

MediaWorks Independent Review Workplace Culture

Maria Dew QC

30 July 2021



*“Whiria ngā taura o te tika o te pono me te
māramatanga kia renarena ai te taukaea
tangata”*

*“Weave together the stands of integrity, sincerity and
understanding so that we prosper as people in our
workplace”*

(Hana Mereraiha, Mātanga Reo, 2021)

“Some of the people that work here are legends. They really do put in the work, work hard long hours, and make the place what it is. There is a good environment here most of the time. Most of the people are lovely and genuinely care about who you are.”

- Review Participant

“I found the [misconduct] disappointing. It impacts young females in our workplace. I was disgusted by it, and it felt brushed under the carpet. I want us to move on, but we need to acknowledge the mistakes we have made and show a way forward that is healthy, safe and diverse. It feels good to talk about why it made me so angry as I am so passionate about MediaWorks.”

- Review Participant

Acknowledgements I He Mihi

This Report has only been possible because of the contributions of others.

I wish to acknowledge the current and former staff of MediaWorks who have generously shared their experiences and reflections on life at MediaWorks.

It has been a privilege to meet such passionate and dedicated people. They are from a diverse mix of roles that make up MediaWorks and the radio industry; creative writers, journalists, promotions staff, announcers, producers, technology experts, marketing, sales and corporate services.

I particularly wish to acknowledge those who have come forward with sensitive personal information about their own experiences at MediaWorks, including one brave young woman who had been a guest at a MediaWorks event in 2019.

Without all those willing to share their stories, I would not have been able to develop such a rounded view of the workplace and the incidents that have contributed to, or are symptoms of, the current culture at MediaWorks.

I also acknowledge the MediaWorks Board and Chief Executive Officer, Cam Wallace, for commissioning this independent Review and agreeing to share it “warts and all” with staff.

Finally, I wish to acknowledge the assistance of the Review team, Helene Higbee, Remuneration Consultant, Jen MacKay at Ask Your Team Surveys, Jennifer Annan, Restorative Justice Counselling Services, Fiona Landon, WorkPlace Conferencing NZ, and Josh Hansen, Junior Barrister who has worked with me throughout. Each of them has provided invaluable assistance in this Review.

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Overview | Tirohanga Whānui

In March 2021, MediaWorks commissioned this independent Review.

The Review arose, in part, out of concerns raised by anonymous posts on the Beneath the Glass Ceiling NZ (BTGC) Instagram page. The allegations were detailed in the media in March 2021. In the main, the allegations were of sexual misconduct, harassment and misuse of drugs and alcohol. At the same time, MediaWorks Chief Executive Officer Cam Wallace also received internal reports of concerns about conduct and culture.

The Terms of Reference for this Review asks for an independent assessment of the workplace culture. In particular, the Review is asked to consider allegations of sexual and racial harassment, discrimination, misuse of drugs and alcohol, bullying and any other significant matters that may be impacting MediaWorks culture.

This process has been a first for MediaWorks. As participants said, the issues raised are not just for MediaWorks, but for the radio and media industry generally. However, MediaWorks has been willing to take a hard look at itself and what has been happening on its watch over many years.

The Review has focused on the past three years at MediaWorks, from March 2018 to March 2021. The Review does not relate to MediaWorks' former television division.

Over the past four months, the Review has interviewed 100 current staff, 25 former staff and 1 young female who was a guest at a MediaWorks promotional event in 2019. The confidential process for the Review is detailed in Appendix 1 attached.

The Review also gathered information from 483 current MediaWorks staff, through a confidential survey commissioned by this Review and focused on the Terms of Reference. Key findings from this survey are referred to in this report and a summary of the full Survey Report is attached at Appendix 2.

The Review therefore presents a wide range of views mostly from current staff. The objective has been to permit all interviewees and surveyed staff to express their views openly, without concerns about being identified.

Many participants came into the Review with fears for their career. They were extremely concerned to ensure that certain managers or employees within MediaWorks did not find out about their involvement in the Review. This concern was sadly expressed repeatedly as the commercial radio industry in New Zealand is relatively small, and the choice of alternative employers is limited.

The findings in this Review are therefore collated without naming or identifying individuals. The purpose of the Review is not to “name and shame” or make factual findings about individual conduct. The Review is designed to allow the views of MediaWorks staff to be voiced without fear of repercussions. In turn, this allows the Review to assess the current MediaWorks culture and make recommendations for change.

This Review has looked to balance a wide range of perspectives. I have had the benefit of sitting and listening to different experiences and points of view over many months. I have also reviewed the many MediaWorks documents provided, the Review Survey information and Gender Pay Report commissioned as part of this Review.

The Review participants, almost without exception, expressed a passion for the radio industry and what it delivers to New Zealand communities. Many spoke about the connection with audiences and the pleasure of creating original content and getting it on the airwaves or online with MediaWorks. They describe a fast paced and fun environment. Participants also repeatedly stated that the best part of their work was the people they work with at MediaWorks. However, almost all interview participants raised concerns about certain negative behaviour impacting MediaWorks culture.

Only a small group of MediaWorks employees came forward to the Review to say they did not see anything wrong with the culture. They believed it was only a small number of disgruntled staff complaining on social media or in this Review. These participants were generally MediaWorks managers (mostly male but some female also) who had been with the business for many years and generally saw those few unhappy people as not “cut out” for the industry. I acknowledge these employees may have difficulty recognising the problematic culture described in this Report.

However, the harmful aspects of the MediaWorks culture cannot be denied or minimised by the leadership of MediaWorks. There is simply too much evidence, based on the views expressed by most interviewees and in the

Review Survey results. While challenging and uncomfortable for some, this Review and a change in culture is seen as long overdue by the majority of those that came forward.

The key issues to emerge from this Review are summarised below.

The “Boys’ Club” culture

Most Review participants believe that a very dominant “Boys’ Club” has been in play for many years within MediaWorks.

There was a strong theme that emerged from both female and male participants that the Boys’ Club culture is harmful in various ways. They see this Boys’ Club promoting and/or being tolerant of behaviour that is holding MediaWorks back from being a more modern workplace.

The most common examples given were on-going sexist and racist behaviours, repeated minimising of sexual harassment, failure to promote greater gender diversity, the misuse of alcohol and drugs and the lack of accountability for poor behaviour.

Sexual harassment and sexism are a serious concern

The reports of sexual harassment and sexist behaviours were relatively high, in both the interviews and survey results. The Review Survey results showed that 26% of female and 17% of male survey participants had witnessed some form of sexual harassment in the last three years. The Survey also revealed 18% of female survey participants had personally experienced some form of sexual harassment.

The conduct described by interview participants disturbingly included four serious allegations of sexual assault on females in the last three years and two historic sexual assault allegations. In each case, the female reported that either it was not dealt with adequately by MediaWorks at the time or they did not feel safe to make a complaint.

Gender and race discrimination issues

The Review has highlighted that many staff have concerns about gender bias impacting female progression within MediaWorks.

There is a reasonably widespread view by participants that the lack of females in senior management is due to the Boys’ Club favouring the appointment of males. This was particularly raised as an issue in senior management,

Content, Production and Announcer roles in the Radio Brands division of MediaWorks, and in the Technology division.

The Gender Pay Report commissioned as a part of this Review has identified gender pay and equal pay issues for women across a variety of MediaWorks roles. This confirms the anecdotal concerns raised by participants.

The voices of Māori, Asian and other ethnicities at MediaWorks have also been heard in this Review. Participants have spoken about occasions when they have experienced racist and discriminatory conduct and the feeling of “otherness” that they experience at times being in the minority at MediaWorks.

These participants want to see a greater leadership commitment and respect for te reo, tikanga Māori and more inclusive behaviour towards other ethnicities at MediaWorks. Equally, they are generous in their acknowledgement that many at MediaWorks are open to improving their understanding of diversity.

Misuse of drugs and alcohol

Some participants raised concerns about the wider MediaWorks drinking culture and small pockets of acceptance of drug taking. Participants observed that the radio industry party culture has meant that some staff have lost sight of the fact that they represent MediaWorks at work events and still need to act professionally.

Participants expressed a desire for MediaWorks to move away from the idea of an “in crowd” and a “party hard culture” and towards a more moderate, professional, and inclusive culture.

Bullying concerns

There was a significant number of people, both in the interview and survey data, that reported either witnessing or experiencing unreasonable and repeated bullying behaviour. The survey results report 45% of females and 34% of males have witnessed some form of bullying.

While the reports of bullying were high, it appears to mainly relate to specific managers or senior employees in the Radio Brands and Sales teams. This was reported as behaviour that has gone unchecked by MediaWorks on the basis that “that is just how they are” or “that’s just radio”.

People & Culture function

One of the most significant and consistent themes to come out of this Review is that MediaWorks staff have had little faith in the ability of the People & Culture (P&C) team to deal effectively or confidentially with any complaints.

Many participants who had raised misconduct complaints over the past three years stated that they felt their complaint had been poorly handled by the P&C team. Some even reported being warned off raising any complaints and that members of the P&C team had expressed powerlessness in their role. As a result, front line staff and many managers report being wary of taking any concerns to the team, and they regard the Whistle Blower Policy as ineffective.

The Review Survey results also confirmed the high level of concern with the P&C function. The lowest overall scores in the Survey related to trust in P&C policies and procedures and low levels of trust in misconduct complaints being taken seriously or dealt with fairly.

Moving forward

Over the last five years, MediaWorks has experienced a series of financial challenges. This required a significant focus on the former television arm of the business, until its sale in late 2020. As a result, there has been a lack of attention or investment in the people management needs of MediaWorks.

While MediaWorks is largely regarded as successful in the media industry, internally the culture has suffered because of the strong sense of a Boys' Club culture, a lack of accountability for misconduct and a lack of gender and ethnic diversity.

There is a clear mandate evident from this Review that staff want to see a new and improved culture at MediaWorks. The company is now able to take on the challenge of transforming the culture and stepping up into an important leadership role in the media industry.

MediaWorks

- 1.1. MediaWorks has nine flagship radio brands and operates a newly acquired outdoor media business (previously named QMS Outdoor Advertising). The company reaches over three million New Zealanders through its radio and outdoor media platforms.

A small and competitive industry

- 1.2. The New Zealand radio industry is dominated by two main entities, NZME and MediaWorks. It is not unusual for staff to move between work at MediaWorks and NZME over their career. However, opportunities for roles in the radio industry are mostly limited to these two organisations. MediaWorks staff are keenly aware that it is a small job market.

Structure of MediaWorks

- 1.3. The MediaWorks Head Office is in Auckland, where most staff are located and where the majority Radio Brands broadcast from. The Executive Leadership team also operate out of Auckland with direct reports in Auckland and around the country.
- 1.4. There are MediaWorks offices in Wellington, Christchurch, Dunedin, and all main regional centres. MediaWorks has a workforce of some 700 employees and contractors. The organisation is broadly divided into five divisions: Commercial/Sales, Radio Brands, Radio Technology, Corporate Services and Outdoor Media.

Gender Diversity

- 1.5. MediaWorks has an even split of male and female staff. However, in broad terms, male staff dominate Tier 2 senior management roles, production, content, announcer and technology roles. The female staff dominate the promotional, marketing, human resources and administrative roles at MediaWorks.

Employee Group	Male	Female
Executive Team	56%	44%
Tier 2 Senior Manager	75%	25%
Creative/ Content	71%	29%
On Air Announcers	67%	33%
Technology	85%	15%
Sales	41%	59%
Corporate Support	37%	63%
People & Culture	0%	100%

Ethnic Diversity

- 1.6. MediaWorks has not collected any data on the ethnic diversity of its staff until this Review. The Review data confirms the ethnic diversity at MediaWorks is limited. Based on the results of the Review Survey, MediaWorks ethnic diversity is approximately composed of the following:
- New Zealand European: 82.9%
 - Other European / Australian: 7.9%
 - Māori: 6.1%
 - Chinese: 2.0%
 - Pasifika and other ethnicities: 1.0%.

Radio Broadcasting Recruits and Intern Programme

- 1.7. MediaWorks Radio Brands operates an Intern Programme, which recruits annually for junior and intern roles from radio broadcasting, communications and marketing graduates.
- 1.8. The Intern Program primarily recruits from Ara Institute’s Broadcasting School in Canterbury. The intern data provided by MediaWorks for the period 2018 to 2020 shows 10 to 15 interns are taken each year, with 40 in total over these three years. MediaWorks does not retain ethnicity data for interns.

- 1.9. The Review obtained gender and ethnicity data from two major broadcasting schools, to understand the diversity of potential interns. They have helpfully provided this data over a five-year period for each school. The data table below summarises the radio intern recruitment pool available compared with MediaWorks intern recruitment.

Intern Data (3-5 years)	Male	Female	Māori/Pasifika
Ara Institute Radio Majors	58%	42%	11%
AUT Radio Majors	41%	59%	25%
MediaWorks Interns	61%	39%	10%

Obligations to Iwi and Te Reo

- 1.10. MediaWorks has two radio stations that broadcast on radio frequencies licenced by iwi: George FM and Mai FM. MediaWorks is the only commercial broadcaster of iwi owned FM frequencies which broadcast across most regions in New Zealand.
- 1.11. The licence for George 96.6FM is granted by the Te Whānau o Waipareira Trust. The licence for Mai FM's 86.6 FM, is granted by Ngāti Whātua Ōrākei. Te Puni Kōkiri, the Ministry for Māori Development, oversees the grant and operation of the licences to ensure MediaWorks meets its licence obligations to promote and normalise te reo on both radio stations.
- 1.12. MediaWorks Māori Language Plans for George FM in 2020/2021 and 2021/2022, state, “We follow the Maihi Karauna, The Crown’s Strategy for Māori Language Revitalisation 2018-2023”. The Plans also state that MediaWorks is committed to sharing the same te reo goals on all its George FM frequencies across New Zealand, including on its digital channels, website and Rova App. MediaWorks has expressed this commitment publicly on several occasions over the past three years.

Workplace Policies

- 1.13. MediaWorks current workplace conduct policies include: Code of Conduct: “The Way We Work”; Bullying and Harassment Policy; Drug and Alcohol Policy; Social Media Policy and a Whistle Blower Policy.
- 1.14. The existing policies do outline the standards of behaviour expected of MediaWorks staff. However, MediaWorks does not have any documented company values or any separate published policies on diversity and inclusion, workplace relationships or non-performance and disciplinary procedures.

Review of Allegations | Arotake Whakapae

2.1 This section of the Report deals with the key workplace allegations identified under the Terms of Reference and other allegations raised about the workplace culture that warrant reporting.

Sexual Harassment, Sexism, and Gender Discrimination

What the Review was told

2.2 Over half of the 126 interview participants raised incidents or concerns of sexual harassment or discrimination that they had experienced themselves or witnessed towards others.

2.3 There were six participants who came forward with serious allegations of sexual harassment and/or sexual harm caused to them while at MediaWorks or at MediaWorks events:

- (a) One of these participants was willing to come forward to MediaWorks and her matter has been referred to the CEO for further action.
- (b) The other five participants did not wish to take any action other than making their contribution to this Review.

2.4 The Review wishes to acknowledge the common themes presented by these participants:

- A senior older male making unwanted physical advances towards a younger female at an event where alcohol was involved

- The young female being left with a sense of not being protected by MediaWorks where the company was responsible for their health and safety, and
- They reported either having no confidence that their complaint would be taken seriously, or if they had raised their complaint, MediaWorks did not act appropriately.

2.5 Many shared the view that this behaviour has been enabled and allowed to continue as a result of a MediaWorks “Boys’ Club” culture. Comments referring to the Boys’ Club came from both men and women:

- *“You see a lot of this. No female is given a leg up. There is an attitude of ‘you are one of the sons or you’re not’. There is the inner circle and females don’t get let into that circle.”*
- *“Yes, it was a Boys’ Club. I was disturbed at the way younger women were talked to. They were not given the same opportunities as males.”*
[Former employee]

2.6 Participants who reported the Boy’s Club sentiment generally referred to a set of male senior management who they saw as favouring males for appointment and progression and protecting other men from the consequences of misconduct. The misconduct included drunken behaviour at work events, acceptance of drug taking, bullying behaviour and inappropriate workplace relationships with younger females. Many participants referred to this as conduct that was “swept under the carpet”.

2.7 Sexist comments at work reported included the following:

- *“Only hire hot,”* referring to female applicants for roles.
- *“Boys, this is why you don’t hire mums.”*
- *“There are constant gross comments made by men while working promos. Derogatory language like ‘slut’ and ‘hoe’ is used in the office”.*

- 2.8 Participants identified a common set of employees who were of particular concern. However, they did not feel able to make any formal complaint as they saw these individuals as too senior. A number of participants did note that although sexist comments still occur, this conduct had improved over the last few years
- 2.9 Review participants alleged that the sexist comments and conduct cause a lack of progression for women, particularly in the Radio Brands division. They reported this in various ways including:
- Manager comments that they cannot have a radio show with two female announcers and only one male because *“the show will be too bitchy”* or *“Don’t hire a female as she’ll get knocked up in five minutes.”*
 - An obvious imbalance between male and female appointments to radio content and production roles which then translates into a lack of female appointments into senior Radio Brands roles.
 - That women’s voices are not valued on the airwaves or in the content decisions that are made by the male dominated management team.
- 2.10 Fourteen participants alleged they personally experienced or witnessed one former MediaWorks male employee making sexist remarks and/or inappropriate sexual comments over the course of many years. Some participants reported they had complained about this behaviour to managers for a period of more than two years, but nothing was done. In 2021, an investigation was conducted and it was finally dealt with by MediaWorks.
- 2.11 Younger females reported that the older or more senior males did not appreciate that the “smile of acceptance” at work or the “friendly reply” on social media is not encouragement. It is more often that the junior female is unable to rebuff the offensive or uncomfortable conduct, as they do not want to risk offending the senior male who may hold influence over their role at work.

- 2.12 Finally, for balance, the Review also heard from a number of female employees (close to half of the females who came forward) who had not experienced or witnessed any sexual discrimination or harassment.

What the Review Survey found

- 2.13 The Review Survey gathered data from over 480 current staff. The survey found:

- (a) 22% of all participants (106 employees) had *witnessed* sexual harassment at MediaWorks
- (b) 18% of female participants (44 employees) had *personally experienced* sexual harassment and
- (c) 3% of males had *personally experienced* sexual harassment (7 employees).

- 2.14 A sample of comments made in the Review Survey support the comments made by interview participants:

- *“It’s a Boys’ Club, even between management and clients it is massive. I have seen clients come in and make sexist and disgusting comments to younger female staff and watched as a senior manager laughs along with client.”*
- *“It’s definitely a lads’ environment and I feel like a woman just occupying the space rather than engaging in it equally.”*

MediaWorks Gender Pay

- 2.15 During this Review, a number MediaWorks staff, including managers, raised concerns about gender pay inequity across various roles within the Radio Brands and Sales teams. As a result, the Review engaged Helene Higbee, a senior and independent remuneration consultant to assess the MediaWorks salary data over the last three years. The Higbee Gender Pay Report has been summarised in this Review. The full Report has been provided to MediaWorks.

MediaWorks Gender Pay Gap is 18%

- 2.16 Overall, MediaWorks average gender gap is 18%. Across MediaWorks Radio the pay gap is slightly less at 16.2%. In August 2020, Statistics NZ announced the median gender pay gap across New Zealand was 9.5%.
- 2.17 The gender pay gap is a blunt measure which does not factor in the different roles people perform, their experience, or education. It looks at the total pay for all employees and compares, in MediaWorks case, the average salary for males and females across the company.
- 2.18 However, it does reveal that MediaWorks has more women in lower paid roles and more men in higher paid roles. This does matter for MediaWorks. As with other organisations, MediaWorks recognises that greater diversity at all levels leads to better decision making and better responses to the needs of the diverse customer base.
- 2.19 Every division of MediaWorks (except People & Culture, which has no male employees) has a material gender pay gap. The MediaWorks Gender Pay Report has also highlighted that the gender pay gap tends to increase as male employees progress through a role or similar roles in a “job family”.

MediaWorks Equal Pay Gaps

- 2.20 The Higbee Gender Pay Report has highlighted that there are several types of roles that appear in a similar “job family” that indicate unequal pay for the same or substantially similar role may exist. MediaWorks does not currently have any formal company-wide remuneration job banding structure, so the Gender Pay Report has made a broad assessment.
- 2.21 A sample of the types of roles that need further investigation into gender pay gaps include Key Account Management roles, General Manager Sales roles, and Content Producer roles.
- 2.22 The Gender Pay Report highlights gaps across 20 MediaWorks roles and suggests MediaWorks needs to investigate these roles to determine and correct any equal pay discrepancies.

Racism and Racial Discrimination

What the Review was told

- 2.23 The Review heard from 28 MediaWorks staff who reported concerns about racism or racial discrimination. This number equates to 20% of those interviewed.
- 2.24 MediaWorks Māori and Asian staff make up less than 10% of the total staff. In terms of the Review interviewees, participation by Māori was more than 10%, which likely reflects the fact that they wanted to come forward in person with their concerns. The racism concerns reported were principally in relation to the treatment of Māori and Asian staff. A particular concern reported was that racist comments came from some senior employees at MediaWorks.
- 2.25 The racist comments included:
- *“No one buys [radio station] as brown people don’t have money”* [referring to commercial sales of advertising].
 - *“Can you just tone down the Māori”*
- 2.26 Some participants said that at times MediaWorks pays lip service to bi-culturalism when it suits business interests or obligations. The comment made by some participants was that when they wanted to use more te reo, they were not always supported to do so by managers.
- 2.27 One review participant reported:
- “I especially loved the idea of using our platform to promote and normalise te reo Māori, but always felt unsupported in doing so, and I was doing a lot of extra unpaid work to help a large media company tick boxes it had no aroha for. This is a situation Māori often find themselves in in Pākehā institutions - going the extra mile out of love for their language and culture but ultimately feeling burnt out and taken advantage of. Mediaworks, in my experience, are way behind where they*

need to be for Māori representation, valuing te reo and creating an inclusive safe workplace for Māori. I hope sharing my experience will help change things for the future.”

- 2.28 The Review was also told that racist comments were made over several years by some radio announcers. When objections were raised by staff, they reported their complaints were not taken seriously. These employees were pleased to see that, in 2021, MediaWorks has taken such issues more seriously, with recent changes to announcer line ups.
- 2.29 MediaWorks has told the Review that it is making greater efforts to improve its commitment to te reo, with its support for Māori Language Week, the current development of a te reo language programme for all staff to be delivered this year, and the recent appointment of a part time Cultural Manager within the People & Culture team.

What the Review Survey found

2.30 The Review Survey also confirmed reports of staff witnessing and personally experiencing racial harassment.

	Females	Males
• Witnessed racial harassment	10%	7%
• Experienced racial harassment	4%	2%

2.31 Given that the ethnic diversity within MediaWorks is relatively low (Māori 6% and Asian/Non-European 3%), this highlights that most non-European staff at MediaWorks state they experience some form of racism.

Misuse of Drugs and Alcohol

What the Review was told: Alcohol

2.32 There were 52 people interviewed who reported concerns about alcohol misuse at MediaWorks. This was more frequently raised than concerns about illegal drug use.

- 2.33 The reported concerns about alcohol broadly fit into three categories:
- Excessive or inappropriate drinking at work by a few individuals which at times led to inappropriate conduct that MediaWorks did not deal with.
 - MediaWorks events that supplied alcohol on an unlimited basis to staff and others, without sufficient food or non-alcoholic drinks available and
 - Feeling excluded or pressured to drink given the focus on drinking at most MediaWorks social events.
- 2.34 There were MediaWorks events in the last three years at which excessive drinking was reported to have led to inappropriate behaviour, mostly towards younger females. The correlation between alcohol and inappropriate sexualised behaviour was regularly reported in the Review.
- 2.35 However, the majority of those interviewed did not report any alcohol concerns. While they acknowledged the regular opportunity for drinking at events, they did not believe alcohol was misused at MediaWorks. Others in this majority group reported that there had been some pockets of excessive drinking but that this culture had improved in recent years. There was a recognition by the majority that responsible alcohol use was part of the fun environment they enjoy at MediaWorks.

What the Review was told: Drugs

- 2.36 There were 34 interview participants (25%) who reported concerns about the misuse of illegal drugs at MediaWorks social events and external radio events that employees attended as part of their work. This was reported as relating to cocaine and marijuana.
- 2.37 The alleged drug misuse mostly related to small pockets of employees, some of whom left MediaWorks in recent years. However, there were a few reported allegations about on-going use of drugs at MediaWorks events.
- 2.38 The Review participants made the following comments about the culture of acceptance of drugs by some MediaWorks employees:

- *“Misuse of drugs is not a massive problem for MediaWorks, but a few people have a massive problem, and it is widespread in the media industry. It is a concern when it is being supplied to younger members.”*
- *“You’re not dissed if you don’t take drugs, but you can’t fit into the boys’ club.”*

2.39 In March 2021, prior to this Review commencing, MediaWorks conducted an internal investigation following allegations including the misuse of drugs. The outcome of this internal investigation concluded with no adverse finding in relation to a current employee. However, during this Review, some participants explained they had not been willing to be named in any investigation for fear that this would risk their career.

What the Review Survey found: Alcohol and Drugs

- 2.40 The Review Survey results show 29% of participants report some instances of misuse of drugs and alcohol. The instances of personal experience of misuse of drugs or alcohol was comparatively low at 10%, amongst the survey population.
- 2.41 In response to the questions about whether incidences of misuse of drugs or alcohol were taken seriously at MediaWorks (55%) and whether MediaWorks had clearly defined policies on the use of alcohol and drugs in the workplace (57%). The participants’ scores are low, which indicates work is needed in these areas.

Bullying

What the Review was told

- 2.42 When participants were asked whether they had experienced bullying at MediaWorks, a total of 71 people reported some form of unreasonable and repeated behaviour they regarded as bullying. This was usually alleged to have been by a direct manager or senior manager. The reports of this type

of behaviour came from across various divisions and regions. Staff reported that they did not feel able to stand up for themselves or others.

- 2.43 The majority of the reported bullying related to some ten named MediaWorks employees. Some participants stated this kind of behaviour forced them to leave MediaWorks. Participants made the following comments about this type of behaviour:
- *“It was verbal bullying. They would shout and tear strips off me.”*
 - *“He is quite aggressive and intimidating. I was so nervous the whole time. I received counselling. He called us idiots and yelled at me. This became normalised toxicity.”*
- 2.44 There were a number of Creative staff across MediaWorks that reported unreasonable demands and belittling behaviour towards them by some Sales staff. The reports of this behaviour involved allegations of a consistent pattern of rude and demanding language used in emails and messages to the Creative staff.
- 2.45 There were reports about a small group of Radio Brands announcers (current and former) who are alleged to have acted unreasonably towards others. The reports included swearing and yelling on a repeated basis. Participants commented that these announcers appeared “untouchable” because the behaviour went unchecked. A related complaint raised by a few Radio Brands participants was the unreasonable use of their private lives as content for radio shows. They reported being pressured to speak about very personal matters on air.
- 2.46 The Review has not sought to determine whether each report of bullying would meet the legal threshold for unlawful bullying. However, it is clear from the number and consistency of reported behaviours that, for some employees, this conduct has a harmful effect.

- 2.47 For balance, half of the interview participants did not report any experience of bullying in their department and noted that their teams worked well together.

What the Review Survey found

- 2.48 The Review Survey found that 28% of participants (137 people) personally experienced bullying and 41% of participants (198 people) had witnessed bullying at MediaWorks. Notable comments made in the Review Survey include:

- *“There are a few employees that get away with bullying co-workers and discrimination due to their status in the business or relationships with leadership.”*
- *“Bullying is very prominent especially in smaller markets. Intimidation is used daily...It feels like there's no hope when the toxicity is coming from 'above' and people are in fear.”*

Lack of Accountability for Misconduct

- 2.49 When participants were asked why they came forward to the Review, the most common reason given was their concern about the lack of accountability for misconduct at MediaWorks.
- 2.50 In total, 99 Review participants came forward with concerns about MediaWorks’ failure or inability to deal with misconduct. Typical comments made by participants are set out below:
- *“It’s swept under the rug unless it is made public in the media. People are only reprimanded if it’s leaked to Press.”*
 - *“For major events that are so obviously wrong, if they don’t get disciplined, it gives me no confidence MediaWorks will look after me.”*
- 2.51 One of the repeated allegations was that staff are made to feel replaceable by statements such as, “You are just lucky to have a job here,” and, “There

are people lining up to do your role.” This repeated sentiment contributed to participants’ sense that it was too risky to complain about inappropriate behaviour.

Inappropriate workplace relationships

- 2.52 Many of the accountability concerns raised related to the impact of inappropriate workplace relationships between senior male managers and younger more junior female staff. These relationships were described as involving either: a male manager and a direct report or, a male manager who had relationships with multiple junior females.
- 2.53 When concerns were raised, staff were sometimes told that the relationships were *“not their business”*. This was reported as disregarding the negative impact of these relationships in the workplace which included tensions over alleged favouritism and concerns for the vulnerability of the more junior employee.

MediaWorks 2019 Promotional Event

- 2.54 A key event raised as an example of poor accountability was an incident at a 2019 MediaWorks Promotional Event. This was mentioned on the *“Beneath the Glass Ceiling”* NZ Instagram page (BTGC) and by many Review participants.
- 2.55 This incident was referred to by more than 35 Review participants as a concerning symptom of the MediaWorks culture. It is important that MediaWorks leadership and managers understand the impact of this type of incident for those involved. It also provides context for the recommendations that come later in this Report.
- 2.56 The young woman who shared her BTGC post about the 2019 event came forward to be interviewed. The report below is done with her consent and has also been shown to the male employee involved. The facts below are

described in a way that seeks to balance the privacy interests of those involved, but also ensure this Review can report in a transparent way.

- 2.57 The young woman involved was not a staff member at MediaWorks. In late 2019, she won a radio listeners competition, with others aged between 18 and 25 years of age. MediaWorks invited her to attend a weekend promotional event.
- 2.58 There was a group of about 60 people that attended the event, including 30 young listeners and 30 MediaWorks staff. This involved travelling on a Saturday afternoon and staying overnight at a location outside of Auckland. The event involved activities, music, alcohol, and food.
- 2.59 The MediaWorks staff at the event included MediaWorks Radio personalities, management, promotional and sales staff. External security guards and trained medics were in also attendance.
- 2.60 The young woman states that she became heavily intoxicated after drinking alcohol provided at the MediaWorks event over many hours. She does not recall much about the events after about 6pm that evening.
- 2.61 Later in the evening, MediaWorks staff saw a senior male MediaWorks employee engaging with the younger female guest. He was more than twenty years older than her. Some reported, during this Review, feeling uncomfortable with the overly familiar physical contact between them. However, no other senior MediaWorks employees intervened to prevent the conduct.
- 2.62 Later that evening, the incident of sexual conduct occurred between them. The young woman states she woke up the next day unable to fully recall the events of that evening. She was not aware of the extent, if any, of sexual conduct that had occurred between her and the senior male employee. On returning to Auckland later that day, she became distressed and sought medical attention and Police advice. She also contacted the male employee to confirm the extent of the sexual conduct between them.

- 2.63 Since that time, the woman has reported suffering with serious psychological harm caused by the events of that evening and needing specialist counselling over a lengthy period. The impact of that evening has been significant for her.
- 2.64 The respondent denies any unlawful conduct but accepts and regrets the harm caused to the young woman by events that evening. He states this was an isolated incident by him.

MediaWorks' response to the incident

- 2.65 There is no evidence that any senior MediaWorks employee reported the incident for investigation to the People & Culture team or that MediaWorks intended to initiate any formal investigation on the Sunday or Monday after the incident.
- 2.66 However, on the Tuesday after the incident, the woman's father reported the sexual harm complaint to the then CEO of MediaWorks. As a result, the employee was suspended from work and MediaWorks commenced an internal investigation. During a meeting with the young woman, MediaWorks offered an apology, and she was asked if she was open to the male employee contacting her, if he wanted to make an apology.
- 2.67 There was a short internal investigation conducted by MediaWorks People & Culture. There was no written report of the investigation ever made by MediaWorks. The investigation concluded with an oral discussion, between key senior executives, that the male employee's conduct did not warrant termination. However, some formal consequences were imposed on the employee.
- 2.68 The young woman was not informed of the outcome of her complaint until she followed up with MediaWorks. The young woman was deeply upset with MediaWorks' response but did not have the resource or will to pursue the matter further. When the BTGC Instagram page emerged in March 2021, she submitted her incident to the page.

Impact of the incident for MediaWorks staff

- 2.69 In the weeks after the 2019 incident, there were a number of staff who knew or became aware of what had happened. However, MediaWorks did not address the incident with those staff. As a result, some reported they were left uncomfortable having to deal with the male employee and with the impression that the male employee's conduct was acceptable to MediaWorks.
- 2.70 MediaWorks' response was seen as reinforcing a culture of acceptance of misconduct and a lack of accountability by senior male employees. One male employee reported to the Review:

"I found the matter really disappointing. It impacts young females in our workplace. I was disgusted by it, and it felt brushed under the carpet. I want us to move on, but we need to acknowledge the mistakes we have made and show a way forward, that it is healthy, safe and diverse. It feels good to talk about why it made me so angry as I am so passionate about MediaWorks."

Assessment of MediaWorks Culture | Whakamātau Ahurea

- 3.1 This Review has highlighted that, over the last three years, MediaWorks staff have had very divergent experiences at work.
- 3.2 Overall, current staff confirm they have largely had a positive experience working at MediaWorks because they loved the work they do and the radio industry.
- 3.3 However, the majority of those interviewed also confirmed that the MediaWorks culture is harmful in a variety of ways. In my assessment, the harmful aspects of the MediaWorks culture cannot be denied or minimised by the leadership of MediaWorks. There is simply too much evidence, based on the views expressed by the majority of Review interview participants and in the Review Survey results.

What works well at MediaWorks

- 3.4 Participants want this Review to reflect the things they love about the MediaWorks culture. MediaWorks does provide an exciting work environment that is creative, fast paced, fun and social. There is a culture of acceptance and an ability to express individuality. Many talked about the fact they had left MediaWorks and then returned to MediaWorks because they found other environments less stimulating and creative.
- 3.5 MediaWorks staff have a strong loyalty to the teams and radio brands they work for. Many referred to their radio brand team as being like family and reported pride in working alongside talented and hard-working colleagues.
- 3.6 MediaWorks staff generally get a lot of pleasure and motivation from being able to deliver positive experiences for listeners and promoting community events and other charitable causes.

- 3.7 Mid-tier MediaWorks managers were singled out for praise from employees, as they were recognised for their empathetic and supportive style of leadership. Many acknowledged that the “wild west” radio culture of past decades has improved in recent years though acknowledging that more progress is needed.

What is not working well at MediaWorks

Male dominance in senior roles

- 3.8 MediaWorks has a radio industry history of disproportionate male dominance in leadership, management and other influential on air announcer roles. While the company does outwardly appear to have a large female pool of employees, there are few in senior roles.
- 3.9 It is my assessment that MediaWorks has done little to address this male dominance in MediaWorks. It is this imbalance that is causing many of the problems in the current culture. It has enabled the damaging perception of the “Boys’ Club” to thrive. MediaWorks has also failed to counter the environment of sexual harassment, sexist behaviours, inappropriate workplace relationships and the sense by many staff that gender bias is at play in the lack of progression for women.
- 3.10 While this is not the only cause of the culture problems at MediaWorks, gender diversity does need to be addressed with more urgency and commitment than it has been given to date.

Incidents of sexual harm

- 3.11 There were several key incidents that many participants spoke about that were raised on the BTGC page. These allegations involved either a senior MediaWorks male having a sexual relationship/s with more junior female staff, a one-off sexual encounter with a young female at a work event, or some form of repeated sexual harassment towards a younger female staff member.

- 3.12 The Review also had witnesses, and some respondents, to these allegations come forward and give their perspective. However, the Review has not conducted a formal legal process and people interviewed were not on oath. It is not the role of this Review to make any factual findings.
- 3.13 However, in my assessment, MediaWorks has not done enough to protect female employees from inappropriate workplace conduct, including:
- A failure to set clear boundaries about the inappropriate nature of workplace relationships between more senior male managers and junior female staff in their team or more generally.
 - A failure to ensure the safety of women that attend MediaWorks work events or even at work, where they have been in an environment that has had an acceptance of sexism and sexual harassment by more senior males.
 - A failure to properly investigate or hold senior male staff accountable for such incidents in a way that demonstrates to staff that such behaviours will not be tolerated.

MediaWorks' 2019 Promotional Event

- 3.14 In my assessment, this MediaWorks 2019 Promotional Event and the company's response were poorly managed, with serious consequences for the young female. In particular, the follow missteps took place prior to and at the promotional event itself:
- (a) There was no MediaWorks host responsibility policy in place at the time;
 - (b) There was no clear briefing to MediaWorks staff that they were not to engage in sexual activity with guests at the event. While this should have been evident to all staff attending this work event, it appears this was seen as a "grey area" by some at the time;

- (c) The MediaWorks Health and Safety Plan for the event, included reference to a short video briefing explaining the concept of “sexual consent” as akin to asking for “a cup of tea”. It is not clear if this video was shown on the day, but in any event it was the wrong message for MediaWorks employees attending. This was a work event. There was also evidence that this same type of “sexual consent” training had been delivered to others in MediaWorks after the event. While it may have been well intentioned, it is the wrong message to use with staff. It implies that sexual activity is appropriate at work events, so long as it is consensual.
- (d) There did not appear to be any one MediaWorks senior manager designated in the Health & Safety plan, or otherwise clearly understood by others, as responsible for conduct at the event; and
- (e) MediaWorks staff at the event did not feel empowered to speak up to stop the conduct occurring.

3.15 Following the incident, MediaWorks failed to manage the matter properly. The People & Culture team lacked the appropriate level of expertise to deal with this serious incident. There were a number of missteps made in MediaWorks’ response causing the internal investigation to be inadequate:

- (a) There was no consideration given to an independent external investigation of this incident, given the sensitive and serious nature of the incident;
- (b) There was no consideration given to offering the complainant specialist counselling support or independent legal advice, during the investigation process;
- (c) There was no opportunity given to the complainant to review the brief interview record of her complaint and it did not contain a full account of events;

- (d) The complainant was never given the opportunity to review or respond to the witness statement of the respondent or other witnesses;
- (e) The company's communication with the complainant was poor;
- (f) There was no formal written investigation report setting out the findings of the investigation, or giving consideration to the views of the complainant or any assessment of the impact of the incident on other staff who knew of the incident. As a result, MediaWorks underestimated the gravity of the incident and its consequences; and
- (g) MediaWorks' internal communication with other staff after the event was poor. It would still have been possible to communicate about the inappropriate nature of the workplace conduct, while meeting the privacy interests of the complainant and respondent.

3.16 The failings identified above are not of just one individual but a collective responsibility of the senior management team involved. The CEO and ultimately the Board at the time, all had some involvement in the decision making.

3.17 The poor management of this incident, in the face of staff knowledge of the issues has damaged trust and confidence in the leadership of MediaWorks.

People & Culture expertise needs strengthening

3.18 In my assessment, MediaWorks People & Culture policies, performance management and disciplinary standards, training for managers and Human Resources systems are inadequate. Many staff and managers have little or no awareness or understanding of the existing policies or trust in the expertise of the People & Culture team. These inadequacies are all signs that there has is a lack of specialist expertise and an underinvestment in the People & Culture team.

3.19 The MediaWorks People & Culture team Diversity & Inclusion Objectives and Priorities for 2020 have included scoping an Empowering Women

Programme, a Gender Pay and broader Remuneration Review, and diversity and inclusion training for all managers on unconscious bias, bullying and discrimination. However, to date MediaWorks' efforts on these objectives have not produced results.

- 3.20 There are key policies and training for managers that are absent or are inadequate:
- (a) There is no detailed MediaWorks Workplace Relationships Policy or training. The incidents of inappropriate workplace relationships reported in this Review highlight how the lack of policies can adversely impact the culture. MediaWorks leadership have not understood why these relationships are inappropriate in the workplace. These reasons include conflicts of interest, risks of favouritism, misuse of management positions and tensions in the workplace for the wider team.
 - (b) There is no separate detailed Performance Management and Disciplinary Policy. This also points to the lack of support and training that has been available for managers to deal with non-performance and misconduct.
 - (c) The Whistle Blower Policy introduced in 2020 has been inadequate. It was introduced without adequate consultation or training and has failed to get buy in from staff and managers.

Accountability for misconduct

- 3.21 The Review has highlighted the real need for MediaWorks to improve its complaint reporting systems, address any behaviour that looks to suppress complaints, and empower its staff to come forward. Complaints need to be taken seriously.
- 3.22 A balance also needs to be achieved between protecting employment privacy on the one hand and transparency when responding to misconduct

on the other. MediaWorks has failed to recognise the negative impact of misconduct if not dealt with and discussed across teams.

MediaWorks lacks ethnic diversity

3.23 The lack of ethnic diversity at MediaWorks makes the workplace challenging for non-European staff. Many reported a lack of understanding of the impact of covert racism (subtle or “joking” comments that are racist).

3.24 Ethnic diversity at MediaWorks lags the general population. A comparison with the latest New Zealand Census data as at 2018 shows the following:

<i>Ethnicity</i>	<i>MediaWorks</i>	<i>NZ Population</i>
• Māori	6%	16.5%
• Asian	3%	15%

3.25 MediaWorks will benefit from greater ethnic diversity and should now focus on improving recruitment processes to attract a more diverse staff.

Being Māori at MediaWorks

3.26 MediaWorks has a positive role to play in promoting te reo Māori. It also has iwi obligations to promote the language because of its George FM and Mai FM licence arrangements.

3.27 For Māori staff and listeners, it is the reestablishment and understanding of their own culture and identity and the societal acceptance which comes as a result. For non-Māori, it is to encourage understanding of Māori culture. This will require a genuine leadership commitment to act on instances of racists comments if heard or reported.

3.28 MediaWorks has made some effort to promote te reo on its iwi radio stations. However, overall there is a lack of Māori language visible on the MediaWorks websites and social media platforms and no explanation of its commitment to Māori Language Plans for George FM on any of its web or media platforms.

3.29 In my assessment, the participants who spoke about their sense of MediaWorks lip-service and tokenistic efforts towards Māori must be

acknowledged. This is the result of their experience and observations over many years. The reports of some racist behaviour towards Māori and the lack of Māori language visible across MediaWorks general media platforms does reinforce their experience.

Lack of people management training

- 3.30 The Review has highlighted the real need for more focus on people management training and skills within MediaWorks. Many of the managers who participated in the Review acknowledged that they had never had any people management training before being appointed to their role. As a result, they were not aware of policies and procedures for dealing with poor performance or misconduct. They also lacked the confidence to deal with difficult staff issues. The impact of this lack of policies and training has meant that managers have underestimated the impact of not dealing with misconduct or not seeing it as serious enough to warrant action.

Feeling undervalued

- 3.31 Participants felt undervalued at MediaWorks in one or more of the following ways; concerns about pay for junior and creative roles that were viewed as low paid but working long hours; requests by managers for staff to work for free in various Radio Brands roles; Creative roles not being valued by other departments and the MediaWorks offices outside Auckland receiving less support and recognition.
- 3.32 The recommendations at the conclusion of this report are designed to address the culture change needed to ensure all MediaWorks staff have an improved sense of respect and value at work.

Referrals for Independent Investigation | Te Hunga Ka Whakawāngia

- 4.1. Under the Terms of Reference, the Review has referred matters for independent employment investigations, where participants came forward with allegations of serious misconduct by current staff.
- 4.2. These referrals have been an important part of this Review. It has demonstrated to staff that MediaWorks is committed to dealing with allegations of misconduct in a new and more transparent way.
- 4.3. There have been four separate matters referred for investigation which have commenced or are completed. These involved alleged:
 - Use of illegal drugs at a MediaWorks function
 - Bullying and pressure to perform unpaid work
 - Harassment by a work colleague
 - Inappropriate workplace relationship between a senior male and a junior female team member.
- 4.4. I have referred two further matters to MediaWorks to commence independent employment investigations. These investigations are yet to commence as complainants consider options. These involve alleged:
 - Sexist and bullying conduct by a manager, and
 - Sexual harassment by a work colleague.
- 4.5. I am pleased to report that MediaWorks has taken each of these matters seriously. There were several other matters that could have been referred for independent investigation. However, the complainants did not feel comfortable coming forward. Over time and with the change in culture that is being developed by this new approach to misconduct, it is hoped that staff will have the confidence to speak up about serious concerns.

Recommendations | Tūtohunga

Under the Terms of Reference, this Review has been asked to provide recommendations for change to achieve an improved MediaWorks culture.

MediaWorks has agreed to share these 32 recommendations with all staff to show its commitment to transparency.

Action 1: MediaWorks to acknowledge its failure to respond adequately to complaints of misconduct

- [1] MediaWorks to provide a general apology to current and former staff. The apology to acknowledge that over the past years MediaWorks has failed to respond adequately to complaints of misconduct and that this has caused harm to some current and former staff, and it has undermined the culture of MediaWorks.
- [2] MediaWorks to provide an apology to the young female guest for the failure to keep her safe at the 2019 Promotional Event and for its handling of her complaint after the event. The company should make amends for the harm caused to the young woman, through a restorative process as recommended by this Review.

Action 2: Board and Leadership

- [3] The Board and Leadership Team commit to and publish a company-wide “Culture Change Plan” to ensure measurable targets are set for achievement of the recommendations in this Report. Annual progress against the Plan is to be independently reviewed and reported to staff.
- [4] The Board to retain an independent Board adviser or member with specialist People & Culture expertise, for a period of at least three years.
- [5] The Board’s People & Culture Committee to have specific oversight of the Culture Change Plan.
- [6] MediaWorks to develop and adopt a “MediaWorks Values” document, in consultation with all staff.

Action 3: People & Culture Expertise

- [7] The leadership of the People & Culture (P&C) function to be strengthened with senior and experienced leadership with knowledge and skills in organisational development, employee relations and culture change.
- [8] The structure and function of the P&C team to be reviewed by an external expert to ensure the following:
 - (a) The P&C team has a senior and experienced practitioner with responsibility for supporting the Culture Change Plan.
 - (b) There is a senior and experienced recruitment practitioner within the P&C team with dedicated responsibility for leading and managing all recruitment including the intern recruitment and relationships with all the Radio Broadcasting Schools.
 - (c) The P&C team has senior and experienced expertise to ensure that MediaWorks adopts best practice models for dealing with poor performance, misconduct complaints and MediaWorks' employment law obligations.
 - (d) The P&C team have a regular presence in all regional MediaWorks offices to improve visibility and trust in the P&C team.
- [9] The P&C team be funded to deal with sensitive sexual complaints or other serious misconduct allegations, by way of an external independent complaint service and external independent investigation when required.
- [10] The P&C team, People Managers and trusted staff as "Contact Persons", to be trained to receive and react appropriately to any harassment or bullying complaint.
- [11] The P&C team be funded to invest in a suitable Human Resources Information System that allows the team to locate and access staff personnel files that contain all relevant staff employment information and history.

Action 4: People Management Training

- [12] MediaWorks to ensure that it only appoints and retains people managers who have been able to demonstrate sound people management skills.
- [13] Training programmes delivered for all existing and new people managers that cover the MediaWorks Code of Conduct, Values, Dealing with Non-Performance and Misconduct, Identification and Prevention of Sexual

Harassment and Bullying, Unconscious Bias and Discrimination, and skills for developing and engaging with staff.

This training to be compulsory for all MediaWorks people managers. An external HR specialist to score overall performance of people managers to ensure they reach an acceptable standard for the role.

- [14] Conduct annual 360 degree performance feedback for managers, via an external confidential provider, that will collate feedback in a non-identifiable way to enable MediaWorks to identify successful people managers, those with development needs or high risk behaviours.

Action 5: Diversity

- [15] The internal and external staff recruitment to all be conducted in a centralised manner via the P&C team to ensure MediaWorks obtains an impartial assessment of applicants and to achieve improved recruitment for merit and diversity.
- [16] The Intern Programme to be reviewed against other corporate intern programmes to ensure a best practice recruitment and retention model is adopted and gender and ethnic diversity targets are set for the Intern Programme.
- [17] Recruitment for senior leadership and general manager roles to be subject to specialist external support to ensure MediaWorks obtains impartial assessment of applicants for management and leadership roles, to achieve improved recruitment for strong people management skills and diversity.
- [18] The senior female Board Members and female executives, managers and younger females in MediaWorks are to hold workshops together to discuss what steps can be taken to promote and maintain female career progression within MediaWorks, including formal and informal mentoring.

Action 6: Pay Equity

- [19] The People & Culture team to engage a specialist remuneration consultant to investigate key roles identified in the Review Gender Pay Report, where there is some evidence of unequal pay between men and women for the same or substantially similar roles.
- [20] MediaWorks to make it clear to all managers that interns or staff cannot be asked to undertake work duties for MediaWorks for no pay.
- [21] Set a Gender Pay Equity Plan for the next five years. MediaWorks to set a measurable overall target for improvement of the MediaWorks gender pay

gap company wide. Specific targets should also be set to improve the larger gender pay gaps identified in particular areas of the business.

Action 7: Workplace Policies

- [22] MediaWorks engages an independent expert to advise on the adequacy of its existing policies and practices to address the gaps and revise the existing set of P&C policies, including:
- (a) A new Sexual Harassment and Sexual Harm Prevention and Reporting policy, which is separate and more detailed than the current bullying and harassment policy. This policy to better align with the Worksafe NZ sexual harassment advice and guidance.
 - (b) A new Prevention and Reporting of Bullying Policy, that better aligns with the prevention and reporting guidance set out in the Worksafe NZ Bullying Tools and Guidance.
 - (c) A new MediaWorks Host Responsibility Policy, which sets out expected behaviours at work and social functions associated with MediaWorks.
 - (d) A new Workplace Relationships Policy, which sets out expectations that managers are to avoid intimate relationships with younger or more junior staff at MediaWorks and the requirements for disclosure of any intimate or family relationships at MediaWorks.
 - (e) A revised Alcohol and Drug Use Policy to limit the availability of alcohol at work events, provide more detail about MediaWorks host responsibility and health and safety obligations and set out expectations of staff at external radio industry events and related after-parties.
- [23] MediaWorks to review its EAP provider to ensure that staff are able to select from counsellors that have specialist expertise in sexual harassment, sexual harm, bullying and other serious psychological harm matters.
- [24] Exit interviews to be offered to all employees, conducted confidentially by an independent external consultant, communicated to the P&C team for action, as appropriate. Regular monitoring and reporting to the Board to ensure any people management or leadership concerns are identified.

Action 8: Valuing Māori at MediaWorks

- [25] The appointment of a Māori Development Advisor, as a substantial FTE role, with responsibility to centralise, develop and oversee MediaWorks' various iwi relationships and Māori language obligations and initiatives.
- [26] To work more closely with Te Māngai Pāho, the Crown Agency responsible for development of te reo Māori and tikanga Māori in broadcasting and/or any national Māori network of iwi radio stations.
- [27] To display MediaWorks commitment more visibly to te reo Māori and tikanga Māori in broadcasting, on MediaWorks website and social media platforms. This should include but not be limited to George FM and Mai FM.

Action 9: Valuing all MediaWorks staff

- [28] MediaWorks internal communications to focus more evenly across regional events and achievements, not just Auckland.
- [29] The Creative and Sales teams to be provided with expert external facilitation in workshops to better understand the value and pressures in their different roles and find more collaborative ways of working together.
- [30] MediaWorks stop calling on air announcer "Talent" as all roles at MediaWorks require talent and the description is seen as a marker of the "old" culture that staff want to change.
- [31] The MediaWorks staff "Culture Club" to involve representation from across different regions and departments within the company and its activities to limit the focus on alcohol-based events.
- [32] To hold an off-site hui for all MediaWorks Māori, Pasifika, Asian and other non-European staff who wish to attend, to discuss and acknowledge the challenges that can exist for minority ethnic groups at MediaWorks and in the radio industry and develop pathways for support and mentoring to encourage and retain diverse talent at MediaWorks.

Maria Dew QC, 30 July 2021

Appendices I Āpitihanga

Appendix 1: Review Process

Terms of Reference

This Review started on 25 March 2021 and was completed on 30 July 2021.

The Terms of Reference state the independent Review will receive any evidence available, including, allegations made by former or current employees, contractors, or executives relating to concerns or allegations arising over the past three years, between March 2018 to March 2021, relating to:

- (a) Sexual and racial discrimination
- (b) Sexual harassment and other forms of harassment
- (c) Bullying, and
- (d) Any misuse of drugs and alcohol that impacts MediaWorks.

The Terms of Reference state that the Review, will review all workplace allegations and evidence within the scope of the review and assess whether the nature and extent of the allegations and evidence raise concerns about the workplace culture of MediaWorks. I was also given discretion to address related matters that arise during the review.

The Review had the ability to refer allegations to MediaWorks for a separate independent employment investigation related to a named current employee or contractor. This would only be done with the consent of the person making the allegation. I can confirm six matters reported to the Review were referred for independent investigation.

Confidential Interviews

MediaWorks invited eligible participants to come forward to be interviewed relating to the topics discussed above. They were invited to contact the reviewer via the

confidential external email, mediaworks@mariadew.co.nz. A period of 14 days was allowed for participants to register their interest by email.

I also attended 17 sessions at MediaWorks in Auckland, Wellington, Christchurch and over Zoom to discuss the review process with MediaWorks staff and answer any questions or concerns they may have.

Those who registered just outside of the 14 day period were accepted into the review. Those who registered well outside the 14 day period were requested to make a written submission and were provided a written template on which to do so.

Those who fell outside the three year scope prescribed in the Terms of Reference were allowed into the review at my discretion depending on the seriousness of the allegation and if it related to a current staff member at MediaWorks.

In total, 126 participants were interviewed between 20 April 2021 and 21 June 2021. The majority were interviewed in person, with approximately 20 people being interviewed via audio visual link due to their location or preference. Written submissions were also received. These have all been treated as confidential to the review.

Over 145 people contacted the confidential email mediaworks@mariadew.co.nz to register an interest in participating in the Review. Some were not interviewed because they either were not an eligible participant, did not respond to further email correspondence, or withdrew from the process voluntarily.

The findings in this Review are based on the themes and trends that emerged from the interviews and written submissions.

All the interviews in this Review have been conducted in a confidential setting with the undertaking given to all interviewees that they will not be named or identified in the Report or their names disclosed to MediaWorks. I confirm the additional steps taken to ensure confidentiality included the following:

- The review email address accessible only by assisting counsel was used to correspond with participants and to schedule interviews.

- Interviews took place offsite locations in private meeting rooms or via audio visual link. The interviews were not audio recorded.
- The typed and handwritten notes taken by me and by assisting counsel during the interviews and any documents received from participants have been kept private and confidential and will not be released to MediaWorks or any other party.
- The interviewees were entitled to have a support person or representative person attend their interview if they wished.

Interview Participants

The interview participants come from a range of different departments and locations across the country. The Review is confident it represented a fair mix of departments across the organisation.

Review Survey

As part of this Review, an independent online survey of all MediaWorks staff was conducted during June 2021. There was a total of 483 MediaWorks current staff that completed the survey. The results of the survey have been used throughout this report. The key results of this survey are published in Appendix 2 to this report. Otherwise, survey material that might identify any MediaWorks employee are held strictly confidential to the Review.

Reporting

The Terms of Reference provide that a draft of this Report would be provided to the MediaWorks CEO Cam Wallace for comment. This has occurred. Feedback has been received from the CEO and Board. Relevant portions of the Report have been provided to a small number of participants to review for comment where necessary.

Appendix 2: Survey Report, MediaWorks Workplace Culture, July 2021 [separate attachment]