause them concern. Guardians provide as informal an entry point as a listening ear, though they have received external training on guiding a complaint, and internal training on Unicorn policies and procedures. They do not record your specific complaint, though they will monitor any emerging trends in the workplace.

#### **Characteristics**

- They respect and maintain absolute confidentiality over issues raised with them in their capacity as Guardians, except in cases in which the issues might amount to criminal offences.
- They are trained in the roles and processes that exist within the Unicorn, and are available to advise other staff regarding the options they can take up when they have issues to raise.
- They understand, enjoy and respect the Unicorn culture, and are available to advise other staff who might be unsure as to whether an incident amounts to a breach of the Unicorn culture or not, for instance where an informality of approach or address might be interpreted in a negative way.
- They are open-minded, friendly and approachable.
- They maintain neutrality about issues that are raised with them.
- They do not judge colleagues who approach them, or those implicated in the information they are given.
- They are empathetic towards colleagues experiencing personal and/or professional difficulties
- They offer neutral support and advice as to:
  - Informal ways of managing issues;
  - Where relevant, which processes and staff to turn to to escalate matters appropriately.
- They take their role seriously and commit time to understand the role, attending training as needed.
- They identify (anonymised) recurring issues for senior management to consider and report these via twice yearly Guardians' meetings.

#### **Guardians Do Not**

- Call out inappropriate practices internally (Guardians are not police officers).

- Intervene and try to fix problems themselves. *They only advise colleagues as to actions they can take themselves, if they wish to.*

### **Governance**

- The role is not subject to normal line management. It is voluntary for the Guardians and the Unicorn management.
- The Guardians will meet twice yearly with the Safeguarding Committee :
  - share their experiences and discuss best practices in responding to issues in an anonymised form;
  - record any patterns of behaviour or issues in development.
- The Guardians may be asked to present to the Board of Trustees from time to time.

### **Training**

- From the General Manager in company structure, values of the Unicorn, Respect at Work Policy and HR policies like Disciplinary and Grievance Procedures.
- From Lewis Silkin in Facilitation.
- External training eg. Mental Health First Aid where possible.

*Policy prepared by Amy Smith March 21*

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