



SEXUAL HARASSMENT & BULLYING POLICY

Version 1, April 2023

SoundCheck Aotearoa is an action group with a mission to foster a safe and inclusive culture for the music community. We believe that action is needed to address inequitable representation, challenge systemic discrimination and advance impactful change across the music industry. In recognition of Māori as tangata whenua of Aotearoa we have a living commitment to Te Tiriti O Waitangi in the way we work.

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

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1. Purpose

1.1 We want to lead the way in modelling this in our own workplace.

SoundCheck Aotearoa is committed to providing a safe, healthy, respectful and inclusive workplace for everyone who works for us and who we work with. This policy sets out:

- a. the measures we are taking to prevent all types of harassment and bullying in the workplace,
- b. standards of behaviour we are committed to upholding and that we expect of people we work with,
- c. the process we will follow if anyone has concerns about behaviour in our workplace.

1.2 This policy should be read along with the SoundCheck Aotearoa Code of Conduct.

2. Scope

2.1 Everyone who works for SoundCheck Aotearoa and everyone SoundCheck Aotearoa works with. This policy applies to:

- a. all employees, contractors, consultants, associates or volunteers who are working for SoundCheck Aotearoa whether on a full-time, part-time, casual or temporary basis
- b. members of the Board of Trustees

2.2 We will also provide this document to other people who may not fall in this category but who we work or collaborate with or who may be in the same workspace as us, so we have a shared understanding of the matters in this policy.

3. When and where does this policy apply?

3.1 This policy applies to the workplace - anywhere you are working with us, or in any situation that is related to your work with us. This includes:

- a. whenever you are acting on behalf of SoundCheck Aotearoa - e.g. in meetings, training, in online communications (e.g. Zoom, email, social media), at music community events, or industry events e.g. award shows;
- b. whenever you are doing something that is connected to or supported by SoundCheck Aotearoa - e.g. while traveling for work, in accommodation paid for by SoundCheck Aotearoa, working from home, attending external meetings, or work-related social events;
- c. when communicating with other workers via email or social media; or
- d. whenever you are using SoundCheck Aotearoa property, equipment or IT services, networks and devices.

3.2 If you are unsure if this policy applies to a situation you are concerned about, please err on the side of caution by speaking to someone about it (see the options available in the **Response** section below).

4. Expected Behaviours (Code of Conduct)

4.1 We want to lead the way in modelling safe, healthy and inclusive behaviour in our own workplace. For more information about expected behaviours in our workplace see the **SoundCheck Aotearoa Code of Conduct**.

5. Bullying and harassment – definitions and examples

5.1 What is sexual harassment?

5.1.1 Sexual harassment is:

- a. directly or indirectly asking any other person for sexual intercourse, sexual contact or other form of sexual activity with:
 - I. an implied or overt promise of preferential treatment in their current or future work, or
 - II. an implied or overt threat of detrimental treatment in their current or future work,

OR

- b. any **unwelcome** or **offensive** sexual behaviour that is
 - I. **repeated**, or
 - II. of such a significant nature to have a **detrimental effect**.

5.1.2 Sexual harassment can happen to and by someone of any gender or age. It can be direct or indirect. It can involve **language** (written, spoken or non-verbal such as whistling or grunting); **visual** material (e.g. pictures, photos or videos); and/or or **physical or non-verbal behaviour** (gestures, touching, indecent or inappropriate behaviour).

5.1.3 People do not invite sexual harassment by virtue of things such as their clothing or not speaking up when the behaviour occurs.

5.1.4 Some sexual harassment can be a breach of both workplace legislation and also a criminal offence, e.g. 'groping' is sexual harassment and is also a criminal offence of indecent assault.¹

5.1.5 It is also worth noting that some workplace behaviour (e.g. a one-off wolf whistle) may not meet the legal definition of sexual harassment but can still be inappropriate in a workplace. Such behaviour can contribute to a disrespectful or unhealthy work environment, in which sexual harassment

¹ See [Sexual Harm and Consent section](#) of SoundCheck Aotearoa website for more information on criminal offences.

and/or criminal offences are more likely to occur and can still be reported under this Policy.

5.2 What is racial harassment?

Racial harassment occurs at work where there is hurtful or offensive behaviour that ridicules or expresses hostility against someone because of their race, skin colour, ethnic or national origins in a way that is repeated, or is of such a significant nature, to have a detrimental effect. Racial harassment can occur even if the person experiencing the harm does not let the other person know it is unwelcome or offensive to them.

5.3 What is bullying?

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm. Repeated behaviour is persistent (occurs more than once) and can involve a range of actions over time. Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable and can include direct (personal attacks) or indirect (i.e. task based) behaviour, as well as victimising, humiliating, intimidating or threatening a person.

5.4 Examples of bullying and harassment

We have attached to this policy a 'Continuum of Workplace Behaviours' that can be used to understand behaviours at work. It includes examples of sexual and racial harassment and bullying that SoundCheck Aotearoa will not tolerate in our working environments.

6. Consent and power imbalance in the workplace

6.1 Consensual sexual activity or consensual intimate relationships will not be considered sexual harassment, however we all need to be aware of what consent looks and sounds like.

6.2 A person cannot consent to sexual activity if they are forced, threatened or coerced, when they are too intoxicated, or do not understand what or who they are consenting to, or if they are underage.²

6.3 We recognise that a relationship may be inappropriate where there is a significant imbalance of power between the people involved and/or it gives rise to a conflict of interest.

6.4 A power imbalance can result from things like gender, sexuality, ethnicity, minority status, age, dis/ability, seniority or influence in the working environment. Power imbalances in the working environment can contribute to sexual harassment or inappropriate behaviour occurring and people being reluctant to report it. As a result, we believe everyone should be cautious and mindful of our positions when considering whether to act on mutual attraction in a work context.

6.5 If sexual activity or an intimate relationship still happens within the work context, we commit to having an open dialogue at an early stage with those who might be impacted so that we can all agree how to manage any conflicts of interest, power dynamics and/or the effect on others. We ask anyone we're working with to do the same.

7. Prevention of bullying and harassment

7.1 We believe everyone has a part to play in creating a safer working environment. SoundCheck Aotearoa board, workers and contractors will take the following steps to prevent bullying and sexual/racial harassment:

² The age of consent in New Zealand for sexual activity is 16 years.

- a. Role model positive working behaviours.
- b. Educate ourselves and attend training about all forms of harassment and bullying at work (including training about consent and bystander interventions).
- c. Identify and take practical steps in our working environments to minimise the risk of anyone feeling unsafe or unwelcome.
- d. Address inappropriate behaviour when we see or experience it.
- e. Be open to feedback and always try to respond to it constructively.

8. Response: Options if you have concerns about behaviour at work

(including the Complaints Process)

8.1 While working with SoundCheck Aotearoa, if you experience or see any behaviour that may be in breach of this policy, you can take one or more of the options set out in this section.

8.2 You can also use these channels to report behaviour that, even if not in breach of this policy, still makes you feel uncomfortable at work, and/or that might not yet be harmful but which could become harmful if allowed to continue.

8.3 You can choose which option(s) you are most comfortable with. You might explore different options at different times (such as an informal option first but a formal option if that doesn't resolve your concerns). You do not have to do these options in order (e.g. you do *not* have to deal with it yourself before reporting it to us or an external agency). You can seek advice and support at any stage of the process and in any options.

8.4 You can report concerns that are current, recent or in the past, and even if you're no longer working with SoundCheck Aotearoa; there may be legal limitation periods that apply and we will raise these with you if applicable.

8.5 If you report concerns to SoundCheck Aotearoa that relate to someone else we are working with (rather than someone contracted to or employed by SoundCheck Aotearoa) this policy may not apply, but we will talk to you about how you might be able to report your concerns to the relevant person and how to access support.

8.6 Different options if you are experiencing or seeing any form of harassment or bullying:

Option 1. Seek advice/support:

You can:

- a. talk with a trusted person (e.g., whānau a friend, trusted colleague) about what happened, options and what support might be needed;
- b. access confidential support to process what has happened and how you want to respond (see [Support](#)) for example from the SHAPRA service; and/or
- c. seek advice and support from independent or external sources (such as a lawyer/advocate, HELP, Human Rights Commission or unions).

Option 2. Raise it with the other person directly: If you feel safe and comfortable, you can raise your concerns with the person you have concerns about directly – either in person or writing and with a support person involved. You can do this by letting the other person know that their behaviour is or has been unwelcome, inappropriate, unreasonable or offensive, and needs to stop or change.

We know it can be difficult to raise concerns of this nature, but by this having this policy we are setting out the standards we want to achieve. If it helps you raise your concerns about someone at SoundCheck Aotearoa, you can

remind us of this policy that we shared with you and tell us where you think we're not reaching those standards. We will not retaliate against you or disadvantage you for raising concerns with us.

If your concerns relate to someone else we are working with, by having this policy we are letting you know that we are open to you speaking to us to explore how SoundCheck Aotearoa can support you in raising or reporting any such concerns with or about the other people we are working with.

Option 3. Report it to a member of the SoundCheck Aotearoa Board: They will listen to your concerns, talk to you about support and options for addressing your concerns (see below). Please note they can receive disclosures in verbal or [written form](#) (see example below), and can talk to you about what they will do with any disclosures in terms of confidentiality and reporting back to you.

Confidentiality will be maintained within our legal obligations as an employer to ensure that the workplace is safe. If a person on the Board 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, SoundCheck Aotearoa will inform the individual(s) concerned of the proposed process and involve the individual(s) in that process as far as possible.

Option 4. Report it to an external agency: You can make a formal complaint about harassment to an external agency. The relevant external agency will depend on whether you are an employee or a contractor:

- a. If you are an independent contractor, you can submit a complaint of sexual / racial harassment or discrimination under the Human

Rights Act 1993 with the [Human Rights Commission](#) (such complaints usually have to be raised within one year). The Human Rights Commission also offers a free mediation service for sexual/racial harassment complaints

- b. Employees can raise a personal grievance about sexual/ racial harassment, bullying or discrimination under the Employment Relations Act 2000 with the employer, or lodge a claim with Employment NZ (MBIE)/ Employment Relations Authority (personal grievances should be raised within 90 days of when the personal grievance arose or first came to the employee's attention (whichever is the later)), or submit a complaint of sexual/racial harassment with the Human Rights Commission (such complaints usually have to be raised within one year). Employees must choose one of these external options (they cannot make complaints to both). Employment NZ ([MBIE](#)) offer a free mediation service for employees.

Where the alleged bullying or harassment could amount to a criminal offence, you can report it to:

- a. For a criminal offence (e.g. sexual assaults, physical assaults and criminal harassment), you can choose to report this behaviour to the Police (this can be in addition to, or instead of, reporting to SoundCheck Aotearoa).
- b. Certain forms of sexual harassment and bullying online can be reported to Netsafe (see information on [Harmful Digital Communications Act](#)).
- c. Complaints about objectionable content can be made to the Department of Internal Affairs (see information on the [Films, Videos and Publications Classification Act](#)).

For information about other external options available, please see the [External Options](#) page on the SoundCheck Aotearoa website.

8.7 Example of a reporting form

If you decide to report your concerns internally, there is an example of an optional form attached to this policy that you can use to report to SoundCheck Aotearoa via the above channels (either by filling in the form or by providing the type of information in the form to us verbally or in writing).

8.8 Options after a report has been made

When you report concerns to SoundCheck Aotearoa there are a range of informal and formal options possible, as set out in the table below.

You can let us know of your preferred approach and have a support person or representative involved at any stage of any of the options below.

Option	Direct approach (feedback)	Facilitated discussion or mediation	Restorative approach	Culturally appropriate intervention	Formal investigation of complaint
Formal or informal approach	Informal	Informal – voluntary but structured	Informal – voluntary but structured	Informal – voluntary but structured	Formal
Summary of approach	Where someone else (on your behalf) speaks to me/the person about your concerns, hears my/their response and between us all we agree a way forward.	If everyone involved feels safe and agrees to do so, have a discussion facilitated by a third party to explore issues and agree a way forward.	Similar to a facilitated discussion but where we agree to appoint a restorative facilitator and to focus on restorative principles (identifying and addressing harm).	A process determined by a specific culture (e.g. a kaupapa Māori approach may use tikanga). Will only be considered where it is culturally appropriate to do so respectfully.	We appoint an external investigator to investigate the complaint and make factual findings. The investigator reports to SoundCheck to decide next steps. See WorkSafe for more detail on what to expect in a formal investigation.
How outcomes are decided	Outcomes by agreement	Outcomes by agreement	Outcomes by agreement	Outcomes subject to cultural requirements	Outcomes determined by SoundCheck Aotearoa
Anonymity	Will depend on circumstances as to whether person raising concerns will need to be identified	Person raising concerns will be identified due to direct involvement	Person raising concerns will be identified due to direct involvement	Will depend on cultural requirements	Person raising concerns will be identified and full details of complaint provided in accordance with natural justice

8.9 Process after a report has been made

Once you have reported your concerns to us, a nominated representative from SoundCheck Aotearoa will discuss with you/your support person:

- a. the options in the table above;
- b. any other options identified by you or anyone else involved;
- c. support available;
- d. interim measures needed (i.e. to manage health and safety while a process is underway);
- e. the next steps we will take;
- f. who will be involved and what their role will be in the process (e.g. appointing a third party such as an investigator or mediator if applicable); and
- g. how we will keep you informed of progress.

8.10 This can take place over several discussions to allow time, space and support to decide the next steps.

8.11 SoundCheck Aotearoa will decide the process that will be followed, but we will take into account your preferences and the management of health and safety risks.

8.12 If you are unhappy with the process followed or outcome, at any stage, you can explore the other options set out in this Policy, for example you may request a more formal option and/or report your concerns externally.

9. Support, advice and information

9.1 There are a range of providers who can provide confidential support to you including:

- a. If you have experienced sexual harm or harassment you can contact **HELP** for specialist support including support throughout a criminal investigation (phone 0800 6231700 or www.helpauckland.org.nz) or contact the national sexual harm 24/7 helpline **Safe To Talk** (phone: 0800 044 334 or text 4334).
- b. The SoundCheck Aotearoa SHAPRA (Sexual Harm Prevention And Response Advisor) SHAPRA@soundcheckaotearoa.co.nz (see information on our website about the nature of the support the SHAPRA can provide)
- c. **Music Helps**: a free counselling service for anyone involved in the music industry in Aotearoa (phone 0508MUSICHELPS or www.musichelps.org.nz)
- d. Call or text **1737** for a free, confidential 24/7 helpline that can be accessed for any reason.
- e. In an emergency always call 111.

9.3 A detailed list of specialist sexual harm support providers is on the [Support section](#) of the SoundCheck Aotearoa website, including services for tangata whenua, men, ethnic communities, people with harmful sexual behaviour and regional providers.

10. Policy Review

We welcome feedback at any time on any aspect of this policy, or other ideas you have about how we can ensure a safe and inclusive working environment for all. We reserve the right to cancel or amend this policy, or introduce new policies from time to time on reasonable notice to you.

11. SoundCheck Aotearoa Reporting form

11.1 This form can be used by someone experiencing or seeing any form of harassment and bullying and is designed to give you guidance about what information to include when making a report to us. Before making a report, you may wish to refer to our Sexual Harassment and Bullying Policy which outlines the processes we may take, options that are available to you and our approach to confidentiality.

Please note:

- a. You can ask someone you trust to help you fill it in.
- b. If you prefer you can use this form as a guide for the information required to draft an email or have a conversation.
- c. It is helpful to have your report written down as this makes it easier for those considering it to ensure they have all the information and that they haven't missed anything.
- d. Give the completed form to: A member of the SoundCheck Aotearoa Board

11.2 If you make a report of any form of harassment or bullying, we will discuss the options with you before any steps are taken or information is disclosed to the person the allegations are about.

Please note that a formal investigation will require a disclosure of the information you provide below and subsequently to the person it is about.

Full name:	
Position within the organisation:	

Preferred contact method:

Provide your phone number and/or email address and let us know how you would prefer we contact you (e.g. text, call etc)

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

Is it still ongoing?

Provide as many details as you are comfortable to share about the incident(s), for example:

- Where did it occur?
 - Who was present?
 - What was said or done? Who by? What's their role?
 - Who witnessed this incident?
 - How has this affected you?
 - Have you taken any actions? If so, what?
-

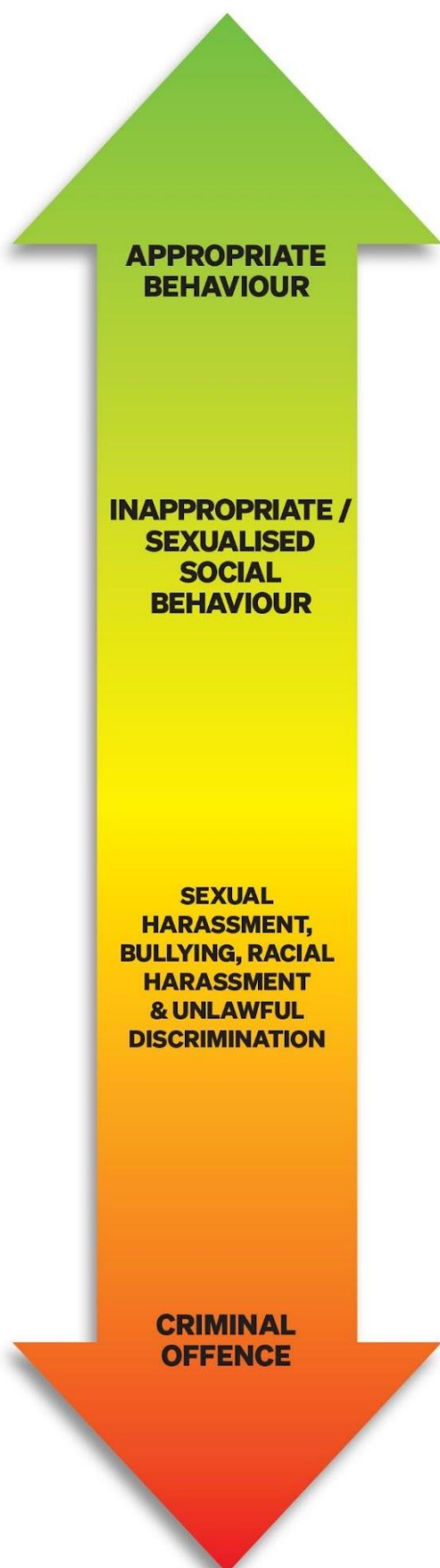
- What would you like to happen next?

-
- I understand that I can seek help or advice to complete this form.
 - I declare to the best of my knowledge the information provided in this form is true and correct.

Name:

Date:

THE CONTINUUM OF WORKPLACE BEHAVIOURS



Green behaviour is appropriate behaviour at work that is respectful and inclusive to all. It includes compliments where they are based on performance and effort (rather than appearance), and reasonable feedback from managers.

Yellow behaviour does not amount to a breach of workplace legislation (orange) or a criminal offence (red) but is still inappropriate and/or may contribute to a disrespectful or unhealthy work environment, in which orange or red behaviours are more likely to occur. Examples include:

- One-off instances of inappropriate or sexualised behaviour that hasn't caused offence e.g. wolf whistle, sexist joke
- Undervaluing someone or comments based on gender stereotypes
- One off rudeness/tactlessness will not amount to bullying, but if repeated it could.

Orange behaviour is that which legislation prohibits in workplaces – including **bullying, sexual harassment, racial harassment** and **unlawful discrimination**.

Bullying at work is repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.

Examples of bullying behaviours:

- Direct and personal attacks: threatening, shouting, intimidating, insulting, humiliating or belittling comments or behaviours
- Indirect and task related: giving unachievable tasks, constant criticism, ignoring/isolating, excluding from invitations to lunch/drinks, withholding information, undermining behaviour, threatening job security or future work/career, ongoing rudeness

Sexual harassment is any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment.

Examples of sexual harassment:

- hints or promises of career advancement in exchange for sexual activity
- threats of not being offered future work if sexual activity is not given
- sexually offensive comments or sexual jokes, including from audience members
- taking inappropriate photos without consent
- staring, leering, invasion of personal space
- sexually provocative posters or visual material of a sexual nature
- comments on bodies or physical appearance
- being asked to wear revealing clothing
- offensive hand or body gestures
- unwanted comments, intrusive questions or teasing about a person's sexual activities or private life
- unwanted sexual advances
- persistent and unwelcome social invitations (eg drinks/dates), phone calls, or messages at work or at home

Racial harassment is visual material or physical behaviour that is either repeated or of such a significant nature that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of colour, race, or ethnic or national origins, and is hurtful or offensive.

Examples of racial harassment:

- making offensive remarks or jokes about someone's race, colour, or ethnic or national origins
- calling someone racist names
- making fun of the way some speaks or mocking their name on the basis of their colour race, ethnic or national origin.

Some bullying or harassment can be a breach of workplace legislation (orange) and a criminal offence (red). Examples of **criminal offences** include:

- non-consensual groping / indecent assault e.g. grabbing someone's bottom
- exposing genitals
- sending unsolicited 'dick pics'
- revenge porn
- physical attacks or violence
- unwanted kissing or touching
- any penetration without consent e.g. rape
- having /sharing objectionable material e.g. bestiality or child sex abuse images
- sexual contact with a person under 16.

Note that consensual sexual activity and mutual consensual flirting **will not** be sexual harassment, but care should be taken where there is a power imbalance. Power imbalances in the workplace can contribute to sexual harassment occurring and people being reluctant to report inappropriate behaviour. A power imbalance can result from gender, sexuality, ethnicity, minority status, age, disability, seniority or influence in the workplace.