

oerol

Oerol 2024

Code of conduct and protocol



PHOTOGRAPHER: MARLEEN ANNEMA

1. Introduction

Stichting Terschellings Oerol Festival (the Oerol Festival Foundation) strives for a safe space where there is no room for structural suppression, e.g., racism, sexism, vandalism, LGBTQI+ phobia, xenophobia and ageism.

We take responsibility in ensuring a safe work environment for everyone involved in the organization.

Physical and verbal abuse and every other form of unwanted and unacceptable behaviour will not be tolerated.

A safe work environment is created when an organization is healthy and its employees and all parties involved are respected. Persons involved perform their tasks and contribute to the goals of the organization. There's a clear vision within the organization, a clear job description, relationships grow from 'bonding' and relationships are openminded.

Stichting Terschellings Oerol Festival acknowledges this continuing group effort and asks everyone involved – from board to employee to visitor – to actively support this cause. We expect employees and third parties to behave in a collegial fashion and respectful manner with all others in the workspace, and to avoid disrespectful behaviour, regardless of hierarchical differences. We also expect everyone in the workspace to keep their eyes and ears open to unacceptable behaviour and to take (proportional) action in case of suspicions.

This safe work environment includes, amongst others:

- Stichting Terschellings Oerol Festival is an inclusive space;
- Everyone involved with Stichting Terschellings Oerol Festival treats each other with respect;
- Opinions may differ;
- Discussions are solved in dialogue;
- Physical and verbal violence is not allowed.

This code is effective on all employees of Stichting Terschellings Oerol Festival: salaried employees, freelancers, interns or volunteers, contractors, researchers, artists and any other person with whom Stichting Terschellings Oerol Festival works. Stichting Terschellings Oerol Festival doesn't discriminate on the basis of a relationship or type of employment.

Industry-specific factors

The nature of our work is characterized by (industry-)specific factors of which we should all be aware of, including:

- Working in an industry with an exhausted labour market;

- Working in a relatively small team and often vague/unclear boundary between work and private life (e.g., at premieres and overtime);
- The pressure to make programmes within strict deadlines;
- Flexible and irregular work hours;
- The (external) social pressure to operate as an institute in accordance with the set ethical and social objectives;
- Often times high ambitions and insufficient resources.

2. What is unacceptable behaviour?

General

The starting point are provisions laid down in Dutch law:

- the Civil Code;
- the Equal Treatment Act (Awgb);
- the Equal Treatment of Men and Women Act (Wgbm/v);
- the Working Conditions Act;
- the Risk Inventory & Evaluation and Action Plan.

For more information about inappropriate behaviour, see www.szw.nl, then select subjects and click on aggression and violence, bullying or sexual harassment (the English website is at the bottom of the homepage).

A. Intimidation

In the lines of article 1a paragraph 2 of The Equal Treatment of Men and Women Act 7:646 paragraph 7 of the Dutch Civil Code:

Behaviour related to the gender of a person and of which the purpose or effect is the violation of a person's dignity and the creation of an intimidating, hostile, degrading, humiliating or offending environment.

B. Sexual intimidation

In the lines of article 1a paragraph 3 of The Equal Treatment of Men and Women Act 7:646 paragraph 8 of the Dutch Civil Code:

Any form of verbal, non-verbal or physical behaviour of a sexual nature of which the purpose or effect is the violation of a person's dignity, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples of sexual intimidation and harassment are:

- Making ambiguous comments;
- Bragging about sexual encounters and performances and making crude jokes;
- Unnecessary touching and blocking;
- Writings with a sexual connotation;
- Showing offensive images in the workplace;
- Sexual harassment and rape.

C. Bullying

Any form of intimidating behaviour on a structural basis, from one or more colleagues/co-workers against an employee or group of employees that cannot defend itself against this type of behaviour.

The frequency of bullying over time is an important component. Examples are:

- Derogatory comments, like downplaying or criticizing someone's work;
- Comments on a person's appearance;
- Ignoring someone;
- Making someone's work impossible to do.

Unbalanced power or strength between the attacking party and the bullied person or group, e.g., because someone occupies a higher hierarchical position and/or someone is verbally or physically stronger. As a result, the victim(s) cannot defend themselves.

D. Aggression and the use of violence, meaning:

Incidents where an employee is mentally or physically harassed, threatened or attacked under circumstances directly related to the work performance.

E. Discrimination, meaning:

Comments, actions or decisions that are offending or humiliating due to a person's: physical or mental challenge, race or appearance, origin, religion, political preferences, age, marital status, chronic illness, gender, philosophy or sexual preference.

Cited laws call for men or women only. Stichting Terschellings Oerol Festival acknowledges all gender identities and frequently discusses the meaning behind all described terms, phrases and pronouns.

3. Reporting unacceptable behaviour

Everyone who is employed at Stichting Terschellings Oerol Festival – salaried employees, freelance or volunteer -, who partakes in the programme of Stichting Terschellings Oerol Festival, that visits Stichting Terschellings Oerol Festival or delivers a different service of some kind, shares responsibility for a safe environment.

We encourage every member of the staff to report an incident of unacceptable behaviour as described, even when in doubt.

The confidant honours confidentiality and integrity, and is trained to support you. Any notification helps the establishment of a safe work space and a better organization. This means that there will be no disadvantage to a report.

There are several options to discuss and share worries or experiences when you experience unacceptable behaviour:

A. Stichting Terschellings Oerol Festival employee (salaried employees, freelance, intern or volunteer):

- With your manager (for salaried employees, interns, volunteers), or client (for freelancers);
- The (managing) board of Stichting Terschellings Oerol Festival, if the first option is unsuitable for you situation;
- Or with the independent confidant (*ArboNed, Tanja Reitsema, tel.no. 0621817231*).

The independent confidant:

- Is completely independent in their support and guidance;
- Has a duty of confidentiality, which can only be lifted with the reporter's consent;
- Doesn't handle anonymous written complaints;
- Doesn't handle complaints via third parties;
- The confidant doesn't mediate.

The most important tasks of a confidant are:

- Accommodate the employee;
- Analysing the situation with the employee;
- Counselling the employee on the necessary call to action;
- Counselling and supporting the employee during the protocol of mediation and complaints procedure.

All experiences are taken seriously and handled in confidence. When the Stichting Terschellings Oerol Festival team lacks the required expertise, professional help will be called – in consultation with the employee – to further council.

Please notice the following: the (managing) board has a duty to create a safe work environment and the supervisory board to supervise the organization. It may therefore be necessary to act in response to a report to the Board of Directors or the Supervisory Board, for example because the undesirable behaviour also affects or may affect others.

Even though everything will be handled with care, full confidentiality cannot always be guaranteed. Employees against whom a complaint is submitted will be handled with care. Complete secrecy is in the general interest of the company. The privacy of those involved will be protected as much as possible. Clear agreements about follow-up steps are made with the consent of all parties.

4. Protocol

In general, if unacceptable behaviour is reported the following steps are taken:

- Stichting Terschellings Oerol Festival listens to the report;
- If the reporter is a **witness** to the behaviour:
 - Stichting Terschellings Oerol Festival discusses the report with all involved parties;
 - For further actions, see below:
- If the **reporter** has experienced the unacceptable behaviour:
 - Stichting Terschellings Oerol Festival takes in the reporter and offers the support the reporter needs;
 - Stichting Terschellings Oerol Festival discusses all possibilities.
Examples of which are:
 - Talking to all involved parties;
 - Talking with the confidant (ArboNed, Tanja Reitsema, tel.no. 0621817231)
 - Call the police and/or victim services or the centre for sexual violence;
 - Calling for advice from independent professionals if the required experience of Stichting Terschellings Oerol Festival is insufficient
 - If necessary, cases are discussed in a Supervisory Board meeting;
 - If necessary, appropriate sanctions are taking, depending on the relationship with the perpetrator, depending on the seriousness of the complaint. This can vary from a formal warning, denying access, termination of the relationship, ending a contract and more.

In any case, Stichting Terschellings Oerol Festival respects the trust and privacy of the reporter who remains in control of all the steps of the protocol, unless their own safety or that of other is at stake or when serious crimes and allegations obliges the organization to do otherwise (e.g., report to the police or a shelter). In that case, the privacy of all parties involved will be protected as much as possible.

All cases are assessed individually.

This document is based on the Code of Conduct and Protocol fair case, 19 November 2021, drafted by 'de zaak nu', published on www.dezaaknu.nl and is translated in English in February 2023.