

Policy	Anti-Harassment
Approved by	NSMT Committee
Date of Approval	12 th October 2020
Date of Review	11 th October 2021

Organisational Scope

This policy will apply to all North Shore Music Theatre (**NSMT**) members, including members of the Management Committee (**Committee**), Heads of Department, independent contractors and participating volunteers involved in an NSMT production (together, **NSMT Personnel**). Where relevant, this policy will also apply to guests including paying guests who attend an event held on NSMT premises or premises under NSMT's control (eg a community theatre)(**Premises**).

Purpose

These Anti-Harassment Policies and Guidelines (**Guidelines**) are to show NSMT's commitment to provide an environment which is free of harassment, by:

- (a) making it clear that harassment is unacceptable and will not be tolerated;
- (b) ensuring that all personnel know their rights and obligations regarding harassment;
- (c) providing procedures and guidelines for dealing with allegations of harassment; and
- (d) encouraging any person to report anything he or she observes that might be a breach of this Policy.

NSMT's obligations

NSMT has obligations under the Health and Safety at Work Act 2015, the Human Rights Act 1993 and the Harassment Act 1997 to actively address complaints of harassment and bullying made by, or against, any of its Personnel. In accordance with the principles advocated in these Acts, NSMT does not and will not condone any form of harassment or bullying of or by any of its Personnel.

NSMT will treat all reported instances of harassment or bullying seriously and, if substantiated and if it is appropriate to do so, NSMT may initiate disciplinary action. Any person who reports an incident of harassment or bullying can be assured that the NSMT Committee will treat such a report in confidence and will investigate the matter in a timely manner.

Definitions

For the purposes of these Guidelines **harassment** means any unsolicited and unnecessary hostile or offensive act (including bullying), a pattern of behaviour, or the use of any expression or derogatory statement (including incitement to commit such behaviour) that causes distress or offence to an individual, or that creates a risk to that person's mental or physical health and/or safety.

Harassment may either be overt or implied, and may involve the use of language, visual material or physical behaviour. It may be a one-off incident of such significance that it has a detrimental effect on an individual or a group, or it may be continuing over a period of time.

Harassment may relate to a person's gender, marital status, religious or ethical belief, disability, age, political opinion, employment status, family status, sexual orientation, or involvement in the activities of any organisation. It can take many forms, but examples include:

- (a) written or verbal abuse or threats;
- (b) spreading malicious rumours or insulting someone;
- (c) unwelcome remarks about such things as a person's appearance, race, sex or sexual orientation;
- (d) practical jokes which cause embarrassment or awkwardness;
- (e) sending offensive emails, letters or phone calls;
- (f) the display of visual materials which are offensive; and
- (g) acts of violence, assault or physical intimidation.

Harassment includes:

Bullying

Bullying is defined as unreasonable, persistent and/or repeated behaviour towards a person or group that can lead to physical or psychological harm, and includes victimising, humiliating, intimidating or threatening a person, either overtly (blatant or obvious) or covertly (hidden or concealed, including cyberbullying). NSMT will not tolerate bullying from any person, at any time, for any reason.

Overt bullying might include:

- (a) threats;
- (b) intimidation or stand-over tactics;
- (c) coercion;
- (d) verbal abuse or degrading language/gestures;
- (e) shouting, yelling or screaming at another person;
- (f) unexplained rages;
- (g) unjustified criticism and insults;
- (h) nit-picking and fault-finding without justification;
- (i) constant humiliation;
- (j) belittling remarks;
- (k) punishment imposed without reasonable justification;
- (l) dismissive behaviour and gestures; or
- (m) non-verbal communication during interactions (such as eye-rolling or sighing).

Covert bullying might include:

- (a) deliberately sabotaging a person's work or activity by withholding information that is required to fulfil a task;
- (b) hiding documents or equipment;
- (c) constantly changing targets or guidelines;
- (d) not providing appropriate resources or training;
- (e) isolating or ignoring a person on a consistent basis;
- (f) changing a person's duties or responsibilities without reasonable justification;
- (g) undermining another person's authority or standing in the organisation;
- (h) circulation of negative rumours;
- (i) manipulation; or
- (j) emotional abuse.

Sexual Harassment

Sexual harassment is any unwanted, unwelcome, or uninvited behaviour of a sexual nature which makes a person feel frightened, humiliated, intimidated or offended. Sexual harassment may take many forms including:

- (a) requests for sexual activity which carry overt or implied threats or promises regarding the person's continued involvement in a show;
- (b) sex-oriented gestures or comments;
- (c) sex-based insults, taunts, teasing or name calling;
- (d) inappropriate touching;
- (e) difference in treatment on the basis of gender;
- (f) unwanted and deliberate physical contact;
- (g) persistent and unwelcome social invitations, telephone calls, or correspondence through social media or text messaging;
- (h) leering and suggestive staring at a person or parts of their body;
- (i) obscene phone calls or text messages;
- (j) sending sexual material;
- (k) displaying offensive material, whether in print or electronically; or
- (l) innuendo, including sexually provocative remarks and suggestive or derogatory comments about a person's physical appearance.

Racial Harassment

Racial harassment includes behaviours which express hostility against, or bring into contempt or ridicule another person on the grounds of the colour, race, ethnic or national origins of that person, including:

- (a) jokes or songs of a racial nature;
- (b) mocking another person's accent;

- (c) deliberately mispronouncing names;
- (d) racial or ethnic oriented jibes or abuse;
- (e) denying people the opportunity to fulfil ethnic requirements;
- (f) displaying offensive material;
- (g) distribution of racist material; or
- (h) attempting to recruit persons to racist organisations or groups.

Discrimination

Discrimination is unlawful and can occur directly or indirectly, and includes:

- (a) **Direct discrimination** – when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their sex, colour, religious belief, race, marital status, ethnic or national origin, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability; and
- (b) **Indirect discrimination** – when there is a requirement, rule, policy, practice or procedure that is the same for everyone, but has an unequal effect on particular groups. This may be classes as indirect discrimination unless the new requirement is reasonable in all the circumstances.

What is not bullying or harassment?

Some actions or activities such as occasional differences in opinion or conflicts will not generally constitute harassment or bullying. Behaviours which are not generally considered to be harassment or bullying include:

- (a) friendly banter, light-hearted exchanges, mutually accepted jokes and/or compliments;
- (b) friendships, sexual or otherwise, where both people consent to the relationship;
- (c) issuing reasonable instructions and expecting them to be carried out;
- (d) warning or disciplining someone in line with NSMT's policies;
- (e) insisting on high standards of performance in terms of quality, safety and team co-operation;
- (f) legitimate criticisms about performance;
- (g) assertively expressing opinions that are different from others; and
- (h) free and frank discussion about issues or concerns within NSMT, without personal insults.

ROLES AND RESPONSIBILITIES

Duties of NSMT Committee

The NSMT Committee has a positive duty to establish and maintain an organisation that is free from personal harassment and bullying, and a responsibility to make NSMT Personnel aware of what types of behaviour might constitute harassment and/or bullying.

Duty of Individuals

Behaviour which causes distress to another person is unacceptable. All NSMT Personnel need to consider their own behaviour and that of others and reflect whether it might be unacceptable or offensive.

Individual members including bystanders have a responsibility to report incidents harassment to the Committee to ensure that the behaviour is addressed and appropriate action is implemented.

PROCESS FOR DEALING WITH BULLYING/HARASSMENT INCIDENTS

If a person believes that he or she has been the subject of harassment, or if a person has witnessed another person being subjected to harassment, a complaint should promptly be made directly to the Committee. The Committee will investigate the matter and, at its sole discretion, will deal with the matter in the manner they believe to be in the joint best interests of the individuals involved and NSMT.

If you wish to make a complaint, you should ensure that you:

- (a) provide a true and accurate description of events;
- (b) discuss the bullying or harassment only with those who need to know; and
- (c) maintain confidentiality about all issues and people concerned at all times.

OTHER MATTERS

Privacy and Confidentiality

All information relating to alleged or proven breaches of these Guidelines will be treated in confidence by the Committee, and in accordance with the requirements of the Privacy Act 1993 and the Privacy Act 2020.

The Committee will not disclose any information to any person about any alleged harassment without the complainant's consent unless the Committee is required by law to inform an appropriate authority or to consult with its professional advisers.

Depending on the nature of the complaint, and the outcome of the Committee's deliberations about it, the Committee will not undertake to let the complainant know the detail of any action it takes against the alleged offender.

Making a false complaint

If a complaint is deemed by the Committee to be defamatory, frivolous, vexatious or deliberately false the Committee may take whatever action it believes to be appropriate against the complainant.

Support Available

If any person involved with NSMT requires support in relation to any aspect described in these Guidelines, that person should approach any member of the Committee. He or she has the right to expect that his or her issue will be dealt with in confidence and a timely manner.

Human Rights Commission The Human Rights Commission is a statutory body, which administers the Human Rights Act 1993. The Commission's primary functions are to promote human rights through education of the public and to investigate and attempt to resolve complaints of discrimination. The Commission's website is www.hrc.co.nz and its toll free number is 0800 496 877.

Complaints

A complaint about any aspect of these Guidelines, or the administration of these Guidelines, must be made in writing and addressed to the Secretary of NSMT, who will acknowledge receipt.

The Committee will investigate each complaint objectively and in a timely manner, and will endeavour to provide an initial response in writing to the complainant within two weeks of receipt of the complaint. NSMT reserves the right to attempt to resolve the complaint as it sees fit, including speaking with any person about the matter.

Last updated: October 2020

Next review: October 2021