



# Bullying and Harassment Policy and Procedures

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## TABLE OF CONTENTS

<b>Bullying and Harassment Policy</b>	
Policy statement, purpose and scope	4
Definitions and legal framework	4
Our approach and principles	5
<b>Bullying and Harassment guidelines and procedures</b>	<b>6</b>
1. Understanding bullying and harassment	6
2. Preventing bullying and harassment	9
3. Report a concern, incident or violation	12
Integrity reporting system	13
Template: report a concern, incident, or violation	15
4. Handling bullying and harassment reports	16
<b>Summary and statement of commitment</b>	<b>19</b>

# BULLYING and HARASSMENT POLICY

## POLICY STATEMENT, PURPOSE AND 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, contractors, volunteers, interns, work placements, and our Supervisory Board. Partner organizations are required to provide their own policy that is based on the underlying principles and legal frameworks laid out in this document, or, in the absence of an own policy, adopt MWB's policy as their own.

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 AND 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.<sup>1</sup>
- 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.<sup>2</sup>
- 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.<sup>3</sup>

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 AND 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.

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

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

<sup>2</sup> EU-Directive 2000/78/EC, Equality Framework Directive

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

# BULLYING and HARASSMENT GUIDELINES AND PROCEDURES

## 1. UNDERSTANDING BULLYING and HARASSMENT

### What is bullying and 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 and 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 and 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 report 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 and 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.

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.

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

## **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. REPORT A CONCERN, INCIDENT OR VIOLATION

*Anyone who feels they have been bullied or harassed can file a report.*

*Anyone who feels they have seen bullying or harassment in the workplace can file a report.*

All concerns or allegations relating to a violation of Musicians Without Borders integrity policy will be handled quickly and with sensitivity.

For the present purposes, “Musicians Without Borders integrity policy” will include the following policy documents and codes:

- MWB Code of Conduct,
- MWB Safeguarding Policy and Procedures,
- MWB Anti-Bullying and Harassment Policy and Procedures,
- MWB Anti-Corruption Policy,
- Any integrity policy documents to be formally adopted by Musicians Without Borders in the future.

Musicians Without Borders offers the following channels below through which you can speak up. You are encouraged to speak up as soon as you can, even if you might not have all the facts related to your concern. There is no need to further investigate the matter yourself - you are not required to gather evidence to build a case. Please note that MWB representatives are obliged to speak up as soon as reasonably possible.

Musicians Without Borders will take all referrals and concerns seriously. We will listen to and support the victim and/or the person reporting the abuse or violation.

**If a person is in immediate danger, call the local emergency services (e.g., police).**

Note: Any decisions made must consider the culture we are working in when deciding what actions to take, as there may be no legal mechanism in place to handle certain referrals and inappropriate actions could potentially further endanger the victim. We will act appropriately, with the fullest consideration of the best interests of the person and on the basis of expert advice in all cases, regardless who an allegation involves.

### INTEGRITY REPORTING SYSTEM

Musicians Without Borders has the following reporting channels:

1. Management (not anonymous),
2. Integrity Officer (possible to stay anonymous),
3. External Safeguarding and Wellbeing Advisor (possible to stay anonymous).

MWB’s Safeguarding and Integrity Page can be accessed via the following link:  
[mwb.to/safeguarding](https://mwb.to/safeguarding)

## 1. Management

To report a violation or concern to Musicians Without Borders management, you can contact your line manager, the finance manager, the director, or if the violation or concern pertains to an MWB program, the program manager.

Report the violation or concern as soon as possible, and do not discuss the details with anyone who does not need to know.

<b>Contact details - Office</b>		
Director	Laura Hassler	Email: laura@mwb.ngo
Program Manager Development	Chris Nicholson	Email: chris@mwb.ngo
Strategic Manager Development	Wendy Hassler-Forest	Email: wendy@mwb.ngo
Operations Coordinator and Policy Officer	Eleonora Ungaro	Email: eleonora@mwb.ngo
<b>Contact details - Programs</b>		
Middle East	Fabienne van Eck, Program Manager	Email: fabienne@mwb.ngo
Rwanda / Democratic Republic of Congo	Chris Nicholson, Program Manager	Email: chris@mwb.ngo
Music Connects (Kosovo, North Macedonia, and EU-based partners)	Wendy Hassler-Forest, Program Manager	Email: wendy@mwb.ngo
Welcome Notes Netherlands and Central America	Miguel Ortega, Program Manager	Email: miguel@mwb.ngo
Welcome Notes / Training Programs	Chris Nicholson (ad interim), Training Coordinator	Email: chris@mwb.ngo

Any incidents that the line manager or program manager believes require further inquiry will be reported to MWB's Integrity Officer (below) or MWB's Director, and where relevant to the safeguarding lead at the partner organization.

Once a concern, incident or violation has been reported, the reporting person or where appropriate the person receiving the report should follow up by completing [this form](#).

## 2. Integrity Officer

To report a violation or concern to Musicians Without Borders' Integrity Officer, please file a report using [this reporting form](#), or contact:

Eleonora Ungaro

Email: [eleonora@mwb.ngo](mailto:eleonora@mwb.ngo)

### **Out-of-hours:**

Laura Hassler, MWB Director

Email: [laura@mwb.ngo](mailto:laura@mwb.ngo)

Reports will be handled as quickly as possible. The Integrity Officer will record the details of your report, make a first assessment and decide with you on the appropriate response and referral.

If you use the reporting form, reports can be filed anonymously. Reports can be written in your own language and can be filed 365 days a year. Please note that, when filing an anonymous report, options for following up on your report and keeping you informed may be limited.

## 3. External Safeguarding and Integrity Advisor

If you would rather raise a concern or file a report through a **confidential external channel**, you can file a report with independent service provider Sarah Helander, External Safeguarding and Integrity Advisor, using [this reporting form](#).

Reports will be handled as quickly as possible. Where possible and appropriate, the External Safeguarding and Integrity Advisor will inform the reporter of actions taken in response to the report.

Reports can be filed here anonymously, and can be written in your own language and filed 365 days a year. Please note that, when filing an anonymous report, options for following up on your report and keeping you informed may be limited.

## TEMPLATE: REPORT A CONCERN, INCIDENT, OR VIOLATION

Musicians Without Borders strives to uphold the highest standards of integrity and safety in its work. We take concerns brought to our attention seriously.

Would you like to report a concern, incident or violation of Musicians Without Borders' policies or Code of Conduct? Please fill out this reporting form.

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Date of report:

When did the concern arise or the incident or violation take place?

How did the information reported reach you (e.g., witnessed or observed, informed by the survivor, informed by a third party)?

Please describe the concern, incident or violation and any individual/s involved.

Was any immediate action taken to ensure safety or treatment of those affected? If so, please describe.

Next steps requested or suggested:

Do you wish to remain anonymous? Please be aware that our ability to respond to an anonymous concern may be limited or not possible if the disclosure of identity is necessary to facilitate an investigation of the concern.

- Yes
- No

Completed by:

Name:

Email address:

Signature:

Telephone Number:

## 4. HANDLING BULLYING and HARASSMENT REPORTS

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

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

- Take all reports seriously,
- Treat everyone involved in the report with respect,
- Listen carefully and keep an open mind,
- Seek advice from and act in collaboration with your manager,
- Only share details of the report with those who need to know,
- Keep accurate records of the report and any subsequent steps taken,
- Allow the person filing the report some control over what happens next,
- Investigate the matter thoroughly and sensitively (in the case of a formal report),
- 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 report 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 report, unless either are directly involved in the report. Formal reports will also be shared with MWB's director. If a report is filed 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 report. MWB will consult with the person filing the report 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 report 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 report, 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<sup>4</sup>,
- 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.

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 and 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 filed the report

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<sup>4</sup> Any extra costs involved (e.g. earlier return flights, lodgings, etc.) will be your own responsibility and not covered by MWB.



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 issue.

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 report 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 filed the report, anybody who has witnessed it and anybody who is being accused.

## SUMMARY AND STATEMENT OF COMMITMENT

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.

Bullying and harassment is unwanted behavior that violates someone's dignity, makes someone feel intimidated, degraded, or humiliated, and/or creates a hostile, offensive environment. Bullying and harassment can happen to anyone, can be ongoing or one-off and may be linked to a person's gender, race, sexuality, religion, or disability. It includes victimization, exclusion, sexist behavior, sexual advances and unwanted contact, overbearing supervision, economic control, sexual exchange or trade, and 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.

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.

### File a report

Refer to Musicians Without Borders management, the Integrity Officer, or the External Safeguarding and Integrity Advisor. See [mwb.to/safeguarding](https://mwb.to/safeguarding) for online reporting forms.

### Handling a report

Act swiftly and with sensitivity. Seek advice from your manager. Only share details with those who need to know. Keep accurate records.