**PURPOSE**

The purpose of this policy is to provide guidance to Radio Ngati Porou (RNP) employees about the identification, prevention, and resolution of bullying and harassment.

The aim of this policy is to:

1. Promote a workplace culture of dignity and respect where everyone is free from bullying, discrimination and harassment
2. Ensure that the workplace is a safe and healthy environment for everyone
3. Make clear that bullying, discrimination and harassment are not acceptable and will not be tolerated in the workplace
4. Set out a complaints process for those who may feel that they have been bullied, discriminated against or harassed
5. Encourage those who feel that they have been bullied, discriminated against or harassed to bring the matter to the attention of their HOD/H&S Officer/Producer (NB: *these people may vary depending on the structure of the production company (e.g. could also be CEO, legal etc*)
6. **APPLICATION**

This policy applies to all workers engaged by the production company including temporary, casual, fixed term, part-time and full-time permanent employees and contractors (**Workers**).

1. **DEFINITIONS**

*The following definitions of bullying, discrimination and harassment are intended as a summary, not a substitute for relevant law.*

**Bullying** refers to unreasonable and repeated behaviour towards a worker or group of workers that can cause physical or mental harm.

* **Repeated behaviour** - means persistent behaviour and can include a range of actions;
* **Unreasonable behaviour** – means actions which a reasonable person wouldn’t do in similar circumstances, including victimising, humiliating, intimidating or threatening.

Bullying can be a risk to health and safety in the workplace. A single incident isn’t considered bullying but shouldn’t be ignored as it may escalate to more serious conduct. Such an incident may still need to be addressed, but outside of this Policy

**Discrimination** refers to any practice that results in a person or group of people being treated less favourably than another person or group of people under similar circumstances. The prohibited grounds of discrimination are set out in S.21 of the Human Rights Act 1993 and S.105 of the Employment Relations Act 2000 and include:

* sex (including pregnancy and childbirth)
* marital status
* religious belief
* ethical belief
* colour
* race
* ethnic or racial origins (including nationality or citizenship)
* disability (ie physical disability or impairment, physical illness, psychiatric illness, intellectual or psychological disability or impairment, reliance on a disability assist dog, wheelchair or other remedial means, the presence in the body of organisms capable of causing illness)
* age
* political opinion
* employment status (unemployed or on benefit)
* family status
* sexual orientation

Discrimination on any one of these grounds is unlawful in the workplace. It may be direct or indirect. It may arise from official statements, actions, omissions, decisions or policies, as well as from informal or personal statements or conduct.

**Racial harassment** refers to the use of language (whether written or spoken) or visual material or physical behaviour (however conveyed) that directly or indirectly expresses hostility against or brings into contempt or ridicule another person on the ground of colour, race, ethnic or national origin, which is hurtful or offensive to the that person OR is either repeated, or of such a significant nature, that it has a detrimental effect on that other person in relation to any area set out in section 63(2) of the Human Rights Act.

**Sexual harassment** refers to the use of language (written or spoken), visual material or physical behaviour of a sexual nature, to subject another person to behaviour that is unwelcome or offensive to that person; or is either repeated, or of such a significant nature, that it has a detrimental effect on that person in relation to any area set out in section 62(3) of the Human Rights Act; or requesting another person for sexual activity, with an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment.

**Production** means the production that the Worker is engaged on.

**Production Stakeholders** means the Production company, funders, investors, broadcasters, and distributors of the Production.

**Workplace** - for the purpose of this policy, a workplace includes, but is not limited to:

* any site, property or facility owned or controlled by the production;
* any place where workers are required to carry out their duties, including on location;
* any production company vehicle.

**3. WHAT BULLYING, DISCRIMINATION AND HARASSMENT IS NOT**

3.1 The following are examples of behaviours that are not considered to be discrimination, bullying or harassment.

* + - Free and frank discussion about issues or concerns in the workplace (expressed in a respectful and professional manner)
		- Assertively and respectfully expressing opinions that are different to others,
		- Issuing reasonable instructions in line with delegated authority and expecting them to be carried out,
		- Reasonable supervision or monitoring of work activities and quality,
		- Setting high performance standards,
		- Insisting on satisfactory standards of performance in terms of team co-operation, quality, timeliness and safety of work,
		- Legitimate, respectful feedback to someone about their work performance or behaviour (including performance appraisals) and requiring justified performance improvement.
		- Warning or disciplining someone in line with production company policy,
		- Relationships, sexual or otherwise, where both people consent to the relationship and there is no real or perceived power imbalance in the relationship, or conflict of interest present. These relationships should be disclosed to the relevant HOD or producer (even if the information is to be held confidentially) to ensure all relevant considerations are made regarding real or perceived power imbalance, conflicts of interest, or potential unintended bias.
		- One off or occasional and infrequent instances of genuine forgetfulness, rudeness, or tactlessness (which may, however, still need to be addressed outside of this Policy).

**GENERAL**

* 1. All Workers are expected to treat co-workers, suppliers, clients, Production Stakeholders, business partners and any other party associated with a Production, with respect and dignity.
	2. The following actions are strictly prohibited and will be viewed as a serious breach or serious misconduct which could lead to immediate termination of the Worker’s engagement:
1. Acting or behaving in a way that could be construed as bullying, discrimination or harassment of another Worker (regardless of intention) which includes, but is not limited to:
	1. Conduct that occurs in the workplace both during and after work hours;
	2. Posting comments or publishing material on the internet, including social media, which could be construed as bullying, discrimination or harassment (regardless of whether the action happened during or after work hours);
	3. Conduct that occurs in work-related social situations outside the workplace and work hours;
	4. Conduct that could bring the Production or the Production Stakeholders into disrepute.
2. Raising an allegation of bullying, discrimination or harassment which is determined to be false or made maliciously.
3. **COMPLAINT PROCESS**

**Informal Process**

* 1. If you believe you are able to deal with the problem directly or feel confident enough to do so after discussing it with your [*INSERT Producer/H&S Manager/HOD*] or a support person, this is an option open to you. You may prefer to approach the alleged harasser alone or with a friend or colleague, explain what behaviour concerns you, make it clear that it’s unwelcome, and ask that it stops.
	2. If you do not feel able or comfortable approaching the person or persons responsible directly, you can:
1. ask a colleague to informally raise your concerns on your behalf with the person or persons responsible for the action or behaviour; or
2. ask your HOD/H&S Officer or the producer for guidance on how to resolve the situation; or
3. ask your HOD/H&S Officer or the producer to intervene informally.

5.3 If you ask your HOD/H&S Manager/Producer to intervene informally, you need to be aware that once management acquires knowledge of the matter, it may be escalated to a formal process if the H&S Manager/producer believes that is appropriate in order for the production company to fulfil its statutory health & safety obligations.

**Formal Process**

* 1. If you wish to raise a formal complaint you should talk to the producer, who will assess the seriousness of the allegation and determine the appropriate course of action.
	2. The formal process will typically involve an investigation into the allegations raised by you.
	3. During the investigation, you may be asked to put your complaint in writing and/or to produce any evidence you have that supports your claim.
	4. During the investigation, the production company may suspend the person who is the subject of the complaint if they believe that the person may hinder the production company’s ability to investigate the allegations in any way and/or that they pose a health and safety risk or if the production company believes that, in its discretion, the seriousness of the allegations warrants it.
	5. Natural justice requires that the subject of the complaint has the right to know what is being complained about and by whom, including seeing the written complaint.
	6. If, having completed the investigation, the production company believes that the allegations of bullying, discrimination or harassment are substantiated, the production company will act as it believes is appropriate in accordance with its obligations under this policy and any relevant legislation. Each party will comply at all times with their respective obligations under the Health and Safety at Work Act 2015 and the Human Rights Act 1993.
1. **CONFIDENTIALITY**
	1. Complaints about bullying, discrimination or harassment will be treated as confidentially as is possible, except as required to resolve the situation or conduct an investigation, or if it appears serious enough to put anyone at risk.
	2. If certain behaviour (e.g. serious sexual harassment or physical assault) comes under the Crimes Act 1961 or the Harassment Act 1997, the Producer or the worker can (but are not obliged to) make a complaint to New Zealand Police.
	3. If a complainant wishes to remain anonymous, an investigation might not be possible, but other solutions may be available.

**FURTHER INFORMATION/RESOURCES**

* + **Human Rights Commission**
	The Human Rights Commission provides free legal assistance to those who feel that they have been subject to discrimination. They can be contacted at [www.hrc.co.nz](http://www.hrc.co.nz/).
	+ **Worksafe Toolkit**
	Tools and resources for businesses and workers to help guide you in preventing bullying in the workplace bullying - available [here](http://www.worksafe.govt.nz/the-toolshed/tools/bullying-prevention-toolbox/).
	+ **Legislation**
	[Employment Relations Act 2000](https://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html)
	[Human Rights Act 1993](https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html)
	[Harassment](https://www.legislation.govt.nz/act/public/1997/0092/latest/DLM417078.html) [Act 1997](https://www.legislation.govt.nz/act/public/1997/0092/latest/DLM417078.html)
	[Health and Safety at Work Act 2015](https://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html)
	[Privacy Act 2020](https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html)
	[Harmful Digital](https://www.legislation.govt.nz/act/public/2015/0063/latest/whole.html) [Communications Act 2015](https://www.legislation.govt.nz/act/public/2015/0063/latest/whole.html),

[2022 Screen Industry Workers Act (SIWA)](https://www.legislation.govt.nz/act/public/2022/0052/latest/LMS230343.html)