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**‘Merlin’s Pass’[[1]](#footnote-1) Sexual Harassment Contact System – Guidance**

This document is a summary about setting up a group of people (Merlin’s Pass Holders) who are trained to deal with disclosures of sexual harassment and harm **from people working at a live music event**. This document is intended to help promoters (and other people responsible for live music events) to:

* identify people on the crew/staff who may be appropriate to hold a Merlin’s Pass;
* know how to let the crew/staff know who they are; and
* understand the systems and processes needed to support Merlin’s Pass Holders.

This guidance should be read together with the related guidance on the [SoundCheck Aotearoa website](http://www.soundcheckaotearoa.co.nz):

* [Guidance: Resources for use at live music events](https://www.soundcheckaotearoa.co.nz/guidance-on-resources-for-the-live-music-sector)
* [Promoters and Venues](https://www.soundcheckaotearoa.co.nz/promoters-and-venues)
* [Sexual Harassment Policy](https://www.soundcheckaotearoa.co.nz/sexual-harassment-policy)

**What it is**

A Merlin’s Pass is a plain green laminate that is worn in a prominent place to help people **working** on a live music eventeasily identify who they can talk to about sexual harassment.

The laminate design is available on the [SoundCheck Aotearoa website](http://www.soundcheckaotearoa.co.nz/s/Merlins-Pass-Laminate.pdf)*.* It is designed for A6 or A7 and can be resized to tour or event accreditation. It should be larger than other accreditations so it is visible if hanging behind other laminates.

A Merlin’s Pass indicates to all workers that the holder is an informed and safe person to speak to about sexual harassment. The Merlin’s Pass Holder is a person who is familiar and comfortable with receiving disclosures, familiar with the Sexual Harassment Policy that applies, relevant reporting/complaints processes, and support options. The workplace must have a Sexual Harassment Policy in place for the Merlin’s Pass Holder to follow and which outlines the options available to people experiencing harassment.

**Please note:** *the Merlin’s Pass is NOT a certification system.* SoundCheck Aotearoa has provided this guidance based on industry feedback that it would be helpful for events to easily identify people who can be approached to discuss concerns about sexual harassment, and that there may be some benefit in having a common means of identification across different events (which is why we have suggested green laminates). However, it remains the responsibility of the PCBU(s) running each event to have their own sexual harassment policy, decide if they will use a Merlin’s Pass (or other form of identification), to appropriately train anyone holding a Merlin’s Pass or other identification, and to follow up on any concerns that are reported to those people.

A Merlin’s Pass Holder is not approved in any way by SoundCheck Aotearoa. If you are reading this guidance because you are concerned about an interaction with someone holding a Merlin’s Pass you should report those concerns to the person that is responsible for that event, or externally to the Police, or through the Human Rights Commission or Employment NZ (MBIE) processes as applicable (rather than SoundCheck Aotearoa). If you want to access external support to help you explore your options please contact HELP Auckland on 0800 6231700. Also see the [Support section](https://www.soundcheckaotearoa.co.nz/get-help) of SoundCheck Aotearoa’s website.

**Responsibilities, person specifications and training**

**PCBU (Person Conducting a Business or Undertaking) Responsibilities**

Before allocating a Merlin’s Pass to someone working on an event, PCBU(s) (business owners and managers) running each event must have their own Sexual Harassment Policy, decide if they will use a Merlin’s Pass (or other form of identification), and appropriately train anyone holding a Merlin’s Pass or other identification. It is also the PCBU’s role to ensure that all workers know how to report sexual harassment, to manage any health and safety risks and follow up on any concerns that are reported to Merlin’s Pass Holders.

**The role of the person wearing a Merlin’s Pass**

A Merlin’s Pass Holder is a worker who is competent and ready to talk to about sexual harassment and who is familiar with the resources and options available to deal with disclosures of sexual harassment. This should be a person who responds to such disclosures in a calm way, providing options and support to the survivor/victim based on the applicable Sexual Harassment Policy of the relevant PCBU.

Merlin’s Pass Holders should have a clear understanding of what sexual harassment is and be comfortable and competent in managing such situations.

A Promoter Manager, Tour Manager or Stage Manager should introduce the Merlin’s Pass Holders to key personnel and all contractors onsite. An appropriate time to do this might be during contractor inductions, H&S briefings, meetings or whenever the opportunity presents itself.

When being introduced to workers, the Merlin’s Pass Holder should explain their role, where they can be found onsite, how a person might report an incident to them and the actions that can be taken if an incident arises. Merlin’s Pass Holders should also be clear who has health and safety responsibilities to manage any risks of sexual harassment, as this will affect who is able to keep sexual harassment confidential in situations where there is a health and safety risk.

All reports of sexual harassment should be treated with the strictest confidentiality and records of disclosures written and managed in a way that preserves the dignity and privacy of the survivor/victim. Written records should be kept in a secure format for a minimum of 7 years, upholding all privacy laws.

**Managing Health and safety risks from reports of sexual harassment**

Where a person with Health and Safety responsibilities (e.g. a Merlin’s Pass Holder who is also a Health and Safety Officer or Manager) is told about sexual harassment, specific actions may need to be taken to manage the health and safety risk. Any risk mitigation should be carried out by the health and safety representative in collaboration with the Merlin’s Pass Holder or by the Merlin’s Pass Holder, if the holder is in a dual role. Merlin's Pass Holders should tell the person disclosing the concerns, that three things may need to happen upon disclosure;

1. we may need to implement some safety measures to reduce the risk of harassment in the workplace;
2. the manager onsite (promoter representative) may need notifying of the incident if there is an ongoing risk to the person who made the disclosure or other workers; or
3. they may offer talking to an alternative Merlin’s Pass Holder if the person wishes to talk with someone else without health and safety responsibilities (if they haven’t already disclosed).

Any modification to risk management methods must be discussed with the promoter representative (or any other appropriate manager) immediately if appropriate to do so, and all workers must be made aware of any relevant new safety measures.

When such a report is made to promoter management, the Merlin’s Pass Holder should discuss the disclosure with management if appropriate to do so and establish the best actions to be taken, taking into consideration the wishes of any survivor/victim. Where action is required to mitigate health and safety risk, the Merlin’s Pass Holder and management will keep the survivor/victim informed of the process going forward, what needs to happen and why it’s happening.

**Who might report and what might be reported?**

Disclosures of sexual harassment may come from:

1. people who have experienced harm (victim-survivors)
2. people who have done harm
3. people who have witnessed or been told about harassment (bystanders)
4. staff, workers, volunteers

Reports may be about:

1. ongoing sexual harassment between staff/workers
2. one-off incidences of sexual harassment or harm between workers, the public or any combination
3. any kind of sexual harassment including criminal offences (e.g., any touching of sexual parts of a person’s body without consent, rape) and unwelcome behaviour (e.g. online, verbal, visual)

While there may be a wide range of harmful behaviour disclosed, *all* sexual harassment and inappropriate behaviour will be taken seriously.

**Who should wear a Merlin’s Pass?**

There should be at *least* two Merlin’s Pass people of various genders and ethnicities available so people have choice about who to talk with – the total number of Merlin’s Pass Holders may depend on the size of event.

There should be no limit to the number of Merlin’s Pass Holders and these people should be visible across a range of roles and departments. At least one person should hold a role which is visible across all departments (like a production manager, health and safety manager, promoter rep, or safer spaces coordinator).

Merlin’s Pass Holders should be carefully selected for each event, well ahead of time to offer them time to receive training, gather resources and brief others on the required processes in the event sexual harassment is disclosed to anyone working at the event.

As people have varying capacities to respond to disclosures of sexual harm from other people, if requested, people should have the choice of deciding whether they wish to hold a Merlin’s Pass. As such, an ‘opt-in’ process (rather than an opt out process) should be used when deciding who will hold the Merlin’s Pass.

**Person Specifications**

Merlin’s Pass Holders should be:

* great listeners
* calm, empathetic and grounded with distressed people
* people-centric
* high EQ (emotional intelligence)
* genuinely caring
* able to work under pressure
* trustworthy and able to maintain professional boundaries
* ideally someone with standing and a positive reputation in the industry
* able to be impartial and non-judgmental
* able to assess health and safety risks present and act to contain them
* good at following up/ following through
* trained in responding to disclosures of sexual harm (see below)
* clear of any criminal history of committing any form of sexual harassment (police vetting can be useful to see if candidates have any convictions).

**Training for Merlin’s Pass Holders**

Under the health and safety legislation, PCBUs must ensure that workers have adequate information, supervision, training and instruction so as to ensure their safety and the safety of others.

Specialist training in sexual harassment response is recommended for all people holding a Merlin’s Pass and PCBU’s using this system. The following table includes some types of training available to gain competency in receiving disclosures and managing the Merlin’s Pass system. **Necessary training is indicated in red and desirable training in yellow.**

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| **Training name** | **Training content** | **Possible training providers** |
| **‘Responding to Disclosures’**(training length varies depending on provider from 4 hours to 1 day) | * Definitions of sexual harassment
* The law in Aotearoa
* Impacts and recovery from sexual harm
* Barriers to telling
* How & why people tell
* Myths and dynamics
* How to respond to disclosures (what to do and how to do it)/ mental health and first aid considerations and trauma informed practice
* Intersectionality/inclusive practice (working with men, Asian, Māori, Pasifika, LGBTQI+, people with disabilities)
* Te Tiriti o Waitangi / de colonisation and sexual harm
* Responding to people with harmful behaviours
* Options and support available (incl. recent sexual harm and historical sexual harm)
* Scenarios/ practice
* Looking after yourself
 | 1. Respect Ed [‘Dealing with Disclosures’](https://respected.org.nz/professionalservices/dealing-with-disclosures/) workshop
2. [Rape Prevention Education](http://www.rpe.org.nz/)
3. See footnote regarding future SoundCheck Aotearoa training[[2]](#footnote-2)
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| **Professional Respect** – sexual harassment prevention training(Full day workshop) | * Respectful workplaces
* Definitions and the law
* Prevalence and dynamics
* Consent
* Continuum of workplace behaviours
* WorkSafe requirements
* Responding to disclosures'
* Options and support (inside and outside a workplace)
* Bystander intervention
* Prevention
 | Free from [SoundCheck Aotearoa](https://soundcheckaotearoa.co.nz/) |
| **Bystander intervention** (training length varies depending on provider from 4 hours to 1 day) | * What is sexual harassment?
* Prevalence
* Definition of consent (how can bystanders tell if there is consent?)
* Intoxication and consent
* What helps us/ stops us acting?
* What can a PCBU do to encourage bystander intervention in a workplace?
* Steps in bystander intervention
* Practice
* Prevention of sexual harm
 | 1. Within the [SoundCheck Aotearoa](https://soundcheckaotearoa.co.nz/) – 1 day Professional Respect Workshops
2. Respect Ed [‘It’s our Business ‘](https://respected.org.nz/professionalservices/its-our-business/) Sexual Harm Prevention for Hospitality Workers (4 hour workshop)
3. [Rape Prevention Education](http://www.rpe.org.nz/)
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| **It’s our Business - Sexual Harm Prevention for Hospitality Workers** (4 hour workshop) | * Defining sexual harm, harassment and understanding harmful behaviour
* Understanding sexual harassment in the broader context of culture
* How to safely respond to and de-escalate potentially harmful situations
* Practical steps for preventing harm
* Establishing safe spaces in venues and at events
* How to respond safely and appropriately to disclosures of sexual harm
* Understanding the impacts of trauma & supporting somebody who may be experiencing trauma
* Managing robust personal and professional boundaries
 | 1. Respect Ed [‘It’s our Business ‘](https://respected.org.nz/professionalservices/its-our-business/) Sexual Harm Prevention for Venues and Hospitality Workers (4 hour workshop)
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| Recognise, Respond and Refer(training length varies depending on provider from 4 hours to 1 day) | * Define sexual harassment, sexual assault and sexual harm
* myths and facts about sexual violence
* Recognise signs of physical, emotional, and sexual harm
* Impacts of sexual harm
* Identify barriers to disclosing harmful experiences
* Respond to a disclosure - emotional first aid
* Understand obligations around confidentiality, policies and procedures
* Worker’s personal and professional boundaries
* Bystander intervention overview
* Referring someone on to specialist support services
* Develop action plans for prevention initiatives
* Strategies for self-care
 | 1. Respect Ed [‘Recognise, Respond and Refer’](https://respected.org.nz/professionalservices/recognise-respond-refer/) Workshop.
2. [Rape Prevention Education](http://www.rpe.org.nz/)
3. Within the [SoundCheck Aotearoa](https://soundcheckaotearoa.co.nz/) – 1 day Professional Respect Workshops
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**Support for staff responding to sexual harm**

Support and debriefings should be provided to Merlin’s Pass Holders by the PCBU after each show. PCBUs can access support for this from the [Support section](https://www.soundcheckaotearoa.co.nz/get-help) of the SoundCheck Aotearoa website.

Confidential debriefing and support should also be offered to Merlin’s Pass Holders and any workers or volunteers involved in a disclosure of sexual harassment. This can be provided by a publicly available service like HELP Auckland via their crisis line (0800 62 1700) or the national Sexual Harm Helpline Safe To Talk on 0800 044 334 or TXT 4334.

1. Merlin is the name of the person who came up with the idea of having an identifiable sexual harassment contact person on an event. [↑](#footnote-ref-1)
2. SoundCheck Aotearoa Professional Respect workshops include content about ‘Responding to Disclosures’. This is a good start but a deeper understanding of responding to disclosures is recommended for Merlin’s Pass Holders. The possible training providers listed in this section are intended as an interim solution while SoundCheck Aotearoa looks to develop a ‘Responding to Disclosures’ training that is tailored for the music community. Please keep checking back on the SoundCheck Aotearoa website for updates. [↑](#footnote-ref-2)