



ROYAL
OPERA
HOUSE

HUMAN RESOURCES DEPARTMENT

Bullying and Harassment policy and procedure

Final
29/6/21

WHO DOES THIS POLICY APPLY TO?

This policy applies to all members of staff, artists and freelancers: employees (permanent and fixed term) actors, apprentices, casuals, dancers, extra players, freelancers, guest and principal artists, volunteers, work experience and any other individual engaged to work directly for the Royal Opera House (ROH).

ROH FAIR TREATMENT POLICY STATEMENT

The Royal Opera House encourages any member of staff artist or freelancer who feels that they have been unfairly treated in breach of the Equality policy or due to harassment or bullying to make a complaint using the appropriate procedure. We will make every effort to secure a fair outcome to every complaint. The Royal Opera House will seek to ensure anyone making a complaint will be protected from victimisation.

The Equality Policy is available on the intranet or from the Human Resources Department.

Any employee found to have acted contrary to the Equality Policy and/or the Bullying and Harassment Policy could face disciplinary action up to and including dismissal.

DEFINITIONS

Harassment and Bullying are defined in the ROH Equality Policy:

- Harassment is unwanted conduct that violates the dignity of a person or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle or insidious. It may not be targeted at an individual, but consist of a general culture, which undermines a particular group.
- Bullying most commonly occurs in the form of unacceptable misuse of managerial power but can also occur between colleagues at the same level. Bullying is distinct and different from performance management or a robust management style. It is destructive rather than constructive, it focuses on the person rather than their work performance, and results in the individual feeling threatened or compromised.

ROH APPROACH TO PROTECT AGAINST BULLYING AND HARASSMENT

All individuals have the right to work without fear of harassment or bullying, whether on the grounds of sex, race or colour, disability, sexual orientation, age, religion, trade union membership or duties or indeed any ground. It is the Royal Opera House policy to make every effort to provide a working environment free of harassment and intimidation.

Harassment and bullying may constitute unlawful behaviour. It is also improper and inappropriate behaviour that lowers morale and interferes with work effectiveness. It makes the work environment threatening. Such behaviour is **unwelcome** and **unacceptable**.

It is against the policies of the Royal Opera House for any member of staff artist or freelancer to harass another member of staff artist or freelancer. Such conduct will not be tolerated. Whilst the implementation of the policy is the duty of the managers and supervisors, all artists and staff are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.

Who to contact?

1 *Contacts and Procedures*

The ROH recognises the sensitive nature of complaints of harassment. Members of staff artists and freelancers who wish to discuss such complaints, in confidence, should contact any member of the Human Resources Department, their manager or their trade union representative or official.

(Where the individual seeks the advice of the Human Resources Department, the matter remains at the informal stage. Unless the situation warrants immediate management intervention the discussion will normally be confidential, and no further action will be taken until the individual concerned gives consent for the complaint to be investigated.)

What can an Employee do if they are being harassed and bullied?

1 *Informal Procedure*

Individuals who are victims of harassment or bullying are advised to contact one of the support contacts mentioned above and with their help and guidance:

- a) Make it clear to their harasser/bully that the behaviour is unacceptable and must stop. If an individual is unable to do this verbally then a written request (explaining the distress that the behaviour is causing) handed to the harasser may be effective. The complainant should avoid using the letter to castigate the harasser, as this may be seen as harassment also and should:
 - remind the harasser that it is against ROH policy
 - be fair but firm
 - avoid subjective and provocative language
 - be brief
 - refer to the policy and the matter is being dealt with at the 'informal' stage
 - mention that a record is being kept of incidents
- b) Keep a record/log of the harassment/bullying. The 'support contact' should also keep a confidential record/log of incidents.

2 *Formal Procedure*

Raise a formal complaint

If informal methods fail, or if the nature of the harassment or bullying is severe, Members of staff, artists and freelancers are advised to bring a formal complaint. The complainant should seek assistance from their 'support contact' in doing so. The complaint should be made in writing, and where possible, state:

- The name of the harasser/bully.
- The nature of the harassment.
- Dates and times when harassment/bullying occurred.
- Names of witnesses to any incidents of harassment/bullying.
- Any action already taken by the complainant to stop the harassment/bullying.
- The complaint should be sent, in confidence, to the HR department or the individual's Manager or Head of Department. If the complainant's manager is the person alleged to

have carried out the bullying or harassment, the matter should be reported to the next in line manager/director above him/her.

Investigation phase

The person against whom the complaint is made should be informed at the outset of the complaint against them and, where practicable, given a copy of the letter of complaint.

A Manager independent of the Department, or external professional with relevant experience, will be appointed by the HR Department to carry out an investigation and determine whether or not allegations contained in the complaint are substantiated.

Both parties involved have the right to be supported through all stages of the investigation and may be represented/supported by a colleague or union representative.

The investigation should be completed within a reasonable time frame of the complaint being made. The complainant and the alleged offender should both be kept informed of progress and the likely timescale for completion.

The manager should give consideration as to whether or not it is necessary to separate the harasser from the complainant. This may involve, or their temporary transfer to another department or suspension with pay until the matter has been investigated. This action should only be taken following advice from the HR Department.

Separate meetings will be held for the complainant and the alleged harasser. Independent witnesses will be encouraged to provide supporting information during the investigation phase to assist assessment of the issues

Reaching a decision

The result of the investigation process will be confirmed in writing to both employees.

If the grievance is not upheld, or the complainant is not satisfied about the way his or her complaint has been handled, he or she may ask for it to be reconsidered, and the matter will be referred as an Appeal to a Manager of equal or higher status to the original investigating manager. Requests for reconsideration of the complaint must be made within five working days of the decision. The decision of this appeal will be sent, in writing, to both parties and will be final.

Timescale

The HR Department will ensure that the complaint is investigated, and a decision reached within a reasonable time frame. The HR Department will keep the complainant and the alleged harasser regularly updated about the timescale for completion of the process.

Allegations of harassment or bullying which are upheld

Where the investigating manager/external expert concludes that harassment/bullying has taken place, the matter will be referred to the manager of the harasser, to determine whether the matter should be dealt with as a disciplinary matter.

If so, the harasser will be given the opportunity to defend or explain his or her actions, in accordance with the ROH's disciplinary procedure, at a separate disciplinary hearing. Copies of the investigation report and statements made by witnesses will be made available to the harasser in advance of that meeting.

The severity of the penalty imposed upon an artist or member of staff guilty of harassment/bullying will be consistent with those detailed in the disciplinary procedure (e.g.

gross sexual harassment will normally result in summary dismissal). Where a lesser penalty is appropriate (e.g. a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. The manager may decide, where practical, to the transfer of the harasser to a different work area or arrange for the amendment of working practices to minimise contact between the two employees.

An employee who receives a warning or is dismissed for harassment/bullying may appeal against the penalty in accordance with the ROH's disciplinary procedure.

Victimisation

The ROH may take disciplinary action in the event of victimisation of an employee who brings a complaint of harassment or bullying, or a complaint which is untrue and has deliberately been brought in bad faith (e.g. spite).

Useful telephone numbers

Care First Employee Assistance Programme: 0800 174319

Navex Whistleblowing helpline:

Freephone (UK and NI): 0808 196 5761

Web: roh.ethicspoint.com

If you are a member of a Trades Union, you can also seek advice and assistance from your Union Rep:

BECTU: 020 7346 0900

Equity: 0207 3796000

Musicians Union: 0207 582 5566