

A detailed botanical illustration in a sketchy, line-art style. The drawing features various types of flowers and plants, including large, multi-petaled blooms, smaller daisy-like flowers, and clusters of small round fruits. The lines are primarily in shades of orange, yellow, and grey, set against a light blue background. The composition is dense and fills most of the page.

# **Tackling sexual harassment at work**

**An action guide for theatre companies and arts organisations**



# Introduction

Welcome to the tackling sexual harassment at work action guide for theatre companies and arts organisations.

Thank you for taking the time to consider and reflect on how your organisation deals with sexual harassment. We hope you find this action guide a useful resource for supporting our vision to end sexual harassment in the industry.


This guide has been produced to help those responsible for responding to complaints of sexual harassment, to respond in a way which will minimise the negative impact harassment can have, on the personal wellbeing of anyone experiencing harassment.

Even though the guide is designed specifically with sexual harassment in mind, it has been created with an intersectional approach and a lot of the guidance offered can be applied to other forms of harassment people experience at work.

It has been shaped by the Harassment in the Performing Arts Working Group, a short-term, independent Working Group convened by the Federation of Scottish Theatre (FST). Many individuals took part in focus groups to inform the content of this guide and its companion guide for freelancers. It is underpinned by what they told us, by other research and current legal advice. Everyone who contributed to its development is an experienced professional freelance worker or employee in the performing arts, and comes from a range of different backgrounds. Our shared vision is to end sexual harassment in the industry.

This guide will be used as a pilot for the sector, beginning in 2023. After consulting with those using the guide, it will be reviewed and adapted accordingly in future years.

We welcome any feedback you have about the guide (including external links, which were correct at the time of publishing but could have been changed since then). Please contact us by emailing [feedback@scottishtheatre.org](mailto:feedback@scottishtheatre.org).



## How to use this guide

The guide suggests 4 principles for organisations to use as a guide when developing their own responses to this issue. The guide then splits into 4 sections and explores what organisations can do to embed these values into their working policies, relationships and environment.

The guide is aimed at organisations of all sizes and we encourage people to think of the guide as a menu from which you can choose which best suits your budget and appetite for change.

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# The 4 Principles



## Commit to ending sexual harassment in the industry using the HiPA 4 Principles:

1. Consistency and transparency in process
2. Intersectional approach
3. Supporting aftercare
4. Sector wide approach

### HOW

#### How?

How you approach committing to these principles will depend on your organisations size and capacity, we hope this guide offers suggestions, which will be useful for all arts organisations.

### WHY

#### Why?

##### Consistency and transparency in process

By ensuring a clear, consistent and transparent approach you can offer freelancers and employees faith, reassurance and confidence that their concerns will be taken seriously. Acting in a consistent and transparent manner should minimise or remove some of the barriers that can feel present for people when considering reporting harassment.

##### Intersectional approach

Taking an intersectional approach ensures that we are acknowledging the additional types of harassment & barriers that minoritised groups face and taking responsibility for ensuring that these are dismantled as quickly and as effectively as possible. The hope is to increase confidence amongst these groups that their voices will be heard and responded to appropriately.

##### Sector wide approach

The experience of targets of sexual harassment currently varies hugely across the sector. By sharing organisational experiences with peers, we can work to create a culture across the industry that doesn't tolerate inappropriate behaviour.

##### Supporting aftercare

By considering and where appropriate offering aftercare, you can show genuine compassion and empathy for those who experience sexual harassment at work. The hope is to increase confidence amongst these groups that their experiences will be taken seriously and responded to appropriately.

#### \* NOTE

*If you are unsure how to recognise sexual harassment then you might wish to check out the [Navigation Guide For Freelancers and Individuals](#), which explores inappropriate behaviours.*



**1**

# **Consistency and transparency in process**

**Good practice in policy**

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**Good practice in process**

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**Supporting people who  
have a complaint**

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**Dealing with complaints and  
running investigations**

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**Liability**

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**Time limit**

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## HOW

### \* NOTE

For good practice examples and employer guidance, check out ACAS (Advisory, Conciliation and Arbitration Service).

## Good practice in policy

Take some time to consider what your current policies and processes are.

### Good practice policies must be:

- Accessible\*\*
- Applicable to freelancers, employees and volunteers alike

### Good practice policies should:

- Include a minimum 2 points of contact – (ensure gender diversity amongst contacts where possible).
- List the positive values and behaviour you want to see in a company member.
- Offer clear routes for reporting both informally and formally.
- Explain the boundaries around confidentiality.
- Highlight the consequences of breaking an expected code of conduct (**tip:** include a variety of possible outcomes from informal and formal reporting – simply noting that a breach in conduct can result in dismissal, can act as a deterrent if people fear a disproportionate response).

## WHAT

## Confidentiality

There are often limits to confidentiality. Be clear about the boundaries of this.

Reasons you may have to breach confidentiality:

- Safeguarding concerns (particularly when working with young people and adults that may be perceived as vulnerable).
- Concerns that a person might harm themselves or others.
- The allegation is serious enough that you are obliged to formally investigate even if raised informally.

\*\*Accessibility will mean different things for different organisations. We encourage organisations to consider what accessibility needs their staff, freelancers and volunteers have. We acknowledge that your access to finance and resources will influence how you are able to respond these needs. What is important is that you are not assuming that your policies are accessible to everyone and you are open to adapting if accessibility issues arise.

## WHAT

### \* NOTE

For support resources around safeguarding and young people check out [YTAS](#).

## Anonymity

When sharing concerns or reporting, people often prefer to remain anonymous. This is not always possible, so it's important to be clear with complainers about whether you can protect their identity.

### EXAMPLE 1

If someone wishes to make a formal complaint, the person accused of harassment is entitled to know the nature of the complaint in sufficient detail to be able to respond, which doesn't necessarily include the identity of the complainer. However, often in harassment cases it's clear from the allegation who the complainer is and it is not always possible to maintain anonymity.

### EXAMPLE 2

Someone witnesses inappropriate behaviour or language being used in the rehearsal room or in a meeting. They approach a designated member of staff to share their concerns and these can be addressed without disclosing the original complainer.

Anonymity may not be possible in small companies or where the complaint itself, could only have been made by someone with specific characteristics.

### \* NOTE

Policies should be shared when engagement begins not when a problem arises.

### Additional considerations

- Include different contact methods – i.e. email, phone number and offer in person meetings if more comfortable talking face to face.
- Consider the position of your named contacts. Are you signposting people straight to senior managers first? Will this deter people from coming forward, especially if they are seeking an informal resolution?
- Create a visual guide to communicate your internal procedures. These are particularly appreciated by neurodivergent workers who might find heavily written policies inaccessible.
- Be clear about your response to reported criminal behaviour.
- Small companies, where there is no-one to signpost to, as it's a one person company, or the relationship between company members makes it unviable to report to either, might need to signpost to board members.



## WHAT

### \* NOTE

*Alleged sexual crimes should be treated seriously, regardless of whether there is Police involvement.*

## Reporting sexual crimes

There are certain crimes that must be reported to an appropriate authority – e.g. terrorism, money laundering, certain safeguarding situations. However an adult victim of a sexual crime should be supported to make their own decision about whether to report to the Police or not.

If an employee is considering reporting but would like support with this decision, this can be provided professionally through the advocacy service at their local [rape crisis centre](#).

There may be a rare occasion when a company feels they need to report what has happened despite the wishes of the victim. For example, if there was an on-going risk to their safety, the safety of others, or if someone was legally defined as a vulnerable adult. Where possible, you should inform the person of your intention to report before you do.

Please remember that someone may have negative past experiences of police contact, particularly those belonging to minority groups.

## WHERE

### 'The workplace'

Consider adding clarifications as to what counts as the 'workplace'.

### EXAMPLE

For the purposes of responding to complaints where it may feel unclear if these happened in the 'workplace' we would consider the following scenarios an extension of the workplace for complaint purposes.

- Press night drinks.
- Drinks in the pub after rehearsals with colleagues.
- Any place you are invited to attend for a formal or informal conversation with a person employed or acting on behalf of the organisation (i.e. a director asks you for coffee at a café to discuss designing a show they are not yet contracted for but are in serious conversation about).

## HOW

### \* REMEMBER

*Your code of conduct applies to staff, freelancers, board members, donors, volunteers and audience members.*

### Good practice in process

- Ensuring where possible you are providing or seeking appropriate training for named contacts.
- Being clear about the expected timeline for dealing with complaints.
- Ensuring that those involved are aware of the possible outcomes.
- Dealing with complaints as efficiently as possible.
- Keeping complainers informed at every stage.
- Be honest with the complainer about what information confidentiality prevents them having access to (i.e. the disciplinary action taken against a harasser if the complaint is upheld).
- Informing all parties if the timeline needs to be extended.
- Ensuring that the dignity and confidentiality of those involved are kept in mind throughout.
- Informing all relevant parties of the outcome of the complaint.
- With a formal complaint explain which parts of the complaint were upheld and which were not.
- Sharing information on the appeal process.
- Signposting to relevant after care resources. These can be internal and/or external.

### Additional considerations

- Create an opportunity for any concerns around a conflict of interest between the investigator and alleged harasser to be considered. (i.e. does the person investigating have any sort of personal relationship with any of the people involved that might impact their ability to assess any complaint fairly).
- Consider if an external investigator needs to be appointed to avoid a conflict of interest or to ensure the elimination of any relevant bias.

### \* A NOTE ON EXTERNAL EXPERTISE

There may be times when you do not have the appropriate in-house expertise to deal with a complaint, e.g. A complaint involving racism and an all white management team to investigate. In these incidents it is

advisable where possible to seek external expertise to assist. [Gravitate HR](#) and [Anderson Strathern](#) have both been used and recommended by others in the sector.

## HOW

### Dealing with complaints and running investigations

For smaller organisations with no specific HR expertise running an investigation can feel a daunting prospect. If you don't have the financial resources to bring in external expertise, we recommend using the following resources for advice and guidance:

- Contact the **ACAS Helpline** on **0300 123 1100** for confidential, free advice.
- Federation of Scottish Theatre's (FST) specially commissioned document from Anderson Strathern can be **[downloaded here](#)**.
- Contact **[fiona.sturgeonshea@scottishtheatre.org](mailto:fiona.sturgeonshea@scottishtheatre.org)** at FST to request to be connected with an HR professional from another organisation to receive informal mentoring around the issue.

## WHO

### Supporting people who have a complaint

Whenever dealing with any sort of workplace harassment, it is good practice to use a trauma informed framework to help minimise the negative impact on those involved.

As recommended by Valla, a Scottish Employment service/ tool we are sharing this **[trauma-informed care framework from University of Buffalo](#)** to use for supporting people who go through workplace trauma.

These five principles should act as a high-level guide for you when you are supporting people:

- **Safety:** they are safe to share their feelings with you
- **Choice:** they are in control
- **Collaboration:** you can help them make decisions but won't make them for them
- **Trustworthiness:** boundaries are held, their wishes are met with respect
- **Empowerment:** they are learning how to deal with the situation

**CONSENT:** A good rule of thumb when approaching someone is to seek consent from the person before you act on their behalf where possible.

## \* NOTE

*If someone is unsure how to proceed then you might want to share the [Freelancers & Individuals Navigation Guide](#) with them.*

## \* NOTE

*Depending on the seriousness of the complaint you may want to (and indeed be required) to investigate historic complaints, even if the time set out in the grievance policy has expired.*

## Liability

The liability for sexual harassment can rest on the organisation as the employer but also personally on an individual harasser. An employer will not be liable for the actions of an employee if the employer took “all reasonable steps” to prevent the harassment. There is some debate as to what these are but will include things such as bespoke and regular training, tackling issues when they do arise etc. The EHRC Code, mentioned on [pg 18](#), should clarify this.

## Time limit

**Internal Grievance:** There is no legal time limit for raising an internal grievance. Some organisations choose to implement their own time limit, this should be clearly stated in your policies.

If an employee or freelancer approaches you after the time limit for reporting has passed, we suggest you:

- Check your grievance procedure.
- Explain that the time limit has passed for taking the complaint forward formally.
- Consider whether you want to hear the persons experience and keep a note of the complaint on file in case of future complaints.
- Signpost the complainant to [support resources](#).
- Reflect on if there is any learning that can be taken from the complaint.
- Show empathy towards the complainant and share what you can do.
- Consider if you need to agree a protocol for dealing with historic complaints.

**Employment Tribunal:** ACAS has a strict time limit for raising an employment tribunal claim. The time limit for commencing a claim is usually **3 months minus 1 day from the date of the incident the grievance relates to**. See [ACAS](#) for further information on exceptions.

2

# An intersectional approach

**Definition**

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**Useful training and resources**

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## WHAT

### \* NOTE

*People who belong to minoritised groups are at higher risk of experiencing discrimination.*

### \* CONSIDER

*How does your company define inclusive? Take some time to think about what this means for your organisation.*

## Definition

Legal scholar Dr. Kimberlé Crenshaw, coined the term “intersectionality” in 1989 to describe how systems of oppression overlap to create distinct experiences for people with multiple identity categories.

People who belong to minoritised groups are at higher risk of experiencing discrimination. This includes people who are disabled, trans, black or from the global majority. It can also include working class, migrant and neurodivergent workers, and those who do not use English as their first language.

Taking an intersectional approach requires recognition of the complexities of a person’s identity and an understanding of how intersecting identities can compound the discrimination that person experiences.

### **In order to show these groups their concerns will be taken seriously:**

- We commit to ensuring that our employment policies are inclusive and that our workplaces are as safe as possible for all workers who belong to a minoritised group (incl. all workers who belong to a minority community).
- Include examples in your lists of inappropriate behaviours that these groups can identify with.
- Be mindful that there can be additional barriers to reporting for some people from the above groups and these barriers increase when people have multiple minority identities. Consider what steps you can take to remove these.
- Keep up to date with and use appropriate and preferred language.
- Be knowledgeable about where to refer people for specialist support, ensure you know if a service is inclusive before referring someone. (i.e. Rape Crisis Scotland support all genders. Glasgow Rape Crisis support only women and girls).
- Know how to **report a hate crime** and be willing to support someone to do this if they wish to.

## EXAMPLE

Freelancers have reported they would never report sexual harassment if they were already experiencing racial micro aggressions which are being ignored by colleagues.

## Useful training and resources

### Anti racism resources and training

Inc Arts – though formally closed, the website remains and has links to multiple resources.

### Bystander training

MATE – online, self paced training available.

### Disability awareness resources and training

Birds of Paradise

### Disclosure training

Forth Valley Rape Crisis – offer full and half day training on dealing with disclosures of sexual violence.

Send enquiries to:

[admin@forthvalleyrapecrisis.org.uk](mailto:admin@forthvalleyrapecrisis.org.uk)

### Discrimination first aid training

Valla – online, self paced course

### Equalities, diversity and inclusion resources

Creative Scotland EDI Plan Guidance

YTAS

### Guardian scheme training

Old Vic Theatre

### HR Training

Gravitate HR – HR workshops for leaders, managers and teams.

### Intersectional and trans training

Equality Network – Offer bespoke training packages tailored to your organisational need.

### LGBTQ+ training

Equality Network Scotland

LGBT Foundation

### \* NOTE

*If you know of any high quality training providers that could enhance the sectors learning and development in these areas, do share with us at [FST](mailto:FST@fscotland.org).*



3

# Supporting aftercare



**Offering support**

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**Useful training and resources**

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## WHAT

### Offering support

The impact of workplace harassment does not always end when the harassment ends. It is important to offer appropriate care throughout a person's experience of harassment.

There are different ways to offer support and aftercare, this can be done through:

- Providing internal resources.
- Signposting to or engaging external agencies.
- Resourcing someone with the information to empower them to practice self care .

## HOW

### \* REMEMBER

*Never underestimate the impact that checking in and showing empathy towards someone can have. You do not have to deliver the support directly, there are professionals you can signpost to.*

### Below is a guide for where to start:

- Ensure that you know where to signpost those who have experienced harassment so they can receive the support they deserve.
- Whilst we cannot investigate complaints from other workplaces, we can offer to support a person to feel safer at work where possible and signpost to external support where appropriate.
- You will consider if there are reasonable steps you can make to help someone feel as safe as possible in their work environment.
- Where possible and appropriate, you will consider contributing towards a person seeking 6 sessions of personal counselling. This is something Equity offers members through the British Association of Performing Arts Medicine (BAPAM). You can expect counselling sessions to cost between £40-50 per session.
- We welcome the creation of the Creative Industries Independent Standards Authority (CIISA). You can read more about CIISA on the [SOLT website](#).

### EXAMPLE

Ask the person concerned what might help them feel safer, when possible provide cast and creative team lists in advance, hire intimacy directors where appropriate and treat all work involving themes containing trauma sensitively and ensure support is clearly signposted.

## Signposting to support

Below are a list of sources that might be useful to share with people you are supporting.

### Mental health helplines

Emotional support is given by trained listeners who provide a safe, supportive and non-judgemental space to explore how you are feeling.

#### Samaritans

**116 123**

A listening ear open 24hrs every day.

#### Breathing Space

**0800 83 85 87**

##### Opening times:

Weekdays: Monday – Thursday 6pm-2am

Weekends: Friday 6pm – Monday 6am

Provide listening, information and advice for people in Scotland feeling low, stressed or anxious.

#### Shout

Text Shout to **85258**.

Shout is a free 24hr text support service.

#### Rape Crisis Scotland

**08088 01 03 02**

Text: **07537 410 027**

E-mail: [support@rapecrisisscotland.org.uk](mailto:support@rapecrisisscotland.org.uk)

##### Opening times:

5pm - midnight – free to call.

Emotional support for survivors of all genders, who have experienced any form of sexual violence, including sexual harassment.

Can [signpost to local centres](#), including ones with specific support for those with a learning disability. Friends and colleagues worried about someone can also use the helpline. Support resources [available online](#).

#### LGBT Health & Wellbeing

**0300 123 2523**

E-mail: [helpline@lgbthealth.org.uk](mailto:helpline@lgbthealth.org.uk)

Online chat is also available during helpline hours. See [website](#) for opening times.

### Online resources

#### Bloom Online Support for trauma survivors

[Bloom courses](#) offer free tailored information, tools, and affirming words to help us cope with trauma. They encourage us to learn, reflect, and process what we've been through and how it may have affected us—all in a safe and empowering space.

Resources available in multiple languages. Courses include: Healing from Sexual Trauma, Managing Anxiety, Creating Boundaries, Reclaiming Resilience in your trauma story.

#### Self-Injury Support

[The site](#) includes resources for those who are struggling, including specific resources for Women from Black and Minority Ethnic Groups.

### Organisations

You can find signposting to appropriate organisations at:

[Stellar Quines Resource Page](#)

[FST Combating Abuse Page](#)

### DID YOU KNOW

The Rape Crisis Scotland Helpline provides support to friends, family and colleagues! Supporters sometimes need support too!



**4**

# **A sector wide approach**

**Leadership**

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**Best practice versus legal minimum**

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**The bigger picture**

### Leadership

Acknowledge sexual harassment is experienced across the sector and that only a sector wide approach will solve it.

Many of the attitudes and behaviours that are problematic at work exist outside of work too. Creating change in the spaces we have control over is a great way to contribute to wider social issues, which can sometimes feel impossible to tackle, like ableism, misogyny, racism and transphobia.

#### **Show leadership in the spaces you work in and set the tone for the culture we want to work in. Ideas to get started:**

- We encourage organisations to normalise the use of Equity's safe space statement or make a commitment to create your own working agreement at the start of new projects.
- We acknowledge that for freelancers, having to navigate different systems in every workplace can be confusing, and therefore we commit to either sharing or communicating our policies and procedures or clearly signposting to where they can be found at the beginning of someone's employment with us.
- Commit to sharing our experiences and learning annually through a sector wide working group where we have the capacity to do so.
- As a sector we will seek to gather evidence to understand the bigger picture.
- Where it is clear that there are patterns of behaviour across the industry we will work to challenge these through awareness raising (e.g. Stellar Quines awareness raising campaign).
- Where we have the expertise and experience, we commit to participating in a mentoring scheme to enable smaller organisations and those less experienced to learn from our experience and support them to navigate difficult situations where appropriate.
- We will be open to exploring ways that anonymous reporting could be trialled in the future.

### ZERO TOLERANCE

The sector should be applying a consistent approach to tackling inappropriate behaviour and harassment. This means holding all employees, freelancers, donors, board members, volunteers and audience members to the same standard, regardless of status, position or influence.



## Best practice versus legal minimum

Employees, Freelancers and Volunteers hold different rights under employment law. Best practice and minimum legal requirements are often very different things. However when it comes to handling complaints about harassment, there is a strong argument for applying a consistent approach where possible for all categories of workers. The sector should be aiming for best practice.

## The bigger picture

- The Government is supporting the **Worker Protection Bill**, which will introduce a mandatory duty on employers to take all reasonable steps to prevent sexual harassment of their employees. This is a real step change and a boost for all who are seeking to tackle sexual harassment at work.
- The bill will also reintroduce employer's liability for third party harassment – this could be particularly relevant in relation to behaviour of audience members toward theatre staff.
- The Equality and Human Rights Commission (EHRC) are to publish a statutory code of practice on preventing sexual harassment at work. Once published, all sexual harassment policies will need to be considered in light of this code. It's not clear when the new legislation or the code will be in force.

