

REGULATION UNDESIRABLE BEHAVIOUR

I Introduction

Internationaal Theater Amsterdam (ITA) is committed to providing a safe and healthy working environment where we treat each other with respect and where everyone who works for ITA feels safe and is able to develop their talents. ITA finds every form of sexual harassment, bullying, aggression, stalking, violence or discrimination unacceptable. However, it might occur that you are confronted with it in your work situation.

The purpose of this regulation is to take action against undesirable behaviour by discouraging and preventing it and - if it does occur - to acknowledge it and deal with it.

By means of this regulation, we, as an organization, pursue an active policy aimed at curbing undesirable behaviour in the workplace. This means that, first and foremost, we ourselves shall refrain from behaviour that could be construed as undesirable behaviour.

II Who is this regulation for?

This regulation is applicable to everyone who works at ITA. Therefore, also consider interns, apprentices, project co-workers, freelancers, agency workers and volunteers. But it may also concern external parties who are present on the work floor of our organisation.

III Undesirable behaviour

During the course of their work, employees regularly have contact with each other, their superiors and external relations and suppliers. This contact usually goes well without any problems, but occasionally it can take on undesirable forms. Undesirable forms of behaviour include behaviour that adversely affects your personal integrity, such as sexual intimidation, aggression and violence, bullying and discrimination.

Undesirable forms of behaviour can arise at any level of the organisation and can take place within all the layers of ITA or between ITA employees and external parties. We define undesirable behaviour as 'acts by an employee, a group of employees or an external party which may be experienced by someone else as hostile, humiliating or intimidating.' We have chosen this broad description of undesirable behaviour as it is a subjective concept, and behaviour that is 'undesirable' or transgressive for one colleague, may be 'desirable' behaviour for another co-worker. By using this broad description, we are attempting to give you the opportunity to set your own boundaries in your dealings with colleagues or superiors.

The various forms of undesirable behaviour are described below; ultimately it is up to the recipient such behaviour to determine whether he/she considers that behaviour undesirable.

Sexual harassment

Sexual harassment: this is any form of verbal, non-verbal or physical behaviour with sexual connotations which has the purpose or effect of violating the dignity of a person, in particular whenever this creates an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment can manifest itself in (a combination of) three forms:

- Words (verbal harassment): This includes sexually tinged remarks, jokes, asking intimate questions, or making innuendoes;
- Gestures, facial expressions (non-verbal): For example, staring, sexually tinged gestures, or showing sexually tinged or pornographic images (including via email, WhatsApp or text message);
- Direct physical contact (physical): This includes all forms of unwelcome physical contact. This can be an arm around the shoulder, grabbing, squeezing, kissing, blocking someone's way, assault or even rape. Invading someone's 'comfort zone' can also be a form of physical sexual harassment.

Aggression and violence

Incidents in which an employee is mentally or physically harassed, threatened or attacked under circumstances directly concerned with the performance of work.

Aggression and violence can be divided into the following categories:

- Verbal violence, such as shouting, swearing and saying insulting things;
- Physical violence, such as kicking, hitting, pushing, assault with a weapon and damage to property;
- Psychological violence, such as threatening, intimidation, coercion and threats to home situations.

Bullying

All forms of intimidating behaviour of a structural nature, directed by one or more employees (colleagues, superiors) against an employee or group of employees who cannot or incapable of defending themselves against this behaviour;

An important element of bullying at work is that the bullying behaviour takes place repeatedly. The behaviour manifests itself in different ways, but in particular through words, gestures, actions or threats. Examples include belittling, exclusion, gossiping or hurtful jokes. These are, of course, just a few examples and there are many more forms of bullying behaviour. Our starting point is that if someone perceives something as bullying, then something must be done about it.

Discrimination

Discrimination, that is to say: statements, actions or decisions that are offensive or humiliating because a distinction had been made based on: physical or mental disability, race, appearance, origin, religion, political affiliation, age, marital status, chronic illness, gender, personal beliefs or sexual orientation.

IV How do you prevent undesirable behaviour?

We believe it is important for employees to demonstrate that undesirable behaviour will not be tolerated in any form within the organisation. Be aware that you are demonstrating the right kind of behaviour both internally and externally (e.g. at external locations).

As a manager, you have an exemplary role and therefore you should always show appropriate behaviour, take a clear stand against undesirable behaviour and definitely not abuse your position of power.

Take stock of the actual situation

In order to prevent undesirable behaviour, management needs to have a good understanding of the working relationships between employees amongst themselves, and between employees and managers. They do this by keeping a finger on the pulse where their employees are concerned. It is also important that managers are aware of this policy and have a clear picture of what is going on within the organisation and where the risks of undesirable behaviour can be found.

In addition, the confidential counsellor keeps a record of undesirable behaviour and provides anonymous feedback to the management.

V What do you do in the event of undesirable behaviour?

Make undesirable behaviour open to discussion

Within our organisation, we strive to ensure that both desirable and undesirable behaviour is subject to discussion as openly as possible. The manager has a role to play in encouraging people to discuss this subject. If, as an employee, you need support or help in tackling undesirable behaviour, you can turn to the confidential counsellor.

We are keen to help our employees put a stop to undesirable behaviour. You can decide for yourself, or together with the counsellor, whether you want to address undesirable behaviour via the informal or formal route.

In short, this is how the order of dealing with undesirable behaviour within the ITA should go:

1. the employee resolves it on their own (informal route)
2. the employee resolves it together with their manager or the next-in-line in higher management (informal process)
3. the employee and the perpetrator resolve the matter through a mediator (informal process)
4. the employee submits a complaint to the complaints committee against the accused party (formal process). What both routes entail is explained below.

The informal route

The informal approach is the most common way to resolve undesirable behaviour in the workplace. In the informal route, we are referring to a complainant and a perpetrator.

The complainant is the person who is subjected to the undesirable behaviour and therefore reports it. The perpetrator is the person that the complainant is experiencing a problem with. You can choose to resolve the problem yourself, with the manager, or via mediation. In that case, you look for a resolution to your problem yourself or with each other.

For example, by discussing the problem with the person who is bothering you. It often happens that someone does not realise that their behaviour is undesirable. Addressing the person directly about their behaviour may be all that is needed to put an end to that behaviour.

If the employee is unable to discuss the problem on their own, then they can discuss it with the manager. A resolution to the problem can then be found together. If the manager is part of the problem, help can be requested from the next higher level of management. If you are unable to find a resolution either yourself or with the help of your manager, mediation can help. A mediator is impartial. She or he enters into a discussion with the two parties. The mediator helps the two parties to come up with a resolution together.

The formal procedure

It can happen that a resolution cannot be reached via the informal route. You can then choose to submit a complaint to the complaints committee. The complaints committee is an independent committee and investigates whether the complaint is legitimate ('founded') or not ('unfounded'). This is done by listening to all parties involved in the case, and also to any witnesses and/or experts. After the investigation, the complaints committee informs the ITA which measures it recommends if the complaint is deemed to be valid. A confidential counsellor can support you in the

complaints procedure. In the formal procedure, we refer to a complainant and an accused party. The complainant is the one who submits the complaint. The accused party is the person against whom the complaint is made.

VI The confidential counsellor

ITA has appointed an external confidential counsellor. As an employee, you can, if you wish, seek the advice of a confidential counsellor. The confidential counsellor has been appointed for employees who are dealing with undesirable behaviour and who do not wish to deal with this on their own.

The mediator listens to your story and helps you look for ways to resolve the situation. Information is treated with the strictest of confidence. The confidential counsellor will not do anything that you do not know about. The confidential counsellor can help you submit a complaint, but you can also just talk to her or him.

The confidential counsellor is available in the first place to be there for you, to guide and support you. The confidential counsellor has solely a supporting and informative role. The confidential counsellor only takes into account the interests of you as an employee and will not do anything without your consent. The mediator also provides information on how to deal with undesirable behaviour.

The confidential counsellor is independent and not employed by the ITA and is certified by the Dutch Association of Counsellors.

ITA confidential counsellor contact details: (maas@devertrouwenspersoon.nl) and telephone number: 088 111 99 10.

VII Mores

There is also an undesirable behaviour complaint desk for the performing arts, television and film sector. The platform is confidential and independent. A procedure has been set up for this at the Platform Mores. This is a central, joint complaint desk for undesirable behaviour in the performing arts, film and television sector.

In the event that you are, or have been, subject to undesirable behaviour (sexual harassment, sexual abuse, aggression and violence, discrimination or bullying), you can report this immediately via the Mores platform. It makes no difference whether it happened today, last week or some time ago. Here, a report can be made (anonymously or not) to an independent confidential counsellor.

The employee can also file an anonymous report directly via the Mores platform www.moresonline.nl.

Contact details Mores:
www.mores.online

Mores confidential counsellors:
Jeanette Jager:
088 111 99 50
jager@devertrouwenspersoon.nl

Freek Walther:
088 111 99 55
walther@devertrouwenspersoon.nl

VIII Duty of confidentiality

What is disclosed in confidence to the confidence counsellor will not be disclosed to others. The confidential counsellor has a duty of confidentiality. As an employee, you must clearly indicate upfront what information may and may not be shared, and the confidential counsellor is only permitted to share information in consultation with the employee. This duty of confidentiality does not lapse if the confidential counsellor is no longer employed as such.

The duty of confidentiality does not apply in front of a magistrate. The confidential counsellor is also under the obligation to give a statement as a witness to the court.

IX Can I submit a formal complaint?

You can submit a formal complaint to ITA or directly to the secretariat of the complaints commission at AN-i. The independent AN-i complaints committee will then investigate the complaint.

Contact details AN-i

Contact person:

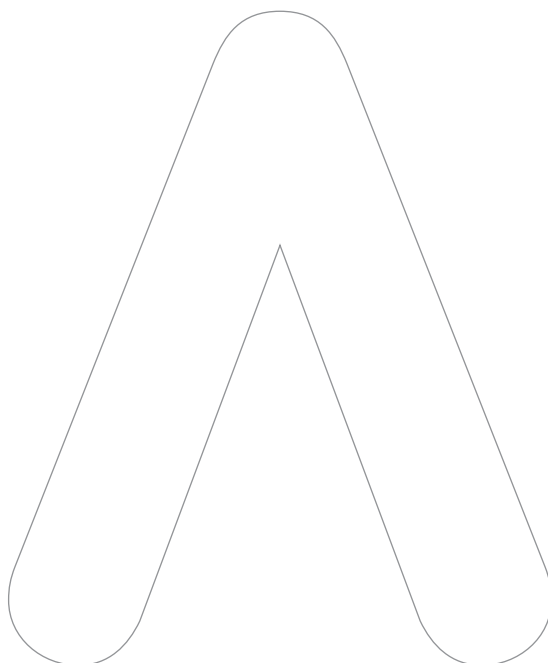
Ivanka van Netten

08877 08855

netten@an-i.nl

www.an-i.nl/klachtencommissie/

The confidential counsellor can help you formulate and submit your complaint and guide you during the complaints procedure. (See Appendix I the Complaints Procedure).



Appendix I Complaints Procedure

1. Definition and applicability

- a. Complaints Committee for undesirable behaviour: the committee that investigates the complaint made by the complainant.
- b. Complainant: the person submitting the complaint.
- c. Accused party: the person or persons against whom the complaint is directed.
- d. Employer: the legal entity or natural person where the accused is employed, for example on the grounds of an employment contract, appointment, traineeship, apprenticeship contract, commission contract or temporary employment contract.
- e. Complaint: a written statement of grievance wherein the complainant gives an account of undesirable behaviour by a person (or persons / body) who is employed under the authority of an employer.
- f. Applicability: This complaints procedure applies to the handling of complaints from complainants about the manner in which a person (or persons/bodies) working under the authority of an employer has behaved in an undesirable way which is in some way related to their work, which behaviour may have taken place both during and outside work. At the request of a client, the procedure can also be applied to other situations and other persons who submit a complaint or are the subject of a complaint.
- g. Undesirable behaviour: actions of a group or of an individual, directed at a person who experiences these actions as threatening, humiliating or intimidating. Such undesirable behaviour may take the form of sexual intimidation, discrimination, aggression, violence and bullying.
- h. Sexual harassment: behaviour associated with a person's sex which is intended to harm or results in the harming of the person's dignity and which creates an intimidating, hostile, degrading, humiliating or offensive environment. It is a form of sexual harassment, such as sexist comments, obnoxious behaviour or unwanted touching of a person, where the boundaries of common decency are crossed.
- i. Discrimination: any expressions of behaviour that involve the unequal treatment or disadvantage of people with respect to religion, gender, origin, race, personal beliefs, political opinions or sexual orientation, among other things;
- j. Aggression, violence and bullying: incidents where a person is subjected to psychological or physical harassment, threats or attacks.
- k. AN-i: employment law office AN-i is the organisation through which the complaints commission operates, which office also assumes responsibility for the secretariat of the complaints commission.

1. Submitting a complaint (phase 1 - submissions)

- 1.1. A complainant submits a complaint in writing to the employer or directly to the secretariat of the Complaints Committee.
- 1.2. The complaints committee confirms receipt of the complaint to the complainant and then informs the complainant of the procedure that is to be followed. The complaints committee will let you know whether the complaint is admissible or not.
- 1.3. The complaints committee examines whether the complaint is complete and, if required, offers the complainant the opportunity to complete the complaint. The complaint must be signed and contain at least:
 - name, address, telephone number, BSN number and email address of the complainant.
 - The name and address of the employer, the contact details of the contact person at the employer
 - The name(s) of the accused and, if available, their direct contact details
 - The dates that the complainant is unable to attend the hearing (e.g. absence due to holidays).
 - The date the complaint was filed
 - A detailed substantiated description of the complaint, accompanied by supporting documents where possible.
- 1.4. After the complaint has been received or the complaint has been completed, the accused party and then the person in charge within the organisation will be informed of the complaint as it has

been received by the Complaints Committee.

- 1.5. AN-i will notify the complainant and the defendant of the individuals who will sit on the Complaints Committee and who will deal with the substance of the complaint. A party may object to the appointment of a person, if there is justified doubt about her/his impartiality or independence.
- 1.6. The complaint will be handled in full confidentiality. This means that the information shared in the investigation will only be made available by AN-i to the complainant, the accused party and the people in charge within the organisation. If it may be useful for the investigation (in particular for the presentation of evidence), third parties may be brought into the investigation, who will consequently gain certain information about the contents of the complaint and the parties' standpoints. The members of the committee are further obligated to maintain the confidentiality of all matters that they in this capacity learn of.
- 1.7. The complainant and the accused party are allowed to support or represent themselves by a legal agent.
- 1.8. The complainant may withdraw the complaint before or during the hearing. A later withdrawal of the complaint is only permitted with the consent of the accused party, no later than when the findings of the Complaints Committee are made known.

2. Hearings and record-keeping (phase 2 - hearings)

- 2.1. The complaints committee will invite the complainant to a closed hearing, in principle at a neutral location and usually in the region where the work is normally carried out. At least two people will be present at this hearing on behalf of the complaints committee, and the complainant is entitled to have someone accompany them. During the hearing, the complainant will be given ample opportunity to further elaborate on the complaint in person (maximum of two hours). The accused party is not present during this hearing.
- 2.2. The Complaints Committee invites the accused party to a closed hearing, in principle at a neutral location and usually in the region where the work is normally carried out. If there are several defendants, it is up to the Committee to decide whether several hearings will be held. At least two people will be present at these hearings on behalf of the complaints committee, and the accused party has the right to have someone accompany them. The Complaints Committee invites the accused party to a closed hearing, in principle at a neutral location and usually in the region where the work is normally carried out. The complainant is not present during this hearing.
- 2.3. The Complaints Committee will draw up a record of each hearing, giving an objective account of what was discussed. This report is first sent to the person who was heard, who is then given the opportunity to suggest any corrections or additions. Any corrections of factual inaccuracies shall be included in the record and any additions to what was said shall be included as a comment in the report. If no response is forthcoming within the set period, the report is deemed to have been accepted. The complaints commission independently finalises the report with any eventual comments and may forward it to the other party, given that it is a commission report and no approval is required to forward it.

3. The written responses to the reports of the other party (Phase 3 - right to be heard)

- 3.1. Both parties shall receive the report of the hearing from the other party at the same time and have the opportunity to respond to it in writing.
- 3.2. In the response to the report of the other party, the parties may refer to evidence that is to be furnished or other forms of available evidence.
- 3.3. After receiving the response to the reports, the committee shall decide if it deems it necessary to examine any part of the report in more detail. On the event the committee considers it necessary, it can carry out its own further investigation, for example by requesting certain items of evidence, checking information (or arranging for others to do so), or interviewing witnesses.
- 3.4. The committee is authorised to obtain all the information that it requires that concerns the handling of the complaint. If it is necessary to call in specialists for this purpose, and if this involves costs, this will require the approval of the commissioning party.

3.5. The committee will report on its findings following the further investigation and will provide this to the parties, along with any supporting documents.

4. The final written response (phase 4 - hear all sides again)

- 4.1. At the end of the investigation, both parties will be given the opportunity to respond to what the other has said. This involves a brief final response to the positions taken by the other party and any evidence. It is not permitted at this stage to come up with a new accusation or new defence, or to present any new evidence. The committee will look at whether certain points could have been raised earlier. The committee is entirely at liberty at this stage to ignore new accusations or defences, for example, because the other party has not been able to respond to them.
- 4.2. The committee may decide, at its own discretion, to allow a party to make a final statement (a final defence). This act shall then address a specific part that has been raised by the other party. A party who makes use of this is obliged to limit themselves in this act (this defence) to that specific part and therefore not to enter any new defences.

5. Findings in the report (phase 5 - report)

- 5.1. After completing the investigation, the complaints commission will draw up a report in which it elaborates on the procedure, the established facts, the complaint and the findings. In particular, the Committee will give reasons for its opinion on whether the complaint is grounded, in most cases in the form of whether that has been deemed plausible. If for this reason the employer requests so, the committee may give advice on measures to be taken by the employer for the specific case and/or in general.
- 5.2. The deadline for the finalisation of the investigation report is two weeks. If there is a delay, the reason and the new deadline shall be made known to both parties.
- 5.3. The investigation report will be sent to the complainant, the accused party and the designated person at the employer at the same time.
- 5.4. Any typographical or other errors in the report that should be obvious to both parties may be corrected by the committee on its own initiative and at the request of either party, in which case both parties shall be given the opportunity to express their views in writing beforehand.
- 5.5. No objection or appeal may be made against the decision of the committee. No further correspondence will be entered into on the outcome and motivation. The investigation is concluded with the investigation report. The records of the complaint, the handling of it and the recommendations will be kept by AN-i for five years.
- 5.6. It remains the responsibility of the parties themselves as to which legal consequences follow on from the report.

6. Time limits

- 6.1. The complaints committee stipulates the final deadline for a party to respond. This deadline constitutes an expiry period. Usually it is a period of one week, although the commission determines the length of this period. The complaints commission is free to draw its own conclusions from the fact that a party has allowed the deadline to expire.
- 6.2. Only in very exceptional cases will the commission grant a postponement, based on a well-reasoned request from one of the parties, which will only be legally valid if confirmed in writing. The other party shall be informed of the postponement.

7. Miscellaneous

- 7.1. Both the complainant and the accused party, as well as third parties, are under the obligation to provide the complaints committee with a fair presentation of the facts and not to conceal any relevant facts, as well as to inform the committee in good faith. All those involved are expected to speak respectfully of others and not to engage in unlawful behaviour.
- 7.2. The Complaints Committee is not under any obligation to take up the complaint, in particular if the complaint does not fall under the applicability of the complaints regulations, if a similar

complaint (of the same type) has already been submitted, when the complaints regulations are incapable of providing an adequate route or resolution for the particular situation that has arisen, or if the circumstances to which the complaint relates are the subject of a criminal investigation, or if a judgement has been requested from another authority with jurisdiction in this matter. Nor will any advice be given if the employer has been granted suspension of payments, declared bankrupt, ceased trading or if too much time has elapsed since the circumstances that gave rise to the complaint. In this context, the complainant and the accused party are under obligation to provide relevant information

- 7.3. If it transpires afterwards that a party has been guilty of grossly misleading the Complaints Committee, the other party can submit this to the Complaints Committee for assessment, after which it is solely up to the Complaints Committee to decide whether it will reopen the case.
- 7.4. The AN-i Employment Law Office determines the composition of the complaints committee and informs the parties which members will take a seat on the complaints committee. A member may not have any interests in the outcome of the proceedings and should treat the parties on an equal footing. The composition of the commission is normally such that it consists of one woman and one man. At the request of an organisation that has affiliated itself with the complaints commission, a single member from the organisation may also sit on the complaints commission, at the expense of that organisation. This means that in addition to the majority of external members in the complaints commission, one "internal" member will take part in the commission, should AN-i decide to do so. A party can object to the appointment of a member if there is justified doubt about her/his impartiality or independence.
- 7.5. The regulations are cited as the complaints regulations of the Complaints Committee for Undesirable Behaviour.
- 7.6. The complaint and the handling thereof will be in the Dutch language and falls under Dutch law. The General Terms and Conditions of AN-i and in particular Article 4.5 apply to this complaints procedure (www.an-i.nl/av).
- 7.7. The costs associated with having AN-i handle the complaint are at the expense of the commissioning party (i.e. the employer), including the costs of the secretariat and the people who handle the complaint. If the complainant or accused party is receiving assistance, the costs are at their own expense.
- 7.8. The Complaints Committee will decide in cases not covered by these regulations.
- 7.9. The file on the handling of the complaint will be kept for a period of five years.