



MODEL PROTOCOL (UN)ACCEPTABLE BEHAVIOUR

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For whom is this protocol intended?

This protocol is for all employees of [ORGANISATIENAAM]. By employees, we mean staff on a contract of employment, freelancers/self-employed persons, understudies, trainees, temporary employees, seconded employees and volunteers working as creative and/or performing artists (including directors, choreographers, conductors, musicians, actors, dancers and guest artists), support staff, management members, managing and artistic directors, Supervisory Board members and board members. All employees of [ORGANISATIENAAM] receive this protocol. New employees receive this protocol as an appendix to their contract.

1. Safe behaviour

1.1. Statement of intent

As an employer, [ORGANISATIENAAM] aims to carry out its task of offering support and safety to its employees in a responsible way. [VUL EVENTUEEL AAN OP BASIS VAN DE BINNEN DE ORGANISATIE GEFORMULEERDE KERNWAARDEN].

In preparing and implementing the working conditions policy, we already focus on preventing unacceptable behaviour at work and encouraging acceptable behaviour. This protocol is linked to the NAPK Complaints Regulations and also forms a supplement to and concretisation of the NAPK’s policy framework ‘Veilig de vloer op’. Employees are expected to take cognisance of this protocol and act in accordance with it.

1.2. Code of conduct for unacceptable behaviour [ORGANISATIENAAM]

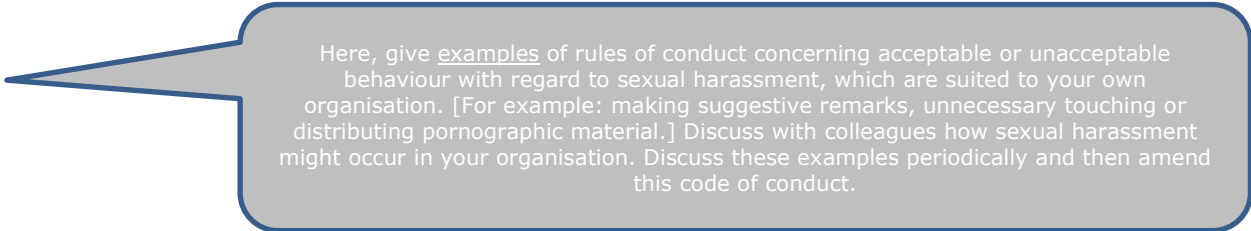
We define unacceptable behaviour as:

Sexual harassment

Any form of verbal, non-verbal or physical behaviour with a sexual connotation, which has the intention or result of affecting the dignity of the person, especially when a threatening, hostile, insulting, humiliating or offensive situation is created.

Within [ORGANISATIENAAM], for example, we do not tolerate employees:

.....
.....
.....

A grey callout box with a blue border and a pointer pointing to the left. It contains text about giving examples of rules of conduct concerning acceptable or unacceptable behaviour with regard to sexual harassment, such as making suggestive remarks, unnecessary touching or distributing pornographic material. It also mentions discussing these examples periodically and amending the code of conduct.

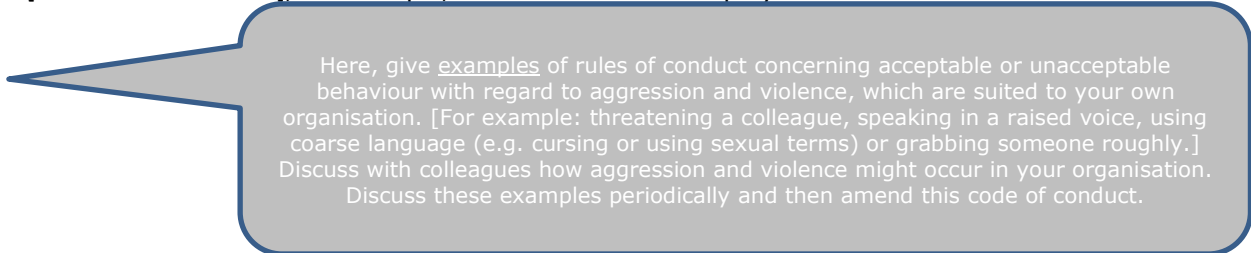
Here, give examples of rules of conduct concerning acceptable or unacceptable behaviour with regard to sexual harassment, which are suited to your own organisation. [For example: making suggestive remarks, unnecessary touching or distributing pornographic material.] Discuss with colleagues how sexual harassment might occur in your organisation. Discuss these examples periodically and then amend this code of conduct.

Aggression and violence

Instances where an employee is psychologically or physically bothered, threatened or attacked, under circumstances that are directly connected to carrying out work.

Within [ORGANISATIENAAM], for example, we do not tolerate employees:

.....
.....
.....

A grey callout box with a blue border and a pointer pointing to the left. It contains text about giving examples of rules of conduct concerning acceptable or unacceptable behaviour with regard to aggression and violence, such as threatening a colleague, speaking in a raised voice, using coarse language or grabbing someone roughly. It also mentions discussing these examples periodically and amending the code of conduct.

Here, give examples of rules of conduct concerning acceptable or unacceptable behaviour with regard to aggression and violence, which are suited to your own organisation. [For example: threatening a colleague, speaking in a raised voice, using coarse language (e.g. cursing or using sexual terms) or grabbing someone roughly.] Discuss with colleagues how aggression and violence might occur in your organisation. Discuss these examples periodically and then amend this code of conduct.

Bullying

All forms of intimidating behaviour of a structural nature, by one or more employees (colleagues and/or managers), which target an employee or group of employees who cannot defend themselves against this behaviour.

Within [ORGANISATIENAAM], for example, we do not tolerate employees:

.....
.....
.....

Here, give examples of rules of conduct concerning acceptable or unacceptable behaviour with regard to bullying, which are suited to your own organisation. [For example: ostracising or making fun of a colleague, deliberately making the work unpleasant or impossible, and gossiping.]
Discuss with colleagues how bullying might occur in your organisation. Discuss these examples periodically and then amend this code of conduct.

Discrimination

Direct and indirect discrimination, as well as the order to differentiate.

Direct discrimination: if a person is treated differently to how another person in a comparable situation is treated, or would be treated, on the grounds of: religion, conviction, political persuasion, race, gender, nationality, heterosexual or homosexual orientation, civil status, age, handicap or chronic illness, working hours (full-time/part-time) or contract of employment (indefinite or temporary).

Indirect discrimination: if an apparently neutral provision, standard or procedure specifically affects persons of a certain religion, conviction, political persuasion, race, gender, nationality, civil status or age, or of heterosexual or homosexual orientation, or with a handicap or chronic illness, or with a full-time or part-time contract of employment or an indefinite or temporary contract of employment, in comparison to others.

Within [ORGANISATIENAAM], for example, we think it is important that:

.....
.....
.....

Here, give examples of rules of conduct concerning acceptable or unacceptable behaviour with regard to discrimination, which are suited to your own organisation. [For example: 'We respect each other's background and religion', 'Everyone is addressed in the way they wish.'
Discuss with colleagues how discrimination might occur in your organisation. Discuss these examples periodically and then amend this code of conduct.

2. Procedure for reporting and dealing with unacceptable behaviour

2.1. Support, guidance and initial aftercare; the confidential advisor for behaviour

If employees are confronted with unacceptable behaviour, they can contact the [internal and/or external] confidential advisor, for information and a 'listening ear'.

.....[name and contact details of confidential advisor]

.....[name and contact details of confidential advisor]

Or a confidential advisor from Mores.online. [<https://mores.online/>].

Confidential advisors have a duty of confidentiality and, if requested, they can help employees think about possible steps they can take to improve the situation. They do not take any action without permission from the employee.

Confidential advisors provide support to employees who approach them, and are therefore not able to mediate or investigate. Confidential advisors can guide employees through an informal or formal solution procedure and (when the case has been finalised) provide initial aftercare.

Incidentally, employees can also start up an informal or formal solution procedure without consulting a confidential advisor beforehand.

2.2. Steps to be taken by the employee

Employees who experience unacceptable behaviour can take various steps, whether or not they have consulted a confidential advisor, such as:

- 1) Talk in person to the employee demonstrating the unacceptable behaviour (give feedback), possibly in the presence of the confidential advisor;
- 2) Report the unacceptable behaviour to the manager, HR, director or Supervisory Board/board (if the artistic/managing director is involved in the unacceptable behaviour);
- 3) Initiate a mediation procedure; the confidential advisor can advise on this and provide support;
- 4) Lodge a formal complaint (see Article 2.4).

2.3. Steps to be taken by the employer

If an employee reports unacceptable behaviour, the manager, HR, director or Supervisory Board/board can determine which steps are suitable, depending on the situation, for example:

- 1) Speak to the (suspected) perpetrator at the moment the unacceptable behaviour occurs;
- 2) Point out the code of conduct to employees who demonstrate unacceptable behaviour, or remind them of it;
- 3) If the (suspected) perpetrator does not deny the behaviour, steer the behaviour of the person involved through, for example, a verbal or written warning, performance and assessment interviews, making agreements or providing the perpetrator with a relapse prevention process / coaching;
- 4) Arrange / hold a mediation talk;
- 5) Take practical measures if they are suited to the situation and nobody objects to them; for example, do not work together for a while;
- 6) Decide to carry out further investigation (or have it carried out) and, if necessary, take measures based on the results of this investigation (see Article 3).

2.4 Formal complaints procedure

If unacceptable behaviour is too serious to be dealt with informally, employees may also choose to lodge a formal complaint. [ORGANISATIENAAM] makes use of the NAPK complaints regulations, and complaints are dealt with by an independent complaints committee. The complaints regulations can be found on the Social Safety for Performing Arts Foundation website (www.socialeveiligheidpodiumkunsten.nl) under 'documents'.

Throughout the complaints procedure and afterwards, all parties involved have a duty of confidentiality.

Following their investigation, the NAPK complaints committee sends a recommendation to the director or (if the complaint concerns the director) to the Supervisory Board / board. The director or (if the complaint concerns the director) the Supervisory Board / board takes a decision within 2 weeks of receipt of the complaints committee's recommendation and sends a copy of the NAPK complaints committee's recommendation and a copy of the decision to the complainant and the defendant.

If an employee is not satisfied with how the complaint is dealt with, they can initiate legal proceedings or (if it concerns sexual harassment or discrimination) go to the Board of Human Rights (<https://www.mensenrechten.nl/>).

3. Measures taken by the organisation

The director or (if the complaint concerns the director) the Supervisory Board/board can:

1. Take temporary measures for the duration of the investigation and/or the complaints procedure, if this is desired by the organisation or the complainant, or if the situation is untenable for one or more of the parties involved;
2. Take measures based on the results of the investigation and/or the complaints procedure.

These temporary measures for the duration of the investigation and/or the complaints procedure may include:

- Temporary transfer;
- Special leave;
- Suspension from active duty/suspension of the assignment.

On the basis of the results of the investigation and/or the complaints procedure, the following measures may be taken (among others), depending on the gravity of the unacceptable behaviour:

- Official warning;
- Reprimand;
- Transfer;
- Dismissal/termination of the assignment.

4. Evaluation

This protocol will be evaluated by the director and Supervisory Board/board on [at least once a year]. In doing so, the rules of conduct in the code of conduct will be discussed and updated together with the employees. In addition to this, interim evaluations and updates may take place, for example as the result of a report or complaint.