

## **BULLYING & HARASSMENT POLICY**

Everyone wants – and deserves – to enjoy their job however bullying and harassment within workplaces may be more common than you might think. And we want The Garden to be somewhere where people feel that they can do their best work. When bullying and harassment happens, it isn't just upsetting and stressful for the individual – it negatively affects all of us.

**The Garden takes a zero-tolerance approach to bullying and harassment, regardless of seniority, whether freelancer or staff, on or off-screen talent, third party supplier or contributor.**

We've designed this policy to make sure that - if it happens to you – you can rely on our support and our protection, and to make sure we can all work in a culture where everyone is treated fairly and with respect and dignity, and can feel happy, comfortable and fulfilled. It applies in any work-related settings including outside the workplace e.g. business trips, parties and work-related social events.

Concerns raised more than 6 months after the alleged incident occurred will generally not be heard unless there is a significant and compelling reason for the delay.

Legitimate, reasonable and constructive feedback of performance or behaviour, or reasonable instructions given to colleagues at work, will not amount to bullying or harassment.

The following policy is for staff but we would manage any concerns about bullying and harassment with the same seriousness.

### **PRINCIPLES**

- It is everyone's responsibility - all colleagues, visitors and third parties are required to do all they can to ensure that bullying and harassment does not take happen in the workplace. We take a "no bystanders" approach.
- Everyone will be treated equally regardless of seniority or status.
- No complaint will be dismissed because it would complicate a production or the business.
- Every complaint will be addressed with the requisite gravity regardless of how complicated the outcome might be.
- You have a choice about how you can report incidents and who to talk to.
- All incidents will be investigated thoroughly, objectively and as soon as possible. Updates will be given where appropriate and depending on the nature of the complaint, we endeavour to resolve it within 30 days<sup>1</sup>.
- On larger productions we will ensure there is a designated Welfare Officer working on the production, although individuals should raise a complaint with whomever they feel most comfortable doing so.

- We understand reporting can be intimidating. We will respect confidentiality where possible<sup>2</sup>.
- Assuming the complaint is raised in good faith, genuine and not malicious in nature, anyone who makes a complaint of bullying or harassment or assists in an investigation will not suffer any form of reprisal, victimisation, disadvantage or prejudice.
- We will continue to review and update our policy and be open to feedback.

## DEFINITIONS

Acas provides the following definitions:

**Harassment** is defined as unwanted conduct which is related to a protected characteristic of the Equality Act 2010 (age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation), which has the purpose or effect of violating a person's dignity, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

**Bullying** is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying and harassment can be:

- intentional or unintentional, targeted at an individual or a group;
- not specifically targeted but have an overall impact that creates a negative work environment;
- repeated behaviour over a period of time, or one isolated incident;
- between workers and/or managers at the same or different levels in the organisation the same or different departments or areas of work within or outside of the organisation;
- between employees, workers and external contractors and/or clients within or outside of the organisation;
- mobbing – when more than one person is involved;
- neglect or marginalisation during daily work activities, at work-organised or work-related events held on-site or off-site, inside and outside of working hours;
- face-to-face, over the telephone, by email, text messages and online, e.g. social media platforms.
- Spreading malicious rumours or insulting someone by word or behaviour
- Abuse of status e.g. making threats or comments about job security without foundation, unfair treatment, setting unrealistic targets to set an individual up to fail.
- Deliberately undermining a competent worker by overloading and constant criticism
- Acas defines sexual harassment as “unwanted conduct of a sexual nature. It has the purpose or effect of violating the dignity of a worker, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person”.
- Important to note that not all harassment is sexual but keep in mind that, with sexual harassment:
  - a hug, kiss on the cheek, or casual touch is not necessarily sexual harassment. The key is whether the behaviour was unwanted or offensive or is repeated after the recipient has made it clear behaviour is unacceptable to them;

- it does not matter if a person has sexual feelings towards the recipient, only that the behaviour is of a sexual nature and that it was unwanted and/or offensive;
- sexual harassment is gender neutral and orientation neutral. It can be perpetrated by any gender against any gender.
- Discrimination falls under the definition of harassment, which can be:
  - 1. direct – treating someone less favourably than someone else because of a protected characteristic;
  - 2. direct by perception – this means treating one person less favourably than someone else, because you incorrectly think they have a protected characteristic;
  - 3. Discrimination arising from disability – treating a disabled person unfavourably because of something connected with their disability when this cannot be objectively justified;
  - 4. direct discrimination by association – treating someone less favourably than another person because they are associated with a person who has a protected characteristic.

# YOUR OPTIONS

## IF IT HAPPENS TO YOU

### STEP 1 - RECORDING INCIDENTS

Keep a note of all incidents with dates, times and what happened, other witnesses, if there have been incidents directed at others, how it made you feel / impacted your work etc. Record as much detail as possible and keep hold of any relevant correspondence.

A single incident can be harassment if it is sufficiently serious.

You should have a think about how you would like an incident to be dealt with and what outcome you would want.

### STEP 2 – RAISING A CONCERN

There are a number of ways of raising a concern, which are detailed below. It is your choice which path you follow:

- A. If you feel comfortable doing so, in the first instance try to resolve it with the person (s) concerned. The person may not know or be aware that their behaviour is unwelcome or upsetting. Talk or email them to explain that *you* consider their behaviour to be unacceptable and why and make it clear that you will escalate if it doesn't stop. If you approach them you can take a trusted colleague with you and we would advise this so there is a witness who can document the exchange.
- B. If you wish to talk to them directly but you don't feel comfortable approaching them, you can seek advice from a member of TGP's management team or Welfare Officer. In this event a Mediation meeting can be considered. A mediation meeting involves individual and joint meetings to help identify the root cause of a problem. You should continue to keep notes of any meetings or incidents.
- C. If you don't feel the informal process is an option for you or cannot resolve it informally, you should talk to someone you trust, either your line manager, a member of the senior team on your production or at The Garden or if you are on a production one of The Garden's dedicated Welfare Officers. These are Melissa Hameed, Vic Thomas and Georgie Emary. **All will deal with the matter sensitively**

If you would prefer to speak to someone outside of The Garden, you can either talk to:

- The Garden's HR contact at ITV (Michele Pinnington – 07795 452075/ michele.pinnington@itv.com)

- The Company’s Employee Assistance Programme (0800 243 458 (free from a UK landline) or by logging into the online EAP <https://global.helpwhereyouare.com> with your username **ITV**. You can also email on [support@resourceforyourlife.com](mailto:support@resourceforyourlife.com)
- An employee representative such as a trade union official [e.g, BECTU -020 7346 0900, DUK 020 7240 0009] NB Some unions require you to already be a member before you seek their advice and support
- The Film and Television Charity who have a free 24/7 confidential support line. Tel: 0800 054 0000 or
- Acas, whose helpline is open Monday to Friday on 0300 123 11 00.

<b>STEP 3 – DEALING WITH A COMPLAINT</b>
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- After a complaint is made it is our policy to make sure it is fully investigated by an appropriate person, this could be a member of management, a trained Welfare Officer or another designated person. This could mean that it has to be referred on by the person you originally spoke to. If you have spoken to someone externally, your complaint will be escalated to the Garden Board (John Hay and Fee Freed) one of which will be assigned to investigate the matter .
- A noted meeting will be held as soon as possibly ideally within **7 working days** of the complaint being received by the person investigating it.
- At the meeting the person leading the investigation will discuss the complaint in detail with you. This can sometimes be embarrassing or uncomfortable but they will be open minded and sensitive. You could take a trusted colleague or trade union official to any formal meetings.
- You should have a think about the kind of resolution that would be satisfactory to you (eg training, apology, mediation etc.).
- As part of the discussion, you will be asked to discuss any working arrangements and if appropriate we’ll try to ensure you and the alleged harasser are not required to work together whilst the complaint is under investigation.
- The person investigating your concern will explain the process and who they might speak to as part of an investigation. You have a right to remain anonymous however this could prevent a full investigation taking place.<sup>3</sup>
- Investigations will be carried out confidentially and on a “need to know” basis to allow us to investigate but the importance of confidentiality will be emphasised to anyone involved in the investigation. An investigation is likely to include discussions with potential witnesses and the alleged offender.
- All complaints will be investigated promptly (ideally **within 30 days**<sup>1</sup> of the complaint being made unless there are mitigating circumstances that means it will take longer).

- You may be asked as part of the process to attend additional meetings. We are aware that this can be stressful and should you wish for support, you could take a trusted colleague or trade union official to any formal meetings.

#### STEP 4 – RESOLUTION

- Once the person leading the investigation has gathered and reviewed all available evidence, they will decide the appropriate course of action, prior doing so they may consult the Garden Board or/and ITVS HR Department to understand their options.
- As soon as practicable following completion of an investigation, you will be informed in writing of the outcome, although it won't always be possible to include specific details of potential disciplinary proceedings being taken.
- If a complaint is upheld against an individual, possible outcomes could include mediation, training, coaching and disciplinary proceedings
- In order to ensure impartiality, in the event that disciplinary proceedings are required, they will be held by a member of The Garden or ITVS management team who was not involved in the investigation. The person leading the disciplinary will decide on a balance of probabilities, after considering all available evidence, whether or not the bullying or harassment has taken place.
- The Company will ensure you feel comfortable with any ongoing working arrangements. If necessary, we will endeavour to ensure you are not required to work with them.

#### STEP 5 – APPEALING A DECISION

- You can appeal against the outcome of the investigation.
- In the letter you receive following its conclusion you will be advised of the person you can appeal to. You would need to contact them in writing outlining the reason for your appeal.
- Any appeal will be heard by a member of The Garden or ITVS management team who was not involved in either the investigation or any disciplinary process

#### STEP 6 – CONFIDENTIALITY

- We will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

- Investigation of allegations will normally require limited disclosure on a 'need to know' basis. For example, your identity and the nature of the allegations must be revealed to the person being complained about, so they are able to respond to the allegations.
- Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.
- If the complaint is upheld, and a person who has been found to have harassed remains employed by The Garden, the Company may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.



## **THIRD PARTY BULLYING / HARASSMENT**

If you or a colleague find yourself in a situation where you feel you have been bullied or harassed by a third party eg a supplier, freelancer, contributor, on or off-screen talent, The Garden maintains the same zero tolerance attitude. Incidents should be reported in the way set out above.

If the person responsible isn't directly employed by The Garden, we won't be in control of any investigation or its outcome, but we will speak to those who are and make representations on your behalf. We will share with you, in advance, all the information that is being passed to the third party and you will have the right to amend anything that you do not feel accurately reflects your concern. We will support you during the process.

Please don't let the seniority of the third party or their importance to the business prevent you reporting an incident. The welfare of our employees and will always come first for us, and that commitment is backed up by with the broadcasters whose business might be affected.

## IF YOU WITNESS AN INCIDENT OR HAVE BEEN INFORMED OF AN INCIDENT

We all share the responsibility for ensuring a safe working environment for ourselves and others. If you see something that doesn't look or feel right, discuss it. We will not victimise, unfairly treat or discipline you for raising a genuine concern.

### STEP 1 – WHAT TO DO

- Keep a note of the incident(s). Record as much detail as possible including dates, times, witnesses and keep hold of any relevant correspondence.
- If you feel comfortable doing so, in the first instance try to discuss it with the person to whom the incident/behaviour was directed. Encourage them to report it and advise them of the support routes available.)
- If you feel that the incident/behaviour was unacceptable but you don't feel comfortable approaching the person OR the person does not wish to escalate the matter, you can still raise a concern on your own behalf.
- If you wish to raise a concern you should follow the process outlined in Steps 1 and 2 above
- If you would prefer to speak to someone outside of The Garden, you can either talk to:
  - The Garden / ITV's HR contact (Michele Pinnington – 07795 452075/ michele.pinnington@itv.com)
  - The Company's Employee Assistance Programme (0800 243 458 (free from a UK landline) or by logging into the online EAP <https://global.helpwhereyouare.com> with your username **ITV**. You can also email on [support@resourceforyourlife.com](mailto:support@resourceforyourlife.com)
  - An employee representative such as a trade union official [e.g, BECTU -020 7346 0900, DUK 020 7240 0009] NB Some unions require you to already be a member before you seek their advice and support
  - The Film and Television Charity who have a free 24/7 confidential support line. Tel: 0800 054 0000 or
  - Acas, whose helpline is open Monday to Friday on 0300 123 11 00.
- As part of the discussion, the person leading the investigation will discuss any concerns you may have with regards to working arrangements if you are required to work alongside the alleged perpetrator. If necessary, we will endeavour to ensure you are not required to work with them.

### STEP 2 – YOUR ROLE IN THE PROCESS

- Once you have notified someone about your concerns, they will investigate following the procedure and timelines above.
- As part of the process you will be required to attend a noted meeting and/or give a statement.
- As soon as practicable following completion of an investigation, you will be informed in writing of the outcome, although it won't always be possible to include specific details of potential disciplinary proceedings being taken.

STEP 5 – APPEALING A DECISION
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- You can appeal against the outcome of the investigation.
- In the letter you receive following its conclusion you will be advised of the person you can appeal to. You would need to contact them in writing outlining the reason for your appeal.
- Any appeal will be heard by a member of The Garden or ITVS management team who was not involved in either the investigation or any disciplinary process.

## IF YOU'VE BEEN ACCUSED OF BULLYING OR HARASSMENT

- If you have been accused of bullying or harassment, the Company will ensure that you are, in their opinion, treated fairly.
- If someone approaches you informally about your behaviour, do not dismiss their complaint out of hand because you were only joking or think that the complainant is being over sensitive. Remember that different people find different things acceptable.
- If you are made aware of a concern being raised about you, you must not confront the person or persons who made the accusation.
- We will follow the process as detailed above and you will have your opportunity to discuss your understanding and give your version of the event(s) to the person leading the investigating.
- Keep a note of your recollection and understanding of relevant events and gather any relevant materials you hold (do not seek the input of others unless asked to): emails, texts etc.
- You can ask for advice and support from:
  - ITV's HR contact (Michele Pinnington – 07795 452075/  
michele.pinnington@itv.com)
  - The Company's Employee Assistance Programme (0800 243 458 (free from a UK landline) or by logging into the online EAP <https://global.helpwhereyouare.com> with your username **ITV**. You can also email on [support@resourceforyourlife.com](mailto:support@resourceforyourlife.com)
  - An employee representative such as a trade union official [e.g, BECTU -020 7346 0900, DUK 020 7240 0009] NB Some unions require you to already be a member before you seek their advice and support
  - The Film and Television Charity who have a free 24/7 confidential support line. Tel: 0800 054 0000 or
  - Acas, whose helpline is open Monday to Friday on 0300 123 11 00.

## WHAT TO DO IF YOU FEEL YOUR OWN BEHAVIOUR IS INAPPROPRIATE

Tensions and emotions can run high on location and when you're under pressure. This can sometimes result in behaviour that others might consider to be bullying or harassing. It can be conscious or unconscious and it may take a third party to make someone aware that they're not behaving professionally and how your behaviour is affecting those around you.

Increased pressures are not an excuse for poor behaviour. Treat others as you would like to be treated and address any poor behaviour you display. Admitting you have behaved badly and apologising can be awkward, but it can make all the difference to those around you and set a good example.

- Be aware of your own behaviour and how it affects those around you.
- Proactively acknowledge if you've behaved inappropriately and apologise.
- Keep a note of your recollection and understanding of the situation in case a complaint is submitted.
- Identify ways you can change behaviour. If you need any support with this you can contact:
  - The Garden / ITV's HR contact (Michele Pinnington – 07795 452075/ michele.pinnington@itv.com)
  - The Company's Employee Assistance Programme (0800 243 458 (free from a UK landline) or by logging into the online EAP <https://global.helpwhereyouare.com> with your username **ITV**. You can also email on [support@resourceforyourlife.com](mailto:support@resourceforyourlife.com)
  - The Film and Television Charity who have a free 24/7 confidential support line. Tel: 0800 054 0000 or
- Discuss any training or skills development with your line manager or The Garden ITV's HR contact Michele Pinnington (contact details above) who will liaise in confidence with a member of The Garden's senior management team.

## FAQs

Q: What should I do if I witness behaviour that I would considering bullying or harassment but the victim doesn't want to make a fuss; should I say nothing?

A: *You should still report incidents if you're concerned. It may not be isolated behaviour.*

Q: What is a Welfare Officer?

A: *This is an impartial individual within the Company who has been trained to deal with bullying and harassment concerns, who can help mediate or carry out an investigation in to a complaint.*

Q: What happens if a contributor behaves in a way that is harassing?

A: *It doesn't matter who the alleged perpetrator is, bully and harassment is unacceptable and we will support you whoever the claim is made against. Please see "Third Party Bullying/Harassment" above for further advice. If for any reason you or a colleague are in a situation with a contributor where you believe that their behaviour is harassing, you should, if possible, explain why it is unacceptable. If the behaviour continues you should remove yourself from the situation if you feel distressed or uncomfortable and follow the procedure set out above.*

Q: Is someone commenting on someone else's appearance or asking them on a date harassing?

A: *It could be but it depends on the circumstance. It normally only becomes harassing if it is persistent and unwanted.*

Q: What if the incident is of a criminal nature?<sup>2</sup>

A: *We would suggest that you contact the police if you believe that a criminal act has been committed, for instance sexual or physical assault. This is generally your decision however the Company may contact the Police directly if they believe that this is the appropriate course of action eg if they feel that you or other individuals may be in danger or that it is in the public interest to report the allegation.*

Q: What happens if I want to remain anonymous?<sup>3</sup>

A: It is your choice if you wish to remain anonymous. However, you should note that if you do we may not be able to fully investigate your complaint. For example, if the incident involving you is very specific in nature and we can't discuss the details with the alleged perpetrator, it may be hard to investigate and resolve the issue. You will be advised if retaining your anonymity will compromise the investigation.

Q: Will a complaint be completed within 30 days?<sup>1</sup>

A: *We will endeavour to resolve any complaint within 30 days, but in some circumstances, e.g. with multiple witnesses or victims, the process can take longer.*

Q: Do I have to report an incident that has happened to me?

*A: No, but you should consider whether anyone else might be at risk. You should also consider that there may have been witnesses who might report it.*

Q: If an incident happened a long time ago, can I still raise it?

*A: All incidents must be reported within 6 months of it taking place unless there is a significant and compelling reason why it can't be reported before that time.*

Q: What if I'm not an employee but believe that I have been bullied or harassed?

*A: We expect anyone working for The Garden in any capacity and however long their contract to follow the principles of the policy. If you are not working for The Garden but feel you have been bullied, harassed or discriminated against by someone employed by us, we will investigate your concern with the same gravity. We would ask that you follow the steps above.*

Q: Will I lose my job if person I complain about is found not guilty?

*A: No, if it's a genuine complaint raised in good faith and not of a malicious nature then you would not be subject to a disciplinary hearing.*

Q: What if I'm asked to do something on a production that I feel is inappropriate but I don't want to talk to a senior colleague or Welfare Officer?

*A: If you are asked to do something that you feel is inappropriate you should talk to a trusted colleague who can flag your concern with a Welfare Officer on your behalf.*

Q: If I have a relationship in the workplace, do I need to tell anyone?

*A: You don't have to disclose a personal relationship, but we would ask you to mention it if there could be a conflict of interest. For example, if you are their line manager we would expect to be told.*

Q: What if a complaint is made against me that is malicious

*A: If you believe a complaint against you is malicious, you should advise the person investigating it when they meet with you and they will consider as part of their investigation. If they conclude that the allegation was made the complainant may be subject to disciplinary proceedings.*

### **Helpful links:**

The DUK has released helpful guidance with further FAQs and helpful sites: [Bullying and Harassment Handbook](#)

The BFI / BAFTA have published a set on principles: [BFI/BAFTA principles](#)

The Government has adopted the ACAS guidelines: [ACAS Guide for Employees](#)