



Disputes & conflict process

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Whether you are being paid or not, the comedy industry can be considered a workplace and as such is subject to the Health and Safety in Employment Act 1992 and the Employment Relations Act 2000. Sexual harassment, and harassment for a particular attribute such as gender, disability or race are also illegal under the Human Rights Act 1993.

The NZ Comedy Guild Board promotes safe working environments. This includes emotional safety as well as physical safety. If you feel that your safety has been compromised, please immediately notify the gig 'owner' and/or the venue owner. Under current NZ law, these people (as PCBU's or 'person conducting a business or undertaking') have a primary duty of care to ensure workers are not at risk by its work.

The NZ Comedy Guild Board is a representative body for a professional association. This means that we exist to represent the wants, needs and rights of our members, but do not have the authority to make rulings or impose punishments.

We strongly encourage our members to adhere to the Guild's published Code of Conduct, and by laws such as the Human Rights Act. Be professional, treat each other fairly and with respect - but when things go wrong, we are here to provide support, advice and mediation services.

This resolution procedure describes how we recommend resolving professional disputes and conflicts. This procedure draws upon information outlined on WorkSafe NZ (www.worksafe.govt.nz).

Can you resolve it yourself?

The Guild encourages the development of its members, both personally and professionally. We promote the values of communication and respect. If you find yourself in a conflict or dispute, we encourage you to attempt to resolve the situation yourself. Learning how to resolve issues effectively is an important professional and personal skill. If, however, you feel unsafe doing so, seek support.

If you are comfortable doing so, address the problem as soon as you become aware of it. We recommend you try to address it informally at first, unless it's serious. Even if you choose to do nothing at first, it may be useful to keep a record of your interactions. If you take the matter further you'll need to describe the issue.

If you talk directly to the person, focus on the specific incidents, keep your language neutral, and try to see their viewpoint without excusing the behaviour. If relevant, refer to the NZ Comedy Guild Code of Conduct, outline how the other party has breached this code.

Remain respectful and professional. Focus on solutions not blame, actions not personality.

Do you need advice?

Sometimes we come across issues that are complicated and not easily resolvable, but these issues are also not always unique or new. The diversity of experience within our industry is extremely valuable. We encourage members to seek advice from trusted friends and colleagues and to learn from each other.

You can also seek advice from the NZ Comedy Guild Board, Humorous Arts Trust or the NZ Comedy Trust.

Lodge a complaint

If you are still struggling to resolve an issue, you can make a formal complaint to the Comedy Guild Board. Before doing so, give some thought to what outcome you are seeking.

You will be asked to detail the issue, including previous resolution attempts, so the Board can get a good understanding of the situation. The Board will consider the following three criteria to determine the severity of the allegations:

- Is the behaviour unreasonable or unprofessional?
- Is it a one-off or is this a repeated behaviour?
- Is there a risk to Health & Safety?

If the issue is deemed to be of low- to medium- severity:

The related party will be notified that a complaint has been made against them. Unless requested otherwise by you, they will not yet be notified who has made the complaint, nor given identifying details of the complaint. *ie: The Guild has received a complaint that you use language that is deemed to be offensive to women.* A Guild representative will talk to the related party and endeavour to work it out informally and confidentially, with the aim that unacceptable behaviour ceases or the dispute is resolved.

The purpose of this step is to act as a warning, to give the other party the opportunity to address their behaviour, whilst protecting the complainant's anonymity. We believe in a culture of honesty and fairness, so it's important that a party is notified that a complaint has been laid against them.

If you'd prefer, or if the other party does not amend their behaviour, the Guild can also provide mediation services. Both parties will be invited to attend a meeting to discuss the issue. The Guild representative will ensure that both parties have the opportunity to speak and will endeavour to work with both parties to find a satisfactory outcome together. However, if a situation is deemed by the Guild Board to be high risk, we may recommend a professional mediation service.

If the issue is deemed to be of high severity:

Or if a satisfactory outcome can still not be reached, the Guild board will make recommendations as to the best way forward. In some cases, this may include taking your complaint to a suitable authority such as:

- the Disputes Tribunal of NZ
- the NZ Police
- your lawyer or a community law centre
- Citizens Advice Bureau
- The Ministry of Business Innovation & Employment
- WorkSafe NZ

What to expect from the Guild Board:

We will:

- respond in a neutral, impartial and professional way
- take your complaint seriously and apply due diligence
- let both parties explain their version of events
- apply the principles of natural justice. Natural justice comprises two rules, the rule against bias and the rule of the right to a fair hearing

- try to resolve the matter quickly and reasonably
- inform you of the process of how the issue will be dealt with
- tell you what support options are available to you, such as counselling or having a support person present at meetings
- keep records of conversations, meetings and interviews during the resolution process
- respect and protect the privacy of the affected parties

If your complaint is about a member of the Guild Board, the same process will be undertaken, but the related representative will be excused from any conversation about the dispute by the Board. If the complaint is deemed to be serious, the related representative may be asked to stand down from the Guild Board.

For more information contact: admin@comedyguild.org