

ROUGH



MAGIC

Dignity in the Workplace

Policy Statement

Rough Magic is committed to creating work environments where all those who work with our company are treated with dignity, fairness and respect. We are dedicated to offering a workplace free of bullying, harassment, discrimination and any other form of disrespectful behaviour.

This policy applies to all employees and self-employed contractors who work for Rough Magic.

This policy is underlined by Safe to Create's Code of Behaviour, the Safety, Health and Welfare at Work Act 2005 and the Employment Equality Acts 1998 to 2015.

Code of Behaviour for Irish Theatre

Rough Magic was one of the original participants of Irish Theatre Institute's (ITI) pilot for creating a dignity in the workplace procedure for Irish Theatre in 2018 which, following ITI's Speak Up: A Call for Change report in 2021, led to the publication in October 2022 of the Safe to Create Dignity in the Workplace Code of Behaviour.

As part of our adoption of Safe to Create's Code of Behaviour, Rough Magic employees sign a pledge to uphold the principles of the code when they sign their employment contract. Each new employee is given a copy of the code, and Rough Magic's signed certificate has been lodged with Safe to Create. In addition, Rough Magic management employees have completed several Safe to Create training courses and will continue to do so on an annual basis.

Rough Magic is dedicated to following this Code of Behaviour and promoting a culture of respect for all who are a part of our working practice and setting out a procedure for the prevention of disrespectful behaviour, and resolution, should any issues arise.

Rough Magic recognises that the process of making theatre work can expose artists, and performers in particular, to vulnerable situations, particularly when depicting close physical intimacy, nudity or violence. We ensure that such scenarios are thoroughly discussed between the participants during the rehearsal process so that they can be managed in a way that does not disrespect or threaten the dignity of the performer or undermine the individual's right to Dignity at Work.

Definitions

In line with our commitment to the Safe to Create Code of Behaviour (2022), Rough Magic has a zero tolerance for Bullying, Harassment and Sexual Harassment in the workplace. Bullying, Harassment and Sexual Harassment are defined as follows:

Bullying

Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another, or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining of the individual's right to Dignity at Work.

An isolated incident of the behaviour described in this definition may be an affront to Dignity at Work, but as a once off incident is not considered to be bullying. According to the Workplace Relations Commission (2021) conflicts and disagreements do not, themselves, make for a bullying pattern. There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level of destructiveness to meet the criteria of the definition of bullying.

The Workplace Relations Commission also states that objective criticism and corrections that are intended to provide constructive feedback to an employee are not usually considered bullying, as is workplace conflict where people disagree with or disregard the others' point of view.

Harassment

Harassment on the grounds of gender, marital status, family status, race, age, religion, sexual orientation, disability, membership of the Travelling Community, is defined as any unwanted conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures, digital material, online or on social media.

Sexual Harassment

Sexual harassment is any form of unwanted verbal, nonverbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment for the person. This conduct is not limited by the gender(s) of the complainant and the alleged perpetrator(s). The unwanted conduct may consist of acts, requests, spoken words, gestures, physical contact, or the production, display or circulation of written words, pictures, digital material, online or on social media.

Procedure for Complaints

It is the responsibility of the Rough Magic as an Employer to deal with complaints of bullying, harassment, and sexual harassment in a fair and sensitive manner, and to handle complaints with confidentiality. Should any employee or self-employed contractor of Rough Magic be found to have engaged in bullying, harassment or sexual harassment this will be treated as a serious breach of the Dignity in the Workplace clause of the company's employment contract.

Rough Magic upholds the Safe to Create Complaints Procedure Process as follows:

Informal Procedure

All employees and self-employed contractors working with Rough Magic are encouraged to call out unacceptable behaviour at the earliest possible moment to stop such behaviour continuing or escalating. Complaints of bullying, harassment, or sexual harassment are dealt with informally (unless the complaint is very serious or criminal in nature) with the goal of achieving a speedy and effective result which enhances standards of behaviour in the workplace and avoids inadvertent breaches of confidentiality down the line.

In the first instance, a person who believes they are being subjected to bullying, victimisation, harassment, or sexual harassment should name it and ask the person responsible to stop the offensive behaviour. If it is difficult to approach the alleged offender directly, the complainant should seek help and advice on a confidential basis from one of the following (the options below are based on the usual structure of a Rough Magic production):

- A line manager e.g. Director, Executive Director, Producer, Production Manager, Stage Manager
- Rough Magic's designated complaints' advisor (the Executive Director)
- A trusted colleague within the company (eg. an actor in the production)

In the unlikely instance that the complainant receives no assistance from any of the above options, Rough Magic has appointed a Board member to act a liaison for employees and self-employed persons working for Rough Magic to contact (please see next section for more information). However, this process is only to be engaged with if the complainant has had no positive action from their initially approached person (ie. RM team member or line manager or other as listed above) and would be considered an escalation to a Formal Process.

The person to whom the complaint is made should be sensitive and non-judgemental and should support the complainant by accompanying them to a line manager/ Rough Magic management member. While the person will act with full discretion, they must ask the complainant to provide the key details to be able to address the incident. That responsible person should then raise the issue with the alleged perpetrator(s) in a confidential and non-confrontational manner.

As the employer, at this stage of the process, is dealing with an allegation of misconduct it will adopt a neutral position. In many instances this process, which names and acknowledges inappropriate behaviour and emphasises that it is not acceptable, can result in a mutual understanding and acceptance by both the offending and offended parties, and everyone can move on. Ideally, this process will involve an apology and a declared intention not to repeat the behaviour. If this is the case, then the matter should be regarded as concluded and no further action will need to be taken, except for the line manager/Rough Magic management member to monitor that no negative consequence for the complainant results from having made the complaint.

Board Appointed Employee Liaison

Rough Magic upholds a practice of appointing a Board Employee Liaison from the Board of Directors. The Artistic Director suggests a nominee from the Board for this role, and if that person is willing to accept the position this will be put to a vote at a Board meeting. The Board member who accepts the role must agree to have their personal contact details (email and phone number) given to Rough Magic employees and self-employed persons working on a Rough Magic show.

This practice is designed to provide a safety-valve for the individual employees and for the management team, in the event of an unusual or unforeseen issue arising from the workplace or working practices. It remains the company's policy to attend to any issues at source and as quickly as possible; but this measure makes provision for all eventualities. It offers a channel of communication to the Board in the instance that an employee or self-employed person working for Rough Magic has taken an issue to the Rough Magic management team (the Producer, Executive Director and/or Artistic Director) and has not experienced a satisfactory outcome.

In this unlikely event, the Board Employee Liaison will first ask the following questions:

- Has the complainant already brought the issue to a Line Manager (the Producer, Executive Director and/or Artistic Director)?
- What steps did the management take to resolve the situation?
- If steps have been taken but the outcome is unsatisfactory, what reasons can the employee identify?

If the answer to the first question is no, the person will be informed that the Board Employee Liaison cannot engage until that part of the process has been completed. If their answer is yes, and the complainant feels that the management has either not taken steps to resolve the issue or have done so in an unsatisfactory manner, the Board Employee Liaison will explain that a Formal Procedure will now begin.

The Board Employee Liaison will ask the complainant for the following information:

- the nature of the complaint
- the name of the respondent(s) i.e. the Rough Magic employee(s) to whom the complaint pertains
- the time(s) and date(s) of the alleged issue(s)
- details of witness(es) to the alleged issue(s)
- details of efforts made to deal with the alleged issue(s)
- and any other pertinent details

These details will form a written report, which the Board Employee Liaison will bring to the Artistic Director and the Chair of the Board, and the Formal Process as detailed in this policy will then be initiated.

As part of this process, the Board Employee Liaison will also send details to both

complainant(s) and respondent(s) about supports available to them from Minding Creative Minds and Safe to Create, to ensure that all affected employees have access to independent advice and support.

Formal Procedure

Should the complainant be dissatisfied with the outcome of the Informal Procedure then they have the right to proceed with the following Formal Procedure.

It is best practice that all informal resolution avenues should be contemplated and, where appropriate, exhausted before a formal process is invoked. However, a complainant may decide, for whatever reason, to bypass the Informal Procedure, or to use the Formal Procedure in circumstances where the Informal Procedure has been deemed to be unsatisfactory: e.g., where an alleged sexual harassment or harassment is too serious to be treated under the informal process, it should be treated through the formal process. Choosing not to use the Informal Procedure will not reflect negatively on a complainant in the Formal Procedure.

It is recognised that it may not always be practical to use the Informal Procedure, particularly where the complaint is very serious or criminal, or where there is a significant discrepancy between the position of the complainant and the authority position of the person about whose behaviour the complaint is being made. In such instances the employee/ worker should use the Formal Procedure.

When a formal complaint is being made, the employee or self-employed contractor should contact any of the following (the options below are based on the usual structure of a Rough Magic production) at the earliest possible moment:

- A line manager e.g. Director, Executive Director, Producer, Production Manager, Stage Manager
- Rough Magic's designated complaints' advisor (the Executive Director)
- A trusted colleague within the company (eg. an actor in the production)
- Rough Magic's Board Appointed Employee Liaison
- An elected Trade Union representative such as Irish Equity
- An external 'guardian' who would be available from the theatre sector/union to act in this capacity (e.g. a representative of Irish Theatre Institute)

A formal complaint must be made in writing, outlining as much detail as possible regarding the allegation: the nature of the complaint; the name of the alleged perpetrator(s); the time(s) and date(s) of the alleged offence(s); details of witness(es) to the alleged offence(s); details of efforts made to deal with the alleged offence; consequences of the alleged offence on the work of the complainant; sanctions or negative repercussions since the alleged offence; and any other pertinent details.

On receipt of a formal complaint, Rough Magic will assign a member of management (the Investigator) to investigate the complaint and to ensure that the details of the complaint are fully understood. A meeting will be arranged with the alleged perpetrator at the earliest

possible time. In the interests of natural justice, the alleged perpetrator will be notified in writing, in advance of meeting, with the following:

- The name of the complainant
- The nature of the complaint
- A copy of the allegations made, including information about when and where and how the behaviour complained of occurred
- Confirmation of his/her/their right to representation at any meeting
- Right to rebuttal of the allegation(s) made

Following on from the initial meeting with both parties (and their representatives), the Investigator will determine the appropriate course of action, which will include either of the following approaches:

- Where the facts are admitted and agreed by both parties, taking appropriate action to resolve the dispute and/or recommending to management what disciplinary action should be taken against the perpetrator in line with the Employee Handbook Disciplinary process, (the terms of the Disciplinary process apply equally to employees and self-employed contractors).
- The Investigator carries out a formal investigation with a view to determining the facts and the credibility, or otherwise, of the allegation(s).

Whilst it is desirable to maintain maximum confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff/workers. If this is so, the importance of confidentiality must be stressed to them. Any statements taken from witnesses will be circulated to the complainant and the alleged perpetrator for their comments before any conclusion is reached in the investigation.

When the investigation has been completed, both parties will be informed as to whether the complaint has been upheld.

Both parties will be given the opportunity to comment on the findings before any disciplinary or other action is decided upon by management. A record of all relevant discussions which take place during the investigation will be maintained by management. Both parties will be given a copy, in writing, of the conclusions reached by the Investigator. The management will report regularly to the Board of Directors on complaints which are subject to the Formal Procedure. Details of the individuals involved in complaints (e.g. names of complainant and alleged perpetrator) should only be communicated to the Board on a need-to-know basis, but the Board should always be kept aware of a complaint being processed at any given time and the progress being made towards achieving a satisfactory outcome in the case.

Action Post-Formal Investigation

Where a complaint is upheld, a disciplinary hearing will take place. The disciplinary action will be in line with Rough Magic's disciplinary policy as stated in the Employee Handbook. Should a case of bullying, harassment, or sexual harassment be proven, then the

appropriate disciplinary action will be taken which can include a warning, suspension, demotion, contract cancellation, or other appropriate action up to and including dismissal.

Where a formal investigation has taken place, records of any warning for bullying, harassment or sexual harassment will remain on the employee's/worker's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future. Where the matter is resolved informally, the extent to which records of the incident should remain on the file of the perpetrator needs to be decided on a case-by-case basis.

Regular checks will be made by Rough Magic management, reporting to the Board, to ensure that the offending behaviour has stopped and that there has been no victimisation of the complainant for having made the complaint. Retaliation of any kind against an employee/worker for complaining or taking part in an investigation concerning bullying, harassment, or sexual harassment at work must be treated as a serious disciplinary issue.

Appeal Process

Either party can appeal the decision of the formal investigation. This must be done in writing to the Artistic Director, or to the Chair of the Board of Directors if the Artistic Director is party to the allegations, within five working days of receipt of the conclusions reached by the Investigator. A detailed outline of the grounds for an appeal should be included.

The Appeal will be undertaken, at a level more senior to that of the original Investigator. In Rough Magic's structure, this means that if the original Investigator was the Executive Director, the appeal process must be undertaken by the Artistic Director. The Appeal will focus only on the aspect of the case cited by the appellant as being the subject of the appeal. Both parties will be informed in writing as to the outcome of the appeal.

If, having lodged an appeal after the Formal Procedure, a person is dissatisfied with the outcome of this process, they may pursue a case at the Workplace Relations Commission (WRC) under the Employment Equality Acts.

The grounds of the appeal and any outcome and methodology employed will be appended to the investigation file. Please note that the final report of the investigation itself will not be subject to amendment.

External Investigation

In any situation where, by reason of the size of the management team, seniority of a complainant or of a person complained against, or for any other reason it is not appropriate for a formal complaint, informal complaint or appeal to be investigated by the management and Board, Rough Magic may appoint an appropriate external person to carry out the investigation. Any such external person will carry out their functions in accordance with the provisions of this policy, and Rough Magic will give appropriate effect to the findings of such an external person.

Criminal Acts

Nothing in this Policy shall undermine or interfere with an individual's legal rights under criminal and civil law. If an individual believes that a crime has been committed against them (physical assault, sexual assault) they should report that incident to the Gardaí and file appropriate charges.

Useful Contact Information

An employee/worker is at all times entitled to seek formal legal advice and supports, contact **Minding Creative Minds** helpline for free counselling and legal advice:

<https://mindingcreativeminds.ie>

ROI: 1800 814244

NI/UK: 0800 0903677

International: +353 1 518 0277

You can find other useful resources on the **Safe to Create** website www.safetocreate.ie

Assault is a criminal act, and if you want to report it, call or visit the **Gardaí**. Find your local station or call 999 or 112.

You can also call a **Rape Crisis Centre**. The National Helpline is 1800 77 8888, which provides support to the victims of sexual assault.

Review of Policy

The Rough Magic board will review this policy at 3-year intervals or as appropriate. The Executive Director is responsible for ensuring that this policy is implemented effectively.

History & Review

Reviewed	2024
Next Review	2027