

## Prevention and Response to Sexual Harassment Policy

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For the purposes of this policy, the following people hold the following roles:

Role	Name(s)	Role	Name(s)
<b>Management Team</b>	CEO – Jo Oliver <a href="mailto:jo@recordedmusic.co.nz">jo@recordedmusic.co.nz</a>	<b>Harassment Contact Persons</b>	Sarah Owen <a href="mailto:sarah@recordedmusic.co.nz">sarah@recordedmusic.co.nz</a>
	Head of Operations and Licensing – Liz Diamond <a href="mailto:liz@recordedmusic.co.nz">liz@recordedmusic.co.nz</a>		Nicky Harrop <a href="mailto:nicky@rhythmethod.co.nz">nicky@rhythmethod.co.nz</a>
<b>Health and Safety Representative</b>	Liz Diamond – as above	<b>External support services</b>	Refer to <a href="http://soundcheckaotearoa.co.nz">soundcheckaotearoa.co.nz</a>

# Recorded Music NZ

## Prevention and Response to Sexual Harassment Policy

### 1 Policy statement

- 1.1 Recorded Music respects and supports each person's right to work in a safe and inclusive workplace, where people are valued and treated with respect. See also Recorded Music Policy on Representation and Inclusion.
- 1.2 We are committed to creating a positive workplace culture, free from sexual harassment, by:
- Creating a safe and supportive work environment that is free from sexual harassment.
  - Regular communications and the implementation of training to ensure that all staff members are aware of and understand their rights and responsibilities.
  - Having clear expectations on leaders, management and staff to lead from the top by modelling appropriate behaviour.
  - Empowering staff members at all levels to deal with situations where they feel sexually harassed, and to safely intervene in situations where others may be experiencing sexual harassment.
  - Encouraging the reporting of behaviour that may be in breach of this policy, including by having clear processes in place, ensuring these processes remain up-to-date and by following those processes.
  - Treating everyone fairly and with respect.
  - Ensuring the well-being of both the complainant and the respondent where there is a report of sexual harassment, and ensuring that their legal rights and the principles of natural justice are complied with.
  - Addressing any issues or incidents of sexual harassment, regardless of whether there has been a formal report of sexual harassment, in an appropriate manner that is consistent with this policy.

### 2 Scope of policy

2.1 This policy applies to everyone who works at or for Recorded Music, including all:

- (a) employees and contractors;
- (b) members of the Board of Recorded Music;
- (c) members of Recorded Music Board Committees, such as the Artist Committee, Music Awards Committee, etc.

and references to 'we' are to all of us.

2.2 The policy applies to conduct and behaviour:

- (a) in our workplace and at work events (such as off-site training, industry and staff functions);  
and

- (b) outside of our workplace, when the behaviour or conduct is (a) related to our work (for example, at industry events including the Music Awards) or (b) otherwise has the potential to impact on the safety of the working environment.

2.3 We also expect visitors, volunteers, other individuals that we work with, and individuals and organisations that we publicly support and/or provide funding to, to conduct themselves in a manner that is consistent with this policy and the laws covering sexual harassment, and Recorded Music will support our people in addressing any inconsistent behaviour.

### **3 What is sexual harassment?**

#### **Legal Definition**

3.1 Sexual harassment is defined as any unwelcome or offensive behaviour of a sexual nature, that is either:

- (a) repeated; OR
- (b) is so significant that it has a harmful effect on an individual's work, job performance or job satisfaction.

3.2 The definition of sexual harassment includes a direct or indirect request for sexual intercourse, sexual contact, or other form of sexual activity that contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment.

#### **Relevant law**

3.3 Sexual harassment is unlawful and is covered by the following legislation:

- Human Rights Act 1993
- Employment Relations Act 2000
- Harassment Act 1997
- Harmful Digital Communications Act 2014
- Films, Videos, and Publications Classification Act 1993

3.4 In addition, under the Health and Safety at Work Act 2015, those responsible for workplaces are required to recognise and manage the risks arising from sexual harassment. See <https://www.worksafe.govt.nz/about-us/news-and-media/sexual-harassment-quick/>

3.5 A specific group of behaviours may amount to crimes or offences under criminal legislation.

3.6 A person may not intend to sexually harass someone or may be unaware that their behaviour is offensive. What matters is whether any behaviour of a sexual nature is unwelcome or offensive to the individual.

3.7 'Unwelcome' means behaviours that are not solicited or invited and are regarded by a person as undesirable or offensive at the time. People do not invite unacceptable behaviour by virtue of things such as their clothing or not speaking up when the behaviour occurs.

3.8 There is no obligation to tell the person concerned that the behaviour is unwelcome or offensive. In other words, if the person experiencing harassment does not express the view that certain behaviour

is unwelcome or offensive at the time, it does not mean the behaviour is acceptable and that no harassment has taken place.

### **Examples of sexual harassment**

3.9 Below are some examples of behaviours that can constitute sexual harassment if they meet the legal definition above:<sup>1</sup>

- Sexually explicit pictures, posters, gifts, emails or text messages
- Sexually suggestive comments or jokes, or other forms of inappropriate language
- Insults or taunts of a sexual nature
- Intrusive questions or comments about a person's private life, clothing or physical appearance
- Staring or leering
- Unwanted invitations to go out on dates
- Repeated or inappropriate advances on email or social networking websites
- Touching, hugging, patting, pinching, kissing or encroaching on someone's personal space
- Requests for sexual favours, or pressure for sex or other sexual acts
- Sexual gestures, indecent exposure, or inappropriate display of the body
- Stalking or sexual assault.

### **Power imbalances**

3.10 Inappropriate behaviours can be subtle, context dependent and may include different cultural understandings of what is considered appropriate behaviour. Power imbalances in the workplace can also contribute to sexual harassment occurring and people being reluctant to report inappropriate behaviour.

3.11 We all need to be cautious and mindful of our position when considering whether it is appropriate to act on mutual attraction. This is relevant to all situations where there is any difference in seniority.

### **Effects on those who experience sexual harassment**

3.12 Sexual harassment can have long-lasting effects on people who experience or witness sexual harassment, both in their personal and professional capacity. People who may not have experienced sexual harassment but have witnessed someone else being harassed can also be negatively affected.

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<sup>1</sup> See also <https://screensafe.co.nz/guidelines/posters/what-does-sexual-harassment-look-like-poster-1-3/>

## 4 Preventing sexual harassment

### Roles and responsibilities

4.1 All of us have a shared responsibility to support the safety of colleagues and others in the workplace and to promote positive workplace behaviours. All staff will:

- Build a common understanding about what sexual harassment is
- Not sexually harass others
- Keep an eye out for other people and intervene (whether directly or indirectly) to help and support someone who might be experiencing sexual harassment.

4.2 Those in leadership roles have an additional responsibility to foster a positive, respectful culture in which sexual harassment is less likely to occur. The Recorded Music Management Team is responsible for all employees and contractors of Recorded Music. Their role is to:

- Create and maintain an environment where staff members can conduct their daily work in a safe and respectful work environment.
- Communicate this policy to employees and contractors and ensure it is enforced.
- Take measures consistent with this policy should they witness any acts of workplace harassment. In such cases, the Management Team must demonstrate fairness, impartiality, and be free from intimidation or favouritism.
- Ensure that all discussion, communications and actions are handled with extreme sensitivity and utmost confidentiality.
- Be available to help senior executives, employees and contractors know about and meet their obligations under the relevant legislation and this policy.
- Give advice, support and information if a senior executive, employee, or contractor believes sexual harassment has occurred at any level of the organisation, including the options available and how they may want to proceed.
- Refer anyone approaching them about sexual harassment to appropriate help and support, and if necessary, secure independent representation for the person.
- Ensure that complaints are dealt with appropriately and according to this policy and that no complainant is retaliated against.

### Communications, information and training

4.3 Sexual harassment prevention is more effective when people have access to the information they need. Recorded Music will:

- Promote this policy widely on a regular basis.
- Conduct regular information sessions for staff about recognising sexual harassment, what is sexual harassment, how to report concerns and how to use the complaint process.

4.4 This policy will be provided to employees at induction and will be stored in a shared drive so that everyone knows where they can go to get help.

- 4.5 To ensure a high level of awareness and effective implementation of this policy, the Management Team will ensure that everyone who works at Recorded Music is aware of the policy and their rights and responsibilities.
- 4.6 The Management Team and most staff at Recorded Music have received training which will be repeated on a regular basis. New staff will be provided with training at induction or soon afterwards.
- 4.7 Recorded Music intends to provide training for other forms of harassment and discrimination as well.

## **5 Options for dealing with sexual harassment**

### **Confidentiality**

- 5.1 Recorded Music recognises that maintaining confidentiality to the greatest extent possible and respecting the wishes of a complainant is important in order to create and maintain an environment where employees feel safe to report incidents of sexual harassment.
- 5.2 If a staff member discusses a sexual harassment matter with one of the people within the Management Team on a confidential basis, confidentiality will be maintained but within the boundaries of our legal obligations as an employer (expanded on in paragraph 5.3 below).
- 5.3 Recorded Music has a duty to ensure that the workplace is safe. This means that where matters are disclosed to someone in the Management Team, that person cannot guarantee to keep that matter confidential or promise that they will not take any action in response to the information. If a person in the Management Team becomes aware of a situation that they consider is sufficiently serious, or where they are concerned that the health, safety or wellbeing of an individual and/or others may be exposed to an imminent risk, they may be obligated to take steps to deal with the situation to ensure that the workplace is safe. In these circumstances, Recorded Music will inform the individual(s) concerned of the proposed process and involve the individual(s) in that process as far as possible.

### **Options**

- 5.4 If you experience or see sexual harassment, you could take one or more of the following options.

#### **Option 1: Seek advice and support**

- 5.5 If you experience or see sexual harassment, you could seek advice and support from others, including the following:
- A trusted person who is willing to support you to raise a concern and/or test your perception of events. This could be a colleague or friend.
  - One of the counselling and support services listed at <https://soundcheckaotearoa.co.nz/>. These services are confidential and free of charge, and can assist people who have experienced or seen sexual harassment to get the help they need, and to make decisions on what they would like to do next.
  - A Harassment Contact Person (see below).
  - An independent lawyer.

#### **Option 2: Discussion with Harassment Contact Person**

5.6 The purpose of Harassment Contact Persons is to provide contacts for people within Recorded Music to talk to about their concerns without fear of the matter being disclosed to the Management Team or others within the organisation. Harassment Contact Persons' role is not to act as an advocate.

5.7 The Harassment Contact Persons at the date of this policy are listed on the front cover.

5.8 Harassment Contact Persons will:

Clearly explain the parameters of their role.

- Listen to your concerns and explore with you what's happened and what this has meant for you.
- Not form a view on the merits of any allegations.
- Treat all information provided by you in strict confidence.

If wanted, Harassment Contact Persons will:

- Provide you with information about the internal complaint process and outline other informal and formal options available.
- Provide you with information about available support services.
- Provide you with advice and support that assists you to be safe while you consider your options.

5.9 If the Harassment Contact Person is concerned that your health, safety or wellbeing is at imminent risk, the Harassment Contact Person may consider it necessary to take steps to ensure you are safe. Such steps may include contacting an external professional, such as a counsellor or Police, or contacting a person trusted by you such as a family member or friend. The Harassment Contact Person will explain why they consider it necessary to involve someone else and will ensure that you are informed as to what steps the Harassment Contact Person will be taking.

5.10 To enable Recorded Music to assess the workplace culture and to identify and develop strategies for addressing sexual harassment, Harassment Contact Persons are required to provide statistical and non-identifying information to the Management Team on a regular basis.

5.11 Recorded Music recognises that the role of Harassment Contact Persons as a first port of call is important in creating a culture where employees feel safe and supported when dealing with sexual harassment. It is also important that Harassment Contact Persons are supported, and their wellbeing is preserved. For this reason, we encourage Harassment Contact Persons to contact one of the support services listed on [soundcheckaotearoa.co.nz](http://soundcheckaotearoa.co.nz), on a strictly confidential basis, after a disclosure has been made. In addition, Harassment Contact Persons will receive training at least once per year.

### **Option 3: Addressing the behaviour directly**

5.12 You might decide to let the person you believe has acted inappropriately towards you know that their behaviour is unwelcome, inappropriate or offensive and needs to stop. This may resolve the matter quickly and in a low-key manner.

- 5.13 This approach may be appropriate where you do not feel unsafe or threatened by approaching the person. The ways that the behaviour could be addressed directly include:
- Telling the person directly about the behaviour you do not like and asking them to stop it.
  - Writing a letter or email on a 'private and confidential' basis to the person.
  - Taking a support person with you to tell the person that the behaviour needs to stop.
- 5.14 Resolution may involve a verbal or written apology or agreement on how the parties will behave towards one another in future.
- 5.15 You should not approach someone directly about their behaviour if by doing so you would feel unsafe or threatened in any way. If you are uncomfortable with this approach or if you try this and the issue is not resolved, you can contact one of the Management Team to take the matter further.

**Option 4: Formally report sexual harassment to Management Team**

- 5.16 You can make a written or verbal report to anyone within the Management Team if you have experienced or seen sexual harassment.
- 5.17 If the report relates to an individual or individuals within the Management Team, and it may be inappropriate for any member of the Management Team to receive the report, you can make the report to the Board Harassment Contact named on the front of this policy.
- 5.18 The Management Team is responsible for the overall facilitation of harassment disclosures or complaints. If a report is made to one member of the Management Team, or the Board Harassment Contact, confidentiality will be handled as per clause 5.22 and 5.23 below.
- 5.19 A form for submitting a formal report or complaint is in Appendix 2 to this Policy.
- 5.20 When dealing with a report or complaint, the complaint handler will:
- Treat all matters seriously
  - Make sure complaints are taken seriously, and fairly and impartially investigated, and the alleged harasser is given the opportunity to offer an explanation
  - Advise both parties of their right to seek independent advice
  - Make sure investigations are completed in a timely manner
  - Make sure neither the person who complained nor the alleged harasser are victimised (e.g. being punished, bullied, intimidated)
  - Support all parties involved (including witnesses and support people)
  - Find appropriate remedies and consequences for confirmed sexual harassment
  - Communicate the process and its outcome
  - Ensure confidentiality
  - Keep good documentation
  - Get help from specialist external advisors as required.



- 5.21 People who make reports or complaints of sexual harassment in good faith, and people who support them or speak up for them, have legal protections against victimisation or unjustified disadvantage in employment (such as dismissal, or denial of benefits including pay rises, or promotion).<sup>2</sup>

#### **Confidentiality of a report of sexual harassment**

- 5.22 The person(s) who received the complaint will ensure the details of the matter are only known to those directly concerned (including their representative or support person) and those involved in investigation and considering the reported behaviour.
- 5.23 The person who made the disclosure or complaint will be kept informed as to who is made aware of the complaint. This will vary from case to case, and may include:
- The person who is the subject of the complaint.
  - Individuals who may have witnessed the behaviour complained of, or who may have information that is relevant to any investigation or attempts to resolve the matter.
  - Another member of the Management Team
  - The Board Harassment Representative, or another member of the Board.

## **6 Response to internal reports of sexual harassment**

- 6.1 When a report of sexual harassment is received, the complaint handler will consider the information in the report and consider what action is reasonable taking into account the seriousness of the issue and the views of the person who experienced the reported behaviour.
- 6.2 The approaches that could be taken in response to a report of sexual harassment that relates to a staff member includes:
- A a one on one meeting between the complaint handler and/or another member(s) of the Management Team and the subject of the complaint;
  - B a meeting between both the complainant and the subject of the complaint;
  - C a meeting that is facilitated by a mediator or specialist facilitator; and
  - D a formal independent investigation.

#### **Option 1: One-on-one meeting with the subject of the complaint**

- 6.3 The complaint handler and/or another member(s) of the Management Team could have a one-on-one meeting with the subject of the complaint and discuss the concerns raised in relation to their behaviour.
- 6.4 Clear expectations should be set as to behavioural expectations in the future. The complainant will be informed as to the agreed outcome. The complaint handler will monitor the situation to ensure that the behaviour has stopped.
- 6.5 This approach will be appropriate if the complainant does not want to attend a meeting with the respondent and is comfortable for the complaint handler to address the issue. In some cases,

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<sup>2</sup> Section 66 Human Rights Act 1993; section 103 Employment Relations Act 2000

explaining the way that others perceive their behaviour can be enough to stop the behaviour reoccurring.

#### **Option 2: Meeting with both the complainant and the subject of the complaint**

- 6.6 The complaint handler could arrange a meeting that is attended by both the complainant and the subject of the complaint. Both parties should be invited to bring a support person to the meeting.
- 6.7 The complainant should be given an opportunity to explain their concerns and the effect of the behaviour on them. The subject of the complaint should then be given a chance to respond. The parties should then seek to determine what needs to happen in order to resolve the matter, and how they will work together moving forward.
- 6.8 A record as to the agreed way forward should be made, and the complaint handler should monitor the situation to ensure that the behaviour has stopped.
- 6.9 This approach will be appropriate if the complainant is comfortable attending a meeting with the subject of their complaint, and if both parties are prepared to engage and discuss the matter in a constructive manner.

#### **Option 3: Mediation or facilitation**

- 6.10 A meeting between the parties, facilitated by a specialist facilitator or mediator who can guide the discussion in a safe environment, can be an effective forum which allows both parties to discuss their concerns and to explore ways in which they might be able to achieve a way forward.
- 6.11 The parties may mutually agree to a private mediator or facilitator, or could attend mediation through the Ministry of Business, Innovation and Employment's mediation service.
- 6.12 This approach will be appropriate if both parties are amenable to discussing and working through the issues and it is necessary to have an impartial and unbiased person guide the discussion.

#### **Option 4: Formal independent investigation**

- 6.13 In some cases, the complaint handler may consider it is necessary to carry out an independent investigation. The steps in the process of an investigation are set out in **Appendix 3** of this Policy.

#### **Response to reports of sexual harassment where the subject of the complaint is an individual outside of Recorded Music**

- 6.14 Where a report of sexual harassment concerns an individual outside of Recorded Music (for example during an industry meeting or event) there are a number of approaches that could be taken in response, including:
  - A Arrangements can be put in place that prevent the subject of the complaint from attending meetings or events at Recorded Music's offices.
  - B Arrangements can be put in place so that the complainant (and any others that may be affected) are not required to interact with the subject of the complaint.
  - C The complaint handler or the complainant could lodge a written complaint to the subject's employer or contracting organisation.

- D The complaint handler or another member of the Management Team could have a one-on-one meeting with the subject of the complaint and discuss the concerns raised in relation to their behaviour.
- E The complaint handler or another member of the Management Team could arrange a meeting with the individual's manager or another senior person at the organisation to discuss the concerns raised in relation to the individual's behaviour.

### **Potential outcomes or resolutions of internal reports of sexual harassment**

- 6.15 There are a range of possible outcomes or ways that a report of sexual harassment may be resolved.

#### **Informal resolutions**

- 6.16 In some cases, it may be appropriate to resolve the matter informally.
- A written or verbal apology.
  - A written agreement as to how the parties will behave towards each other in the future.
  - A change in reporting lines or the way those affected work together.
  - If the subject of the complaint is outside Recorded Music, action could be taken to prevent that individual from attending Recorded Music's events or meetings at our offices.
  - The subject of the complaint agreeing to attend training or seeking assistance from an external provider.

#### **Disciplinary action**

- 6.17 Where allegations are admitted or substantiated, disciplinary action that matches the seriousness of the breach may be taken.
- 6.18 Factors taken into account in determining the level of seriousness include the nature of the conduct and whether or not the person breaching the policy was in a position of trust or authority in relation to the complainant.
- 6.19 Whether or not disciplinary action is taken as a result of a sexual harassment complaint is a confidential matter between the employer and the subject of the complaint. However, the complainant will be given sufficient information about the action taken in response to their complaint to feel safe and empowered to take further steps if the behaviour recurs.

#### **If a complaint is not upheld**

- 6.20 Where a complaint is not upheld, there will be no consequences for the complainant unless it is established that the complaint was made maliciously or in bad faith (for example, where the complainant makes factual allegations they know to be untrue).
- 6.21 Where allegations are not substantiated it may still be appropriate to undertake some action, for example, refresher sexual harassment training or communications training. This ought not to single out or punish the subject of the complaint if there has been no finding.

## **7 Reporting sexual harassment externally**

### **Making a complaint under relevant legislation**

- 7.1 If you are not satisfied with the outcome of making an internal complaint or do not wish to use the internal procedures, you can either:
- Lodge a complaint with the Human Rights Commission about the alleged behaviour under Parts 2 and 3 of the Human Rights Act 1993;<sup>3</sup> or
  - If the employee has raised a personal grievance under the Employment Relations Act 2000 within 90 days of the alleged harassment, apply to the Employment Relations Authority for a determination.
- 7.2 Employees cannot both lodge a complaint with the Human Rights Commission and apply to the Employment Relations Authority.
- 7.3 As the Employment Relations Act is only relevant for employer / employee relationship problems, independent contractors should direct their complaints to the Human Rights Commission.

### **Reporting to the Police**

- 7.4 Sexual harassment, or physical assault, may come under the provisions of the Crimes Act 1961. In such a case, the complainant, or Recorded Music on the complainant's behalf, may lodge a complaint with the Police. In such cases, Recorded Music will support the complainant to do so, if they wish.

### **Other external reporting**

- 7.5 Certain forms of sexual harassment online can be reported to Netsafe under the Harmful Digital Communications Act. See <https://www.netsafe.org.nz/what-is-the-hdca/>
- 7.6 Complaints about objectionable content can be made to the Department of Internal Affairs under the Films, Videos and Publications Classification Act. See <https://www.dia.govt.nz/Censorship-Overview>

## **8 Record keeping**

- 8.1 Where a report of sexual harassment is received, the Management Team will keep all relevant documentation in a secure location.

## **9 Review of the sexual harassment policy**

- 9.1 This policy will be reviewed at least every two years to ensure that it conforms to current law and remains best practice.

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<sup>3</sup> Note the complaint should be made wherever possible within 12 months of the conduct occurring, as the Commission has a discretion not to take action on a complaint where the conduct occurred more than 12 months prior: s80(2) Human Rights Act 1993

## **10 Workplace monitoring**

10.1 Recorded Music will use the following mechanisms to help determine whether sexual harassment exists in the workplace, and whether people are reporting incidences of sexual harassment, to help us improve our practices:

- Anonymous reports provided by Harassment Contact Persons
- Exit interviews
- Collecting statistics
- Regular discussion with staff on workplace culture.

## **Appendix 1: Information for Harassment Contact Persons**

### **Key skill requirements**

The following skills, knowledge and personal attributes are to be demonstrated by any person seeking to become a Harassment Contact Person.

Skills:

- Ability to use effective active and reflective listening skills
- Sound communication skills both written and verbal
- Ability to respond with empathy in sensitive and stressful situations
- Sound judgement and ability to maintain confidentiality (any evidence of a lack of discretion may be a disqualifying factor)

Knowledge:

- Harassment Contact Persons will acquire knowledge of relevant legislation and best practice on matters of:
  - Equality, discrimination and harassment
  - Internal and external resolution options available to staff, in particular Recorded Music's processes
  - Awareness or ability to acquire awareness of cross cultural issues and sensitivities

Personal attributes:

- Genuine interest in equity and diversity issues
- Credibility with other members of the workplace/work unit
- Demonstrated standards of workplace behaviour that reflects the standard of ethical behaviour expected at Recorded Music

### **Appointment of Harassment Contacts**

To ensure that Harassment Contacts can receive disclosures relating to sexual harassment in strict confidence, members of the Management Team will not be appointed as Harassment Contact Persons for Recorded Music (but could be Harassment Contact Persons for other music industry bodies).

Recorded Music retains discretion to remove individuals from the role of Harassment Contact for any reason.

### **Role and Responsibilities of Harassment Contact Persons**

Harassment Contact Persons will:

- Behave as a positive role model of workplace behaviour.
- Provide a safe environment for individuals to express concerns in a confidential manner.

- Clearly explain the parameters of their role at the start of any meeting with an employee, including the limitations on their ability to keep matters confidential.
- Listen to the individual's concerns.
- Not form a view on the merit of any allegations.
- Listen and discuss options for resolving a complaint.
- If requested, provide information about the internal and external complaint process and outline other informal and formal options available to the individual.
- Support the employee in accessing applicable policies and procedures.
- Provide information about available support services.
- Provide non-identifying statistical data to the Management Team.

## Appendix 2: Sexual Harassment Reporting

Use this form to report sexual harassment. A report can be made by someone who is experiencing sexual harassment or has seen sexual harassment occurring in the workplace.

You are entitled to independent advice on this and may seek support from someone you trust to complete this form.

Give the completed form to one or more of the people in the Management Team. As per clauses 5.1 to 5.4 of the policy, this report will be treated confidentially.

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Name:

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Position:

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Team:

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When did the incident(s) happen: (date and time)

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Provide details of the incident, for example:

- Where did it occur?
- Who was present?
- What was said or done? Who by?  
What is their position?
- Who witnessed this incident?
- How did this incident make you feel?
- How has this incident affected you?
- Have you taken any actions? If so,  
what?
- What would you like to happen next?

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I understand that I can seek help to complete this form

I understand that the information provided this report may be disclosed to the parties involved

I declare to the best of my knowledge the information provided in this form is true and correct

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Name

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Date

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### **Appendix 3: Steps in formal independent investigation process**

All parties will be treated with care and respect, and the principles of natural justice will prevail.

1. The subject of the complaint will be informed of the complaint and the potential outcomes if the allegations are substantiated.
2. The complaint handler will decide what interim measures to take to ensure the safety and welfare of the people involved during the investigation. Depending on the circumstances, options could include:
  - Reassignment to other duties or relocation until the investigation is complete.
  - The subject of the complaint taking a voluntary leave of absence or being suspended pending the outcome of the investigation.
  - The complainant taking leave.
3. An independent investigator will be selected after consulting with the parties. This will be someone who is trained to carry out investigations into sexual harassment complaints and is unbiased and was not involved in the incident.
4. The complaint handler will prepare terms of reference for the investigation and consult with the parties about the intended process.
5. The investigator will:
  - Confirm the process and timelines with everyone involved.
  - Interview all parties involved and any witnesses, and review any relevant documentation to determine the facts.
  - Give the subject of the complaint reasonable opportunity to respond to the allegations / concerns in writing and in person.
  - Give the complaint handler a written report on their findings to be given to the decision maker (likely the CEO).
6. The decision maker will then review the report and:
  - Provide a copy of the report to the complainant and the subject of the complaint.
  - Meet with the people involved separately to discuss the report and the investigator's findings.
  - Discuss the possible outcomes and resolutions with the complainant.
  - Meet with the people involved and advise them of the proposed actions that Recorded Music will take (to the extent possible, taking into account privacy considerations).
  - Remind the people involved of their ability to make an external report of sexual harassment if they are unhappy with the outcome.
7. A member of the Management Team or other delegated person will regularly check the wellbeing of the people involved both during and after the completion of the investigation.