



Discrimination, Harassment & Bullying Prevention Policy 2022

This manual is prepared for all PRAYAS volunteers, mentors, directors, actors, producers, crew, creative contractors, company members, executive committee, and all the participants in our initiatives, productions, and other company activities of PRAYAS.

It contains guidelines to ensure their safety and the safety of people in their care, working alongside them and/or visiting a PRAYAS workplace or rehearsal room.

This version includes information and policies regarding the government's COVID-19 Protection Framework.



Introduction

This Harassment (Sexual and Racial) and Bullying Prevention Policy document contains guidelines to provide a safe workspace for all our workers: mentors, directors, actors, producers, crew, creative contractors, company members, executive committee and all the participants in our initiatives, productions and other company activities.

It has been written to help everyone who works with PRAYAS understand and remember the steps we need to take to ensure a safe space for all our activities. It also acknowledges our obligation under the Health and Safety at Work (2015) Act to keep everyone safe at Prayas.

PRAYAS is committed to a safe and healthy working environment for everyone using our services as a place of work or participating in our programmes and production. It is a living document. If anyone identifies a need for an update, edit or clarification please get in touch with the Executive Committee at contact@prayas.co.nz. This needs to be a workable document for everyone, so we welcome all input.

Prayas will ensure regular Health & Safety training and introduction to this policy will take place for all participants.

Ngā mihi
Amit Ohdedar
President, PRAYAS
1 March 2022
contact@prayas.co.nz



Discrimination, Harassment and Bullying

PRAYAS does not tolerate discrimination, sexual or racial harassment or bullying. For the safety of our Company and all those we work with, if you witness or experience any of the following, we encourage you to please notify someone in your production or in the Company immediately for action and steps to be taken. We take our responsibility seriously as a Company in ensuring everyone involved with our productions and activities can work safely.

- First point of contact: Stage Manager or the Director
- Second: Producer of the project / production
- Third: President of PRAYAS

Note: PRAYAS will seek an external third party to advise and guide our next steps should the situation require to be mediated or investigated. E.g.: Equity NZ, WorkSafe or other vetted organisations that can assist with the situation.

A. Discrimination

Discrimination is **treating, or proposing to treat, someone unfavourably** because of a **personal characteristic protected by law**, such as sex, age, race or disability.

Personal characteristics protected under the Human Rights Act, and Employment Relations Act discrimination clauses include, but are not limited to:

- A disability, disease or injury, including work-related injury, access need
- Parental status or status as a carer
- Race, colour, descent, language, caste, national origin or ethnic background
- Age
- Sex, gender identity
- Sexual orientation
- Industrial activity - e.g., any Prayas Theatre related activities
- Religion including lack of religious belief
- Pregnancy and breastfeeding
- Marital status
- Political opinion
- Social origin
- Medical record

It is also against the law to treat someone unfavourably because you assume they have a protected personal characteristic or may have it at some time in the future.

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Discrimination can be either direct or indirect:

Direct discrimination is usually easy to identify and occurs when a person or group of people with a particular protected characteristic (actual or assumed) are treated less favourably because of that characteristic.

Indirect discrimination is less obvious and occurs when a policy or practice appears neutral, yet has the effect of discriminating against those with a particular protected characteristic, e.g., a “no hat” policy could discriminate against a Sikh wearing a turban.

B. Harassment

Harassment is **unwelcome and unsolicited behaviour** that a **reasonable person would consider to be offensive, intimidating, humiliating or threatening**.

Harassment is prohibited by anti-discrimination legislation where the behaviour targets an individual or group because of a protected characteristic (such as age, sex or race, as outlined above). Harassment that is not related to a protected characteristic is still inappropriate in the workplace and should be dealt with accordingly.

Harassment can be physical, spoken or written. It can include, but is not limited to:

- Intimidation, verbal abuse, or repeated threats or ridicule;
- Sending offensive messages by text, email or other means;
- Derogatory comments;
- Display of offensive materials, pictures, comments or objects;
- Ridiculing someone because of their accent or English-speaking ability;
- Telling offensive jokes or making practical jokes based on a protected characteristic;
- Belittling or teasing someone based on a protected characteristic; and
- Isolating, segregating or humiliating someone because of a protected characteristic.

C. Sexual harassment

Whilst the definition varies slightly according to the jurisdiction, generally sexual harassment occurs where a person engages in **unwelcome conduct of a sexual nature** in circumstances where a **reasonable person would be offended, humiliated or intimidated**.



Sexual harassment can be physical, spoken or written. It can include, but is not limited to:

- Staring or leering at a person or parts of their body;
- Excessive or unwelcome familiarity or physical contact, such as touching, hugging, kissing, pinching, massaging and brushing up against someone;
- Suggestive comments, jokes, conversations or innuendo;
- Insults or taunts of a sexual nature or obscene gestures;
- Intrusive questions or comments about someone's private life;
- Displaying or disseminating material such as posters, magazines or screen savers of a sexual nature;
- Making or sending sexually explicit phone calls, emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites in the presence of others;
- Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates;
- Inappropriate or unwanted gifts; and
- Behaviour that may also be considered to be an offence under criminal law, such as physical or sexual assault, indecent exposure, stalking or obscene communications.

If someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Behaviour can constitute sexual harassment if:

- it is either repeated or a significant one-off incident;
- the person engaging in the behaviour does not intend for the other person to be offended, humiliated or intimidated;
- some people in the workplace are not offended by the behaviour; or
- the behaviour was previously an accepted practice in the workplace.

What is not sexual harassment?

Sexual interaction, flirtation, attraction or friendship, which is invited, mutual, consensual or reciprocated is not sexual harassment.

D. Workplace bullying

Workplace bullying is where an individual or group of individuals **repeatedly behave unreasonably** to another person or group of persons at a workplace, which creates a **risk to health and safety and wellbeing**.



Bullying can take many forms. It can be physical, spoken, written, overt or covert. Behaviours that may constitute bullying include, but are not limited to:

- Physical intimidation or abuse;
- Aggressive or intimidating conduct or threatening gestures;
- Manipulation, intimidation or coercion;
- Threats, abuse, offensive language, shouting or belittling;
- Innuendo, sarcasm and other forms of demeaning language;
- Ganging up;
- Public humiliation or belittling;
- Initiation activities;
- Practical jokes, teasing, or ridicule;
- Isolation, exclusion or ignoring people;
- Inappropriate blaming;
- Inappropriate emails/pictures/text messages;
- Unreasonable accusations or undue unconstructive criticism;
- Allocating unpleasant, meaningless or impossible tasks;
- Placing unreasonably high work demands on selected workers;
- Deliberately withholding information, resources, support, supervision or consultation that a person needs to do their job or access their entitlements;
- Unreasonable refusal of requests for leave, training or other workplace benefits;
- Withholding access to opportunities;
- Deliberately changing hours of work for a person or group to inconvenience them; and
- Unreasonable timelines or constantly changing deadlines targeted at a specific person or group.

Bullying may also constitute unlawful harassment or discrimination, if it is connected to a protected characteristic, such as age or race.

The live performance industry is creative and continually strives for artistic excellence. Achieving such artistic outcomes often involves 'pushing the boundaries.' All workers in this process should behave in a manner that is sensitive to others, professional, appropriate and does not constitute harassment or bullying.

What is not bullying?

Bullying is not:

Single incidents of inappropriate behaviour (although it may escalate if left unattended, and may constitute misconduct);

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Reasonable management action undertaken in a reasonable manner, such as: employer directions (e.g., providing instructions on the way work is to be carried out); performance management processes (e.g., providing feedback on a worker's performance); disciplinary action; or maintaining reasonable workplace standards;

Differences of opinion or disagreements (e.g., differences of opinion on the artistic interpretation or direction of a production). People can have differences or disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

E. Vilification

Vilification is any **public act that incites hatred, serious contempt, or severe ridicule** against another person or group of people due to their race (including ethno-religious origin), homosexuality, transgender status or HIV/AIDS status.

F. Victimisation

Victimisation is **subjecting or threatening to subject someone to a detriment** because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment, sexual harassment or bullying.

It is also victimisation to threaten someone (such as a witness) who may be involved in an investigation of a complaint.

Any form of retaliation taken against a worker who has made a complaint should be reported and investigated immediately, with appropriate disciplinary action taken where the conduct is proven.



For more information and guidance please check out the following websites:

- [Sexual and Racial Harassment: Harassment of any kind should not be tolerated in the workplace](#)
- [Sexual Harassment Quick Guides](#)
- [Examples of Sexual Harassment at Work](#)
- [Bullying: Tools and resources for businesses and workers to help guide you in preventing bullying in the workplace](#)