



Bullying & Harassment Policy & Procedures

Version	Date	Author
V.1	August 2019	G. Babb

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Bullying & Harassment Policy

Policy Statement, Purpose & Scope

Musicians Without Borders is committed to fostering safe, supportive work environments in which staff and volunteers can thrive and do their best work. We believe all personnel have a right to be protected from bullying and harassment of any kind.

This policy and the associated guidelines detail MWB's commitment to safeguarding personnel, define what is expected of those working for us and lay out our procedures for handling incidents or allegations of bullying and harassment.

The policy applies to all those working on behalf of Musicians Without Borders including salaried staff, freelancers, volunteers, work placements, our supervisory board and local project staff employed by partner organizations. Partner organizations are required to sign up to this policy or provide an alternative that is based on the underlying principles and legal frameworks laid out in this document.

The scope of the policy extends to all work-related activity, including that which takes place outside of working hours, such as:

- work-related social occasions or gatherings organized by MWB or by employees
- social occasions or gatherings organized by MWB's partners or clients
- work-related events, concerts and conferences
- when traveling on behalf of MWB

Definitions & Legal Framework

Our policy has been drawn up on the basis of the following EU legislation:

- European Health and Safety Directive, 1989 (89/391/EEC) covering employers' duty to protect personnel from harm, including bullying and harassment in the workplace.
- Equal Treatment Directive (recast) 2006 (2006/54/EC) concerning equal treatment of men and women in the workplace, including specific guidance on sexual harassment.
- Equality Framework Directive 2000 (2000/78/EC) and Racial Equality Directive 2000 (2000/43/EC) protecting employees from workplace discrimination and harassment on the grounds of race, age, disability, sexual orientation, religion and belief.

Bullying: includes offensive, intimidating, malicious or insulting behavior and any abuse or misuse of power that makes a person feel vulnerable, degraded, humiliated, offended or undermined.¹

Harassment: unwanted conduct with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.²

Sexual Harassment: any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.³

We recognize that sexual harassment and harassment based on age, disability, race, gender or religion is unlawful in many of the regions we work in and may result in legal action.

Our Approach & Principles

The health and wellbeing of our personnel are of utmost importance. We seek to create a culture of care, trust and communication and take a zero-tolerance approach to bullying and harassment, including sexual harassment. Any allegation of bullying or harassment will be sensitively and thoroughly investigated and may result in disciplinary action.

We understand the nature of our work can make individuals more vulnerable to bullying and harassment: shared artistry can result in a merging of work and social lives; stressful situations (e.g. security issues) can lead to or be used to excuse unacceptable behavior. We will therefore pay particular attention to ensure all personnel are able to work in an environment free from bullying and harassment, guided by the following principles:

- **RESPONSIBILITY:** We are all responsible for creating and maintaining an inclusive workplace that is free from bullying and harassment.
- **RESPECT:** We will respect each other's dignity at all times, regardless of seniority.
- **ACTION:** We will speak up if we witness bullying or harassment. We will listen openly and act swiftly, in accordance with our guidelines, if it is brought to our attention.
- **SUPPORT:** We will offer support and be sensitive to the needs of personnel involved in a harassment allegation, both during and after the process.
- **HONESTY:** If harassment is proven it must not be hidden. We will question confidentiality – why it is needed and whom it protects.

¹ Bullying is not defined in law, but can be generally understood as stated above.

² EU-Directive 2000/78/EC, Equality Framework Directive

³ EU-Directive 2006/54/EC, Equal Treatment Directive (recast)

We are committed to reviewing our policy and good practice guidelines annually.

This policy was last reviewed on:

Signed:

Bullying & Harassment Guidelines and Procedures

1. UNDERSTANDING BULLYING & HARASSMENT

What is Bullying & Harassment?

Bullying and Harassment are forms of unwanted behavior, which violate someone's dignity, make someone feel intimidated, degraded or humiliated and / or create a hostile, offensive environment.

Workplace bullying and harassment can happen to anyone working in or with the organization and can involve verbal, non-verbal, physical or digital behavior and activity. It can be ongoing or occur once and may be linked to a person's gender, race, sexuality, religion or disability. It includes, but is not limited to:

Victimization

- singling someone out for negative or unfair treatment
- ridiculing/demeaning someone to their face, to colleagues and/or via email, SMS, social media
- spreading malicious rumors or forwarding critical emails to others who do not need to know

Exclusion

- excluding individuals from spaces, relevant conversations, and/or work-related social activities
- isolating individuals from the team through words or behaviors

Overbearing Supervision

- deliberately undermining a competent worker by overloading and/or setting them up to fail
- controlling behavior, constant criticism and other misuses of power

Economic Control & Disadvantage

- intentionally blocking an individual from promotion or training opportunities
- making threats or comments about someone's job security without foundation

Sexual harassment is a form of harassment based on someone's gender and/or sexuality. It includes any behavior that sexualizes the workplace or any individual within it.

Like all forms of bullying and harassment, sexual harassment can happen to anyone. It can happen to men, women and non-binary people. The perpetrator may be of the same or a different gender. It includes, but is not limited to:

General Sexist Behavior

- derogatory or objectifying remarks about an individual's body, manner or sexual activity
- sexual comments, insinuations, gestures or jokes
- displaying or sending pictures, photos or drawings of a sexual nature

Sexual Exchange or Trade

- explicit or implicit promise of advantage in exchange for sexual favors
- disadvantage or threat of disadvantage for refusal to engage in sexual activity
- making decisions based on whether sexual advances were accepted or rejected

Sexual Advances and Unwanted Contact

- over-familiarity – standing too close, unwelcome touching, hugging etc.
- unwelcome propositions – offers of sex, repeated requests for dates despite being told no, demands for sexual attention, punitive acts following rejection
- persistent unwanted contact, seemingly accidental touching, staring, meaningful glances

Coercive Sexual Activity

- sexual activity involving physical force, other punishment or threat of physical force/punishment
- this includes various forms of sexual assault and other criminal acts including rape

Recognizing Bullying & Harassment

It can be hard to recognize bullying and harassment. Most people agree on extreme cases, but one-off incidents and subtler, more insidious forms can often be dismissed.

MWB believes it is important to allow personnel to self-define. If an employee feels something has happened to them that is unwelcome, unwarranted and causes a detrimental effect, then they have a grievance which must be dealt with regardless of whether or not their complaint fits a standard definition. Please note, you do not need to have previously objected to someone's behavior for it to be considered unwelcome.

Impact vs. Intention

Bullying and harassment, including sexual harassment, can have a profound impact on personnel and is one of the most stressful things that can be experienced at work. It affects individual and team morale, performance, confidence and emotional/mental wellbeing.

Therefore, Musicians Without Borders sees the intention of the behavior as secondary to the impact it has on personnel.

Behavior may still be considered harassment if the alleged harasser didn't mean it in that way or intentionally direct it at a specific person. For example, personnel have a right to make a complaint if:

- they are made uncomfortable by a comment that a colleague believes to be a compliment
- someone makes offensive comments (e.g. racist jokes) at work even if they are not directed at them
- they are intimidated, made uncomfortable or otherwise negatively impacted by the bullying/harassment of a colleague

2. PREVENTING BULLYING & HARASSMENT

MWB believes an open, supportive environment based on care, trust and communication is one of our best defenses against bullying and harassment.

All personnel contribute to and are responsible for the culture of the workplace. As such all staff and volunteers agree to:

- actively create and maintain a positive working environment for all through their words and actions
- behave appropriately and professionally in all aspects of their work
- respect colleagues' personal boundaries and dignity at all times
- listen openly and sensitively if a colleague comes to them with a concern
- change their behavior if it is making colleague(s) feel uncomfortable
- take action if they witness incidents of bullying or harassment
- report incidents of bullying and harassment, in accordance with our guidelines

Active Bystanders

We encourage all personnel to challenge inappropriate comments/behavior when they see them, acting in support of colleagues as active bystanders. We recognize that it isn't always easy to give colleagues critical feedback, but dismissing sexual comments as 'banter', and ignoring or laughing off small slights fosters an environment where bullying and harassment can take place.

If behavior that goes against MWB's code of conduct is witnessed and ignored, then the perpetrator may think that such behavior is acceptable and the injured party may think:

- this is normal behavior at MWB
- that nothing can be done
- that they will not be believed, be seen as weak or be labeled a troublemaker

An active bystander takes steps to make a difference. The most effective time to act may be in the moment or at a later time, but to intervene is to do the right thing.

There are many strategies you can use to support your colleagues ranging from non-verbal indirect responses to seeking support from senior staff to challenging the behavior directly. Only do what feels comfortable for you and appropriate to the situation.

Active Bystander Strategies

In the moment	After the incident
<p>Name or point out the offense – it is best to speak for yourself rather than the person you are supporting, e.g.</p> <ul style="list-style-type: none"> • “Can you stop making comments like that please – I find them offensive.” • “Shouting like that makes me feel quite uncomfortable.” 	<p>Privately let the offender know their behavior was inappropriate, e.g.</p> <ul style="list-style-type: none"> • “I didn’t think that joke you made earlier was funny.” • “I didn’t think you were fair to x in that meeting.”
<p>Offer public support, e.g.</p> <ul style="list-style-type: none"> • Stand/sit next to the injured party, letting them and the offender know you are listening/watching. • Get the person being bullied a glass of water. 	<p>Check in on the victim, offer support and/or let them know that that shouldn’t have happened. e.g.</p> <ul style="list-style-type: none"> • “Are you ok?” • “It’s not ok for him/her to talk to you like that.” • “Let me know if you need anything or would like to talk.”
<p>Interrupt the situation, e.g.</p> <ul style="list-style-type: none"> • “Let me stop you there, I’m not interested in rumors/gossip” • Change the subject – “Anyone want a coffee?” • Create a reason to get either party out of the room 	<p>Tell a supervisor/manager – see reporting for more information</p> <ul style="list-style-type: none"> • An informal chat may be all that is needed to ensure managers are aware, can monitor the situation and support staff. • A formal complaint may be needed, depending on the nature of the incident
<p>Show disapproval, e.g.</p> <ul style="list-style-type: none"> • Use body language to show you feel the behavior is inappropriate - frown, clear your throat, give a look of wide-eyed surprise etc. 	<p>Record and observe</p> <ul style="list-style-type: none"> • Make a note of what you have seen and keep an eye out to see if the behavior continues or escalates.

Relationships at work

Maintaining professional boundaries in your working relationships is a condition of your employment. We ask you not to form personal relationships – including family and romantic relationships – with volunteers, trainees or wherever an unequal power dynamic occurs as a result of roles assigned to or assumed by you. We recognize that personal relationships may be formed and if they are, we ask that you make your supervisor(s) aware. Supervisors will then be able to consider reorganizing the team and can ensure you are not asked to take on work that could cause a conflict of interest, such as being involved in recruitment or appraisal processes.

3. RAISING A CONCERN OR COMPLAINT

Anyone who feels they have been bullied or harassed, or anyone who feels they have seen bullying or harassment in the workplace, can raise a complaint.

We recognize that personnel may want to deal with less serious matters in their own way and believe all staff and volunteers have the right to:

- feel comfortable asking people to treat them with respect
- expect colleagues to change their behavior if asked to
- not be criticized for raising matters that others may think are trivial
- assistance from their manager or other senior staff in dealing with bullying and harassment

If you are unable to resolve matters of bullying and harassment for any reason, you can raise a complaint formally or informally. All reports will be treated seriously and with sensitivity. You will never be treated unfairly for making a genuine formal or informal harassment complaint, even if it doesn't result in formal action against the other person.

Raise a concern informally

You can raise an informal concern with any senior member of staff that you trust. They will:

- make a record of your concern that will only be shared with those who need to know
- try to find an appropriate solution in consultation with you
- monitor the situation

MWB will take your wishes into account when considering possible solutions to your concern. For example, if you just want to bring the matter to your manager's attention, we may take no further action other than recording and monitoring the situation. However, if your complaint represents a serious breach of MWB's code of conduct or a safety risk for you or other colleagues, we will have to follow formal disciplinary procedures.

Raise a formal complaint:

You can begin by speaking to your direct supervisor, program manager or MWB's director, but will need to follow this up in writing using MWB's complaint form (appendix 2). Managers will:

- record and store your complaint form securely
- investigate the complaint in accordance with MWB's disciplinary procedure
- communicate the results of the investigation and the action we plan to take clearly

Raise an anonymous complaint:

We encourage all personnel to talk to their supervisor, PM or MWB's director if they have a complaint. However, if you wish to raise an issue anonymously, you can do so online: mwb.to/complaint. Anonymous concerns are received by Meagan Hughes who will then pass the information on to the relevant PM or MWB's director, depending on the nature of the complaint.⁴

⁴ Please be aware that our ability to respond to an anonymous complaint may be limited or not possible if the disclosure of identity is necessary to facilitate an investigation of the complaint.

4. HANDLING BULLYING & HARASSMENT COMPLAINTS

Any allegation of bullying and harassment will be treated sensitively and dealt with swiftly.

When dealing with complaints of bullying and harassment we expect managers to:

- Take all complaints seriously
- Treat everyone involved in the complaint with respect
- Listen carefully and keep an open mind
- Seek advice from and act in collaboration with your manager
- Only share details of the complaint with those who need to know
- Keep accurate records of the complaint and any subsequent steps taken
- Allow the person raising the complaint some control over what happens next
- Investigate the matter thoroughly and sensitively (in the case of a formal complaint)
- Conclude and/or resolve the matter, communicating clearly with all personnel involved and offering follow-up support

Confidentiality

Information will only be shared with those who need to know in order to support staff and monitor/resolve issues. The nature of the complaint will determine with whom the information is shared. As a general rule, details of informal concerns will be shared with the program manager and the direct supervisor of the person making the complaint, unless either are directly involved in the complaint. Formal complaints will also be shared with MWB's director. If a complaint is made against the director, the supervisory board will be informed.

Accurate Records

Program managers will record and file details of all concerns securely, even if someone is raising an informal complaint and does not want to take any action at that stage. Accurate records will help MWB notice patterns of behavior and may support a future investigation if things escalate or if another member of staff raises a similar issue.

Next Steps

The actions taken to resolve bullying and harassment will depend on the nature of the complaint. MWB will consult with the person making the complaint when deciding on an appropriate course of action, but it may not always be possible to follow their wishes. For example, when an informal process has been requested but the matter is extremely serious or concerns have also been raised by other employees. Possible next steps include:

- monitoring the situation, including follow up meetings with the complainant
- an informal conversation with the alleged harasser, giving them a chance to address or amend the behavior
- reorganizing teams so that the personnel involved do not have to work together directly
- mediation
- training
- formal disciplinary procedures

Formal disciplinary procedures

When a complaint represents a potential safety risk or a serious breach of our code of conduct, a fair and thorough investigation will need to be carried out. This will involve meetings with all personnel involved in the complaint, including potential witnesses to relevant events.

- all staff involved in disciplinary procedures will be treated with respect and sensitivity
- information will continue to be restricted to those who need to know
- decisions will not be taken on the basis of whether someone submitted to or rejected a particular instance of harassment
- the person being accused may be suspended or reallocated pending the results of the investigation
- all staff can bring a colleague, friend or family member with them when attending disciplinary meetings

If it is found that bullying or harassment has taken place, disciplinary action will be taken. This will depend on the nature of the harassment and the contract of employment between MWB and the offending member of staff, but could include:

- a written warning
- additional supervision, support and/or training
- dismissal/termination of contract, including immediate termination of stay at the project location where relevant.⁵
- withholding of part or all of any agreed-upon payments for services
- the decision by MWB not to re-employ staff in the future
- demands to remove staff from MWB projects where they are contracted by a local organization
- reporting unlawful incident(s) to the police or other relevant local authorities

⁵ Any extra costs involved (e.g. earlier return flights, lodgings, etc.) will be your own responsibility and not covered by MWB.

If bullying and harassment was not found to have taken place, no disciplinary action will be taken against the accused person and any temporary measures will be immediately reversed.

Conclusion & After-Care

All parties must be swiftly notified of the outcome of a formal grievance in writing. If bullying or harassment was found to have taken place, the person who raised the complaint should be told what disciplinary measures are being taken, unless there are legal/safety reasons not to.

Following an investigation, staff and volunteers involved will be offered support, which may include counseling, coaching, mediation or training. There will be no reprisal for anyone who has raised a genuine complaint.

MWB will maintain records of all allegations, the details of which will be kept confidential. However, senior management may decide to share some aspects or an overview of the grievance with staff, partners or prospective employers in order to protect others.

Historic Allegations

Sometimes a complaint of harassment, especially sexual harassment will be reported long after the incident occurred. Although it is often easier to resolve allegations of bullying and harassment as they happen, it is never too late to raise a complaint, even if you or your abuser has since left the organization. MWB will still take the concern seriously and will be sensitive and fair to the person who has made the complaint, anybody who has witnessed it and anybody who is being accused.



Bullying & Harassment

What is it?

Unwanted behavior that violates someone's dignity, makes someone feel intimidated, degraded or humiliated and / or creates a hostile, offensive environment. Bullying & harassment can happen to anyone, can be ongoing or a one-off and may be linked to a person's gender, race, sexuality, religion or disability. It includes:

- [Victimization](#)
- [Exclusion](#)
- [Sexist Behavior](#)
- [Sexual Advances & Unwanted Contact](#)
- [Overbearing Supervision](#)
- [Economic Control](#)
- [Sexual Exchange or Trade](#)
- [Coercive Sexual Activity](#)

All staff and volunteers will:

- create a positive working environment for all through their words and actions
- behave appropriately in all aspects of their work
- respect colleagues' personal boundaries and dignity at all times
- listen openly and sensitively if a colleague comes to them with a concern
- change their behavior if it is making colleague(s) feel uncomfortable
- take action and speak out if they witness incidents of bullying or harassment

Musicians Without Borders creates safe, supportive environments in which all personnel can thrive and do their best work.

We take a zero-tolerance approach to all forms of bullying and harassment. Any complaint or allegation will be sensitively and thoroughly investigated and may result in disciplinary action.

We are all responsible for creating and maintaining an inclusive workplace free from bullying and harassment.

[Click here for the full Bullying & Harassment Policy and Procedures](#)

All staff and volunteers have a right to:

- * feel comfortable asking people to treat them with respect
- * expect colleagues to change their behavior if asked
- * not be criticized for raising matters that others may think are trivial
- * assistance from their manager or other senior staff in dealing with bullying and harassment

Active Bystanders

Don't let inappropriate behavior or comments go unchallenged.

Support colleagues who may be experiencing bullying and harassment.

Raise a Concern

If you are being bullied, harassed or are concerned about a colleague, talk to your supervisor or other senior staff.

An informal chat might be all that is needed to start resolving the issue.

Make a Complaint

You can make a formal complaint by talking to your supervisor, PM or MWB's Director.

Anonymous complaints can be made here: mwb.to/complaint

EMPLOYEE COMPLAINT FORM



Your Name

Role and MWB Program

Name(s) of personnel this complaint is raised against

Please describe your complaint in detail, including all relevant dates, places, events etc.
(use a separate sheet if necessary)

Did anyone witness the incident(s) detailed above? If yes, please give their names.

Is this the first time you are raising a complaint against this person? Yes No
If yes, please summarize what was discussed, when and with who.

Have you attempted to resolve these issues yourself? Yes No
If yes, please give details of any steps taken.

The information provided in this complaint is true to the best of my knowledge and I am willing to cooperate fully in any investigation of my complaint.

Signature

Date