

DIGNITY IN THE WORKPLACE

A CODE OF BEHAVIOUR FOR THE IRISH ARTS & CREATIVE SECTORS



OCTOBER 2022

IF YOU ARE AFFECTED BY THE CONTENTS IN THIS **CODE OF BEHAVIOUR,
PLEASE FIND DETAILS FOR ORGANISATIONS YOU CAN CONTACT BELOW:**

MINDING CREATIVE MINDS ROI: **1800 814244**
NI: **0800 0903677**

RAPE CRISIS CENTRE **1800 778888**

SAMARITANS **116123**

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CONTEXTUAL NOTE

Following the publication of the [SPEAK UP: A Call for Change](#) report (Oct 2021), which shows harmful behaviour is widespread in the arts sector, there is a new determination to change the culture of the sector by ensuring that dignity and respect is central to the treatment of all employees and other workers. To this end, a standard Code of Behaviour must be adopted across the arts and creative sectors so that all those working in it can be clear as to their rights and obligations. This is especially pertinent in an industry that comprises a very high proportion of freelance workers.

There is a relatively low level of reporting of inappropriate behaviour in the sector and an even more disappointing outcome in relation to complaints being acted upon satisfactorily. The Codes of Behaviour/Conduct used by different employers vary considerably in how abuse is reported and dealt with. In the case of many smaller work entities there are often no formal Codes of Behaviour in place. In some instances of artist-led productions there is a lack of awareness of the fact that the lead artist is in fact an employer and subject to the same duties of care to employees/workers as is the case with larger companies. The purpose of putting an industry-wide Code of Behaviour in place is to:

- proactively encourage a ‘zero tolerance’ attitude towards abuse
- adopt a collective responsibility on the part of ALL workers to call out abuse and to support those being abused
- have a robust standard throughout the industry for how allegations of abuse should be dealt with promptly, thoroughly, and fairly
- recognise that smaller production entities do not have the human and financial resources of larger companies. It follows that smaller production entities will require resources and training to enable a standard Code of Behaviour to be implemented

The employer can be senior management, and/or its board of directors (or board of management/committee) in the case of companies.

We want organisations to know their responsibilities, to have information regarding Dignity at Work, to know how to prevent things from going wrong and what to do if things do go wrong. We want to enable them to create workplaces that nurture creativity and are free from bullying, harassment and intimidation of any kind.

WHAT IS THIS CODE OF BEHAVIOUR?

Every employer has a legal responsibility to ensure that the workplace, and work-related social events, afford respect and dignity to everyone, whether employees or freelancers. Clear protocols and policies should be in place specifying the responsibilities and behaviour expected of everyone in the arts workplace, including those in relation to respect and dignity and in particular policies on:

- Bullying
- Harassment
- Sexual harassment
- Victimisation

These abuses of power in the workplace are defined in detail, with illustrative examples, in Appendix 1 of this document.

In the arts and creative sectors, bullying, harassment, and sexual harassment can take place in a number of work locations including:

- In the workplace
- Outside the workplace at opening and closing nights, functions, launches, receptions.
- On tour, on location
- At any other place where employees/workers are present for company business, for example: training days, award ceremonies, conferences, residencies, workshops, festivals.

The employer in this Code commits to dealing with complaints of bullying, harassment, and sexual harassment in a fair and sensitive manner, and to handling complaints with confidentiality. The Code provides for appropriate disciplinary action, up to and including dismissal, to be taken where allegations are upheld against an employee. In the case of non-employees or workers against whom a complaint is upheld, appropriate sanctions, including for example, suspension of contract, should be taken.

WHAT IS MEANT IN THIS CODE BY ‘EMPLOYER’ AND ‘EMPLOYEE/WORKER’?

In this Code of Behaviour, the terms “employer” and “employee/worker” mean the following:

- Employer means any institution, company, individual sole-trader, partnership (formal or informal); co-operative, or other person engaging the services of individuals to provide services to that employer.
- The terms “employee” and/or “worker” include all the following:
 - (i) short-term and long term contract employees (contracts of service);
 - (ii) individual sole-trader freelancers (contracts for service);
 - (iii) individuals contracting through their own company (loan-out contracts);
 - (iv) Students, volunteers and interns

WHO IS COVERED BY THIS CODE OF BEHAVIOUR?

All employees/workers, trainees, interns, students, board members, volunteers, and individuals providing services to the employer are protected by this Code of Behaviour. These employees/workers are also required to comply with it.

This Code of Behaviour will be given to all employees/workers at the commencement of their engagement by their employer. They must sign to indicate that they have read and understood it.

This Code applies to employers and employees/workers, both in the workplace and at work-associated events such as meetings, conferences, and work-related social gatherings, whether on the premises or off-site. The Code applies to bullying, harassment, sexual harassment, and victimisation, not only by fellow employees/workers but also by a client, customer, or other business contact with whom an employee/worker might reasonably expect to come into contact within the course of their employment.

WHO IS LIABLE WHEN AN ABUSE IS PERPETRATED?

The perpetrator of the abuse is liable in the first instance.

As the person responsible for managing the behaviour of employees in the workplace, the employer also risks being held liable for that abusive behaviour. Having appropriate employer protocols to deal with allegations of abuse, and implementing them, can reduce the risk of the employer being held liable for an employee’s abusive behaviour. It is also crucial for ensuring a safe and respectful work environment. The Directors/Board of a limited liability company are responsible for ensuring the company has appropriate policies in place and that they are implemented and enforced. Where sole traders are involved, the individual sole trader or members of a partnership are at risk of being held personally liable for the abusive behaviour of one employee towards another.

RESPONSIBILITIES

EMPLOYER’S RESPONSIBILITIES

As an employer, regardless of your status (sole trader, partnership or CLG), if you are employing an individual on a contract of or for services, you are responsible to ensure their safety and Dignity at Work. Both [The Safety, Health and Welfare at Work Act](#) (2005) and the [Employment Equality Acts](#) 1998–2015 outline your responsibilities as an employer to ensure that you take relevant steps to prevent improper behaviour, including bullying, harassment, and sexual harassment.

PREVENTING BULLYING, HARASSMENT AND SEXUAL HARASSMENT

Management and others in positions of authority have a particular responsibility to ensure bullying, harassment, and sexual harassment do not occur, and that complaints are addressed and resolved speedily through the appropriate procedures. In particular, management should:

- Provide good example by treating all in the workplace with courtesy and respect
- Promote awareness of this Code and complaints procedures
- Be vigilant for signs of bullying/harassment or sexual harassment, and take action before a problem escalates

- Respond sensitively and swiftly to an employee/worker who makes a complaint of bullying/harassment or sexual harassment
- Explain the procedures to be followed to anyone who makes a complaint of bullying, harassment, or sexual harassment
- Recognise that abuses of power can happen across all genders and working relationships
- Endeavour to ensure that an employee/worker making a complaint is not victimised for doing so (see definition and examples of victimisation in Appendix 1)
- Monitor and follow up the situation after a complaint is made to avoid a recurrence of the behaviour that gave rise to the complaint
- Record abusive events that they become aware of, by direct observation or through reports from others, and ensure that all issues are followed up to a satisfactory conclusion
- Prepare timely reports for senior management where formal or serious complaints are made so that the Board can be apprised and so monitor the number and progress of complaints. Where informal complaints are made and resolved to the satisfaction of both the person making the complaint and the person complained about, do report to the Board. However, be aware of confidentiality, and that a formal report that includes the names of complainants and alleged perpetrators may not be appropriate in such circumstances.

EMPLOYEE'S RESPONSIBILITIES

All employees/workers have a responsibility for ensuring they treat their colleagues and contacts in the workplace with dignity and respect. Each employee/worker is also responsible for their own contribution to creating and maintaining a work environment free from bullying, victimisation, sexual and other forms of harassment. Employees/workers are encouraged to call out inappropriate behaviour as soon as it arises.

Empower yourself and others. Try to avoid being a bystander when inappropriate behaviour is evident in the workplace. Be proactive and call out that behaviour when you see it happening. See safetocreate.ie for information on current bystander training opportunities.

Senior staff (creative, technical, and administrative) must take responsibility for the power they have. They must take care to ensure they are not using that power

abusively over others more vulnerable than them in the organisation. Senior staff should think about: what they want; why they want it; and how to achieve it. Most of all they should be aware of the potential impact their behaviour has on others.

SIGN THE CODE

Safe to Create asks organisations (management and boards) and individuals to formally sign up and publicly declare their commitment to the implementation of this Code of Behaviour. All arts and creative spaces in the country, and everyone who employs artists, arts workers and creatives must ensure their spaces are safe. Understanding and implementing the Code of Behaviour, assisted by the resources available on the Safe to Create [website](https://safetocreate.ie), is an important step in ensuring a safe workplace.

By signing the Code of Behaviour, you are confirming your commitment to the code as a foundational value document that accompanies internal policies and required legalisation making your workplace a safe place to create.

To Sign the Code, you must ensure:

- **Everyone in the company at all levels reads, discusses, and agrees to fully adopt the Code**
- **Each new employee, on every activity, project, or programme, is given a copy of the code as part of their employment contract/letter of agreement**
- **A Certificate of Adoption is presented for discussion at a Board of Directors meeting (or equivalent)**
- **When agreed and ratified, a signed certificate is returned to signthecode@safetocreate.ie Safe to Create will have a Register of companies and employers who have adopted the code on safetocreate.ie**

COMPLAINTS PROCEDURES

EMPLOYERS

By law, the employer must have a policy, procedure, or process in place to deal with incidents of bullying and harassment (including sexual harassment) within the workplace, or in the context of your work (including social events connected to your employment). This can be a Dignity at Work Policy, but may also be outlined within terms of employment/engagement, in an employment handbook, or a Bullying and Harassment Policy.

The employer has both Informal and Formal Procedures to deal with any complaint made. It is best practice that all informal resolution avenues should be contemplated and where appropriate, exhausted before a formal process is invoked. However, if the nature of the complaint is considered too serious the Informal Procedure may not be appropriate, and the Formal Procedure is required. In any event, a complainant is not required to use the Informal Procedure and there can be no sanction whatsoever for opting to use the Formal Procedure from the outset.

All complaints received must be treated seriously, sensitively, and with due confidentiality. Complaints must be dealt with as soon as is practicable. Strict confidentiality and proper discretion must be maintained by all parties, as far as is possible. Any finding of victimising, bullying, or harassing behaviour should be regarded as a serious breach of discipline and subject to the disciplinary code of the employer.

EMPLOYEES

On commencement of their employment or engagement, it is useful for employees/workers to familiarise themselves with the approach their employer has put in place to deal with incidents of bullying, harassment, and sexual harassment.

It is recommended employees/workers who believe they have been subject to abuse make written notes for themselves of their experience(s): (what happened? Where? When? How they felt? Any witnesses?). In the event that the Formal Procedure is invoked these notes will be important.

In both the Formal and Informal Procedures, the complainant is entitled to have a representative of their choice present with them, at any meetings arising in the course of the proceedings, on the clear understanding of confidentiality by anyone accompanying the complainant.

INFORMAL PROCEDURE

It is preferable for all concerned that complaints of bullying, harassment, or sexual harassment are dealt with informally. This is especially encouraged at an early stage of unacceptable behaviour, as it can help to stop it continuing or escalating. Ongoing tolerance of abusive behaviour can have the effect of encouraging and intensifying the abuse, making it harder to initiate a complaint. All employees/workers are urged to call out unacceptable behaviour at the earliest possible moment. In this way, a speedy and effective result can often be achieved in a way that 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 option chosen may be dictated by the scale of the employer's organisation):

- Their line manager e.g., director, producer, production manager, company/venue/festival manager, stage manager, CEO
- The Employer's HR manager or designated complaints' advisor (where applicable)
- Another trusted member of the company/staff
- An elected Trade Union representative
- An internal 'guardian' (as referenced in IHREC's [Code of practice for Sexual Harassment and Harassment in the Workplace](#) [2021]), or external 'guardian' who would be available from the sectoral union to act in this capacity.

The person to whom the complaint is made should be sensitive and non-judgemental and should support the complainant by accompanying them (if the scale of the company is such that this is the way to proceed) to a manager/supervisor. That responsible person should then raise the issue with the alleged perpetrator(s) in a confidential and non-confrontational manner. It must be remembered that the employer, at this stage of the process, is dealing with an allegation of misconduct and must 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 manager/supervisor to monitor that no negative consequence for the complainant results from having made the complaint.

Should the complainant be dissatisfied with the outcome of the Informal Procedure then they have the right to proceed with the following Formal Procedure, bearing in mind that there is no compulsion or sanction for opting not to engage with the Informal Procedure in the first instance.

Please see safetocreate.ie for artist/arts worker and organisation resources and information on making and managing a complaint. See **Minding Creative Minds helpline ROI 1800 814244, NI 0800 0903677**, for free counselling and legal advice.

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 or secondary 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/ worker should contact any of the following (the option chosen may be dictated by the scale of the Employer's organisation) at the earliest possible moment:

- Their line manager e.g., director, producer, production manager, company/venue/festival manager, stage manager, CEO, or Board Chair or Board member if the complaint is against the organisation's leader(s)
- The Employer's HR manager or designated complaints' advisor (where applicable)
- Another trusted member of the company (a workplace champion)
- An elected Trade Union representative
- An external 'guardian' who would be available from the theatre sector/union to act in this capacity

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, the Employer 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 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:

1. 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.
2. 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 or not 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 course of 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 (or its equivalent, where it exists) 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 the number of complaints being processed at any given time and the progress being made towards achieving a satisfactory outcome in each case.

Please see safetocreate.ie for other resources and information on making a formal complaint and managing a formal complaint. See **Minding Creative Minds helpline ROI 1800 814244, NI 0800 0903677**, for free counselling and legal advice.

APPEAL PROCESS

Either party can appeal the decision of the formal investigation. This must be done in writing to the CEO or Director, or to the Chairman of the Board of Directors in the event that the CEO or Director are a 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 of the Employer's management, more senior to that of the original Investigator. 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.

In smaller organisations, the scale of the organisation may not be such that an appeal to a more senior level of management is possible. In such cases, the complainant should consider contacting their Trade Union representative (if they have not already done so) or seeking legal advice if they are not satisfied with the outcome of the formal investigation.

If, having lodged a complaint under 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.

ACTION POST-FORMAL INVESTIGATION (AND APPEAL)

Where a complaint is upheld, a disciplinary hearing will take place. The disciplinary action will be in line with the employer's disciplinary policy. Smaller work entities/sole traders should put in place a disciplinary code applicable to their employees/workers. Should a case of bullying, harassment, or sexual harassment be proven, then the employer will take appropriate disciplinary action which can include a warning, transfer, 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 management, reporting to the Board of the employer organisation, 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.

MALICIOUS COMPLAINTS

Complaints which are not upheld following the Formal Procedure are not necessarily regarded as malicious. However, if a complaint is found to be malicious, the appropriate disciplinary action, up to and including dismissal, should be imposed.

RESPECTING THE ARTIST

The nature of Arts work involves an intense interaction with many creative individuals. This process can expose Employees/workers, artists and performers in particular, to vulnerable situations, particularly when depicting close physical intimacy, nudity or violence. The employer requires that such scenarios be very thoroughly discussed between the participants during the devising of work and prior to rehearsals. Character development can also exert intense mental pressure on an individual performer, and consideration must be given to actions which will mitigate any adverse impact on the performer.

No member of a creative team should ever cause a member of cast to perform, in devising, in rehearsal, on set, or in public, in such a way that they experience any sense of oppression in the delivery of their performance. To this end, the Employer should engage an external individual – an intimacy co-ordinator – to participate in the rehearsal of certain dramatic works or scenes.

The capturing of still or moving images of such intimate portrayals, and their use in marketing and PR in all media, must also be managed in a way that does not threaten the dignity and respect of the performer.

ON TOUR/ON LOCATION

On tour or on location, nationally or internationally, creates particular environments, both within buildings and on set and in the social milieu, which can create opportunities for inappropriate behaviour. Typically, the Touring Company Manager or Line Producer will be appointed by the employer or promoter to be responsible for dealing with any complaints arising under this code while on tour. Informal and Formal Complaints procedures apply as above.

STUDENTS, INTERNS, TRAINEES, VOLUNTEERS AND YOUNG EMPLOYEES/WORKERS

Individuals in all of these categories are often participants in every aspect of arts production. Experience would suggest that these groups are most at risk from abuse of power whether in administration, technical, or creative departments. When individuals from these groups are inducted into the Company, they should be given a copy of this Code of Behaviour and this should happen at the very start of their placement/contract. Because of their relative youth and/or inexperience, the staff member responsible for the induction process must make it absolutely clear to all such individuals that the employer operates a zero-tolerance policy in relation to improper behaviour, and actively encourages the reporting of any breach of this Code. It should be stressed that it is never appropriate for someone in a junior role to be asked by someone in a senior role to work outside hours in their private home. All individuals in these categories must sign an induction form indicating that they have read and understood the Code of Behaviour, and the employer should provide the name of the person in the organisation to whom complaints can be made if the student/intern/volunteer/young employee or worker experiences inappropriate behaviour from any other employee/worker. This shall take place without limiting the provisions of the Formal and Informal Complaints Procedures outlined above.

TRAINING AND COMMUNICATION

The Employer will provide or enable relevant periodic (at least annual) training opportunities for all employees/workers and management on how best to implement this Code of Behaviour. Each employee/worker must know they are always free to seek clarification on any aspect of this Code of Behaviour from their line manager. In the absence of their line manager, or if circumstances are not appropriate, they may approach a member of senior management. Sole-traders and freelancers should avail of training opportunities on safetocreate.ie and other training provided by Unions, Screen Ireland, or other agencies and organisations.

FURTHER INFORMATION

This Code of Behaviour has been created following assessment of the risk to the health and safety of employees/workers in the workplace from bullying, harassment, sexual harassment and victimisation in the arts sector, and updated following the Speak Up: A Call for Change Report (2021). This Code of Behaviour will be subject to regular review in line with: changes in legislation; case law; changes in the workplace practices; the experience of the sector as evidenced in the finding of future Safe to Create research; and other relevant developments.

Nothing in this Code of Behaviour shall undermine or interfere with an individual's legal rights under criminal and civil law. If an employee/worker believes that a crime has been committed against them (e.g., assault, sexual assault) they should report that incident to the Gardai and file appropriate charges.

An employee/worker is at all times entitled to seek formal legal advice and supports, contact **Minding Creative Minds helpline ROI 1800 814244, NI 0800 0903677**, for free counselling and legal advice.

IHREC's (Irish Human Right Equality Commission) Code of Practice on Sexual Harassment and Harassment at Work (2022) offers practical guidance on prevention and procedures to establish working environments free of harassment.

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

SEXUAL ASSAULT

If you have been sexually assaulted (or threatened with sexual assault) at work by a co-worker, client, or customer you need to get to a safe space and seek support from someone who can help you. If you are injured, contact your doctor, or seek treatment at a Sexual Assault Treatment Unit (SATU). Your local SATU provides specialist support, treatment, and information.

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.

Minding Creative Minds' helpline is also available to you for free counselling, legal and dedicated support 24/7.

ROI: 1800 814 244

NI/UK: 0800 0903677

International: +353 1 518 0277

APPENDICES

APPENDIX 1

DEFINITIONS OF BULLYING, HARASSMENT, SEXUAL HARASSMENT AND VICTIMISATION

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.

Bullying is conduct which occurs on more than one occasion and which is offensive to a reasonable person. Many types of conduct and actions can constitute bullying with some being less obvious than others.

Bullying can consist of persistent offensive, abusive, intimidating, malicious, or insulting behaviour, or abuse of power carried out by an employee, or group of employees, either directly or indirectly, or online, which makes the recipient feel upset, threatened, humiliated, or vulnerable. By way of example only, a pattern of any of the following (non-exhaustive) types of conduct amount to bullying:

- Personal insults and name calling
- Persistent unjustified criticism and/or sarcasm
- Public or private humiliation
- Shouting at staff in public and/or private
- Sneering
- Instantaneous rage, often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information
- Aggression
- Making offensive comments

- Not giving credit for work contribution
- Continuously refusing reasonable requests without good justification
- Intimidation and threats in general
- Exclusion with negative consequences
- Physical abuse
- Being treated less fairly than colleagues
- Intrusion (pestering, spying or stalking)
- Menacing behaviour

The following are examples (non-exhaustive) of behaviour which does NOT amount to bullying:

- Legitimate instructions to perform task(s)
- Reasonable and essential action arising from the good management of the performance of employees
- Actions taken in furtherance of the health and welfare of employees
- Constructive and fair criticism of an employee's conduct or work performance
- Reasonable instructions issued by a line manager, such as: assignment of duties; terms and conditions of employment; or other matters which are appropriate for referral under the normal grievance procedures

Bullying can have a physiological, psychological, and behavioural impact on an individual. Victims can lose their self-esteem and self-confidence, and are at increased risk of suffering stress-related conditions that can trigger further trauma. Apart from the direct impact on a victim's health, long-term exposure to bullying may also have consequences for the victim's livelihood, through absenteeism and resignation from work in order to avoid contact with the bully.

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, or other material. Examples of harassment might include:

- Verbal harassment (jokes, comments, ridicule or songs)
- Written and online harassment (texts, messages, comments, emails, letters, notices, posts on social media platforms or other online platforms)
- Physical harassment (jostling, shoving, pinching, unnecessary touching, or any form of assault)
- Non-verbal harassment or intimidation (gestures, posturing, or threatening poses)
- Visual displays (cartoons, posters, emblems, badges)
- Isolation or exclusion from work-related social activities
- Pressure to behave in a manner that the employee/worker thinks is inappropriate

VICTIMISATION

In accordance with the Equality Acts, victimisation occurs where dismissal or other adverse treatment of an employee/worker occurs as a reaction to:

- A complaint of discrimination made by the employee/worker
- Any proceedings by a complainant
- An employee/worker having represented or otherwise supported a complainant
- An employee/worker having been a witness in any proceedings under the Equality Acts or the Equal Status Act (2000–2008)
- An employee/worker having given notice of intention to do any of the above

Any victimisation of, or retaliation by, another employee/worker against a complainant, an employee/worker supporting a complainant, or a worker who gives evidence regarding an allegation of bullying, harassment, or sexual harassment, will be subject to disciplinary action up to and including dismissal.

SEXUAL HARASSMENT

Sexual harassment is any form of unwanted verbal, non-verbal 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, or other material. Examples of sexual harassment include:

- Sexual gestures
- Displaying sexually suggestive objects including images, text messages or emails
- Unwelcome sexual comments and jokes
- Unwelcome physical contact such as pinching, groping, unnecessary touching etc.
- Physical force, or threat of force, for sexual objective
- Threat of disadvantage for rejection of advances
- Promise of advantage for sexual concessions

SEXUAL ASSAULT

Sexual assault is any sexual act that you did not consent to or are forced into against your will. This includes rape. Sexual assault, and being made to fear immediate assault, is a criminal offence.

APPENDIX 2

DECLARATION OF ADOPTION OF THE SAFE TO CREATE CODE OF BEHAVIOUR



DECLARATION OF ADOPTION OF THE SAFE TO CREATE CODE OF BEHAVIOUR

This certificate confirms the Board of Directors, Chief Executive, senior management and all employees of the company have read, considered and adopted the **SAFE TO CREATE CODE OF BEHAVIOUR**.

We pledge to create a safe, inclusive, respectful workplace where artists and arts workers can thrive, free from all forms of harassment, discrimination, bullying and violence.

WE CONFIRM OUR COMMITMENT TO:

- Act in an ethical manner as a business and act with integrity and ethically as an employer
- Commit fully to safe and respectful workspaces with zero tolerance for damaging behaviour
- Abide by all Health and Safety, Equality, Diversity and Employment legislation and comply with all relevant regulations
- Create and implement best practice around codes of practice, policies and procedures for safe workspaces ensuring a clear reporting system, timely investigation which identifies acts of wrongdoing and offers support, action, resolutions, monitoring, and accountability
- Have policies and procedures in place to ensure a safe workplace including: a Dignity at Work protocol, as well as grievance, and disciplinary procedures (see Safe to Create Templates)
- Ensure work environments support the creative process and promote mutual respect from everyone involved
- Commit to the implementation of the code with all employees no matter what their employment status and attach the code to all contracts and letters of agreement
- Avail of Safe to Create free online training for employees irrespective of the nature of the employment on: Tackling Bullying and Harassment at Work, Addressing Unconscious Bias and Bystander Training
- Display the Code of Conduct and all anti-harassment policies prominently in all workspaces
- Promote the Code within and outside our communities establishing a relationship of mutual trust with business partners and stakeholders

I confirm the **Code of Behaviour** and **Certificate of Acceptance** have been read and adopted at a Board of Directors Meeting, held on _____ day of _____ and year _____

Signed: _____ Contact: _____

Company Name: _____ Company Registration Number: _____

* When agreed and ratified, a signed certificate needs to be returned to signthecode@safetocreate.ie



**SAFE TO
CREATE**

safetocreate.ie

Document commissioned by Irish Theatre Institute and prepared by Arthur Lappin March 2018. Revised 2022 with special thanks to Canadian Creative Industries Code of Conduct, Olwen Dawe, Sinead T. Dillon and Karan O'Loughlin.

The **Code of Behaviour** is to be used as a foundational value document that accompanies internal policies and required legalisation making your workplace a safe place to create.

**SAFE TO
CREATE**

safetocreate.ie



An Roinn Turasóireachta, Cultúir,
Ealaíon, Gaeltachta, Spóirt agus Meán
Department of Tourism, Culture,
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