

# Sexual harassment and interfering with it in the game industry

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The Finnish game industry is committed to keeping our community safe for everyone. The game industry has zero tolerance for any harassment. This Code of Conduct covers workplace and gaming-related events and is also applicable to gaming training.

## Definitions

### Sexual harassment in the workplace

Under Finnish law, sexual harassment means unwanted verbal, non-verbal or physical conduct of a sexual nature by which a person's psychological or physical integrity is violated intentionally or factually, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere.

In this Act, gender-based harassment means unwanted conduct that is not of a sexual nature but which is related to the gender of a person, their gender identity or gender expression, and by which the person's psychological or physical integrity is intentionally or factually violated and an intimidating, hostile, degrading, humiliating or offensive atmosphere is created. (Act on Equality between Women and Men, Section 7.)

The materials of the Centre for Occupational Safety describe sexual and gender-based harassment in the following ways:

Sexual harassment can take the following forms:

- sexually suggestive gestures and facial expressions
- obscene language, risqué jokes, remarks and questions about a person's body, dress or private life
- material, letters, emails or phone calls with sexual undertones
- physical touching, propositions or requests for sexual intercourse or other sexual activity
- rape or attempted rape.

Sexual harassment can also take other forms that are not mentioned above.

Gender-based harassment can take the following forms:

- derogatory and negative language about the other sex
- degrading the other sex
- workplace bullying, when it is based on the sex of the person being bullied

### Points to note

- The Equality Act obliges employers and managers to interfere with unlawful behaviour and climates.
- There must be clear procedures in place for dealing with problems of harassment, so that the obligation imposed by the law is not neglected.
- Unauthorised, sexual touching is also a crime: sexual harassment.

## Sexual harassment

A person who, by touching, commits a sexual act towards another person that is conducive to violating the right of this person to sexual self-determination, shall be sentenced, unless punishment is provided elsewhere in this Chapter for the act, for sexual harassment to a fine or to imprisonment for at most six months. (The Criminal Code of Finland, 20:5)

### Points to note

- Harassment is a complainant offence, which means that only the victim can report it. This possibility must be brought to the attention of both the victim and the perpetrator, even if the matter is discussed at the workplace or otherwise agreed on.
- More serious sexual offences such as sexual abuse or rape, or if an assault is involved, should always be reported to the police. A good practice is to do this in agreement with the subject of the act. The matter can still be dealt with in the workplace or settled if the parties involved so wish, but the workplace process is only there to influence the possibility of working after the event, and it does not affect the criminal process.

## Code of Conduct

In addition to legislation, appropriate behaviour is also regulated by codes of conduct for game industry organisations, safe space rules, equality plans, ordinances and other similar guidelines and rules. For example, the following guidelines are used in the game industry:

- General Code of Conduct for the Finnish game industry (Neogames): <https://www.neogames.fi/the-finnish-game-industry-code-of-conduct/>
- Inclusiveness Policy and Code of Conduct (Global Game Jam): <https://globalgamejam.org/inclusiveness-policy-and-code-conduct>
- We in Games Code of Conduct: <https://weingames.fi/code-of-conduct/>
- International Game Developers Association's Ethics Violation & Harassment Investigation Process: <https://igda-website.s3.us-east-2.amazonaws.com/wp-content/uploads/2022/07/20184025/IGDA-Ethics-Violation-Harassment-Investigation-Process-2022-1.pdf>
- Many event organisers have their own Code of Conduct, check this when attending an event

### Points to note

- Where sanctions are imposed under the Code of Conduct in cases of harassment that have ended up in criminal proceedings, these sanctions are provisional and should always be reviewed once the case has been dealt with by the authorities.
- Even if a case does not lead to criminal sanctions, the conduct may still have been in breach of the Code of Conduct. In such situations, sanctions can still be imposed, but only to the extent that the Code of Conduct has been breached.

## Guidelines for dealing with different cases at gaming events

Note: In all of the examples, the on-site manager may also contact the game industry's Sexual Harassment Task Force immediately if time permits, or after the investigation. The Task Force will handle all communications as confidential. Contact details are on the website: <https://neogames.fi/the-finnish-game-industry-code-of-conduct/>

### Case 1:

**The course of the event is known or can be ascertained**

**The offender admits what happened**

**The subject of the act agrees to settle the case**

There is independent and verified information available on the case, such as several eyewitness statements or video footage. The offender confesses and the subject is willing to settle.

The organiser issues a warning to the offender, no further action.

The organiser tells the offender what the consequences will be if the act or similar harassment is repeated. This can result in exclusion from the event, a temporary ban from events, suspension from volunteering and/or a report to the employer if the person has represented their workplace at the event.

### Case 2:

**The course of the event is known or can be ascertained**

**The offender admits what happened**

**The subject of the act refuses to settle**

In cases where the subject does not want to settle the matter, the on-site manager (harassment contact person, event organiser's representative, etc.) may ask the subject to report the incident to the police. It is worth noting that a report of an offence must also demand punishment for the offender, otherwise the police will not pursue the matter. Another option is to ask the subject to submit to the offender or the event organiser a request for measures that are sufficient to resolve the case. For example, the demand may be for the offender to be removed from the event, a warning, some form of compensation or similar. In such situations, the event organiser acts as an intermediary, or according to its own separate guidelines.

If the case becomes contentious or otherwise escalates, it is recommended to seek legal advice.

### Case 3:

**The course of the event is known or can be ascertained**

**The offender does not admit what happened**

**The matter cannot be settled**

In cases where the offender does not admit what has happened, but sufficient information is available, the event organiser may impose sanctions, as in the cases mentioned above, on the basis of a breach of the Code of Conduct.

The on-site manager (harassment contact person, event organiser's representative, etc.) will inform the subject of the possibility to report the act to the police. If a crime is reported, the offender is not informed at this stage

in order to avoid pressure or harassment. The police will notify the offender. It is worth noting that a report of an offence must also demand punishment for the offender, otherwise the police will not pursue the matter.

The employer will be informed if the person has represented their workplace in the case.

#### Case 4:

**The course of the event is not clear**

**The perpetrator does not admit what happened; the accounts of the offender and the subject are very different**

**The possibility of settlement is unclear**

The on-site manager (harassment contact person, event organiser's representative, etc.) will interview the parties separately and remind them of the Code of Conduct. It must be found out whether the parties are willing to discuss and agree together on what happened or correct any misunderstandings.

If the subject feels that they have been harassed, the on-site manager (harassment contact person, event organiser's representative, etc.) will inform the subject of the possibility to report the act to the police. If a crime is reported, the offender is not informed at this stage in order to avoid pressure or harassment. The police will notify the offender. It is worth noting that a report of an offence must also demand punishment for the offender, otherwise the police will not pursue the matter.

#### Case 5:

**There is only second-hand information about the case**

Those who know something about the matter are encouraged to relay the message to the relevant parties and contact either the game industry's harassment contact persons, the supervisors at the workplace or the health and safety representative.

### Proposal for a procedure

Please note that all information relating to cases of harassment is confidential in order to protect the privacy of those involved. In the case of subsequent reporting, no information that would enable the parties concerned to be identified may be published.

1. Ensure the safety of everyone involved, including yourself. If it is likely that the safety of the parties cannot be ensured, call a steward or the police.
2. The event organiser's representative, the event's harassment contact person or other representative of the organiser's organisation will interview the parties separately, first the subject of the act and then the offender. Interviews are conducted without delay and nothing is reported or disclosed to outsiders before the interviews. Bear in mind that external factors (e.g. the place of the interview, personal relationships) may influence the outcome. The interview should be conducted in a quiet, non-public place by a person trusted by the subject. The interview should aim to be respectful of all parties, but should take into account the situation of the subject of the act and, if necessary, avoid questions that may be perceived as being too oppressive. Where possible, more than one representative may also attend.

3. Form a clear description of what happened. Record the parties' reports and note any possible discrepancies. Create a timeline and find out if there are any witnesses or evidence of what happened. At least the following points should also be clarified for a possible follow-up or legal proceedings:
  - Victim's details (name, phone number, email address, etc.)
  - Identifying information (name / ID number) of the person accused of harassment.
  - Description and circumstances of the incident (in what context the incident occurred)
  - Time of the incident
  - Other witnesses to the incident who were present (staff, guests, etc.)
4. If the offender admits their actions and both parties want to reach a settlement, a discussion will take place. However, under no circumstances should the subject be pressured into a settlement or discussion. The parties involved are invited and either a representative of the event organiser or a harassment contact person is involved in the discussion. The role of the harassment contact person is to keep the discussion factual and solution-oriented. The persons involved may be accompanied by a support person, who does not have the right to speak at the hearing. The discussion should take place without delay, preferably within a week or so, if possible.
5. The discussion aims to find a way to resolve the matter. The aim is to clarify the course of events, correct misunderstandings and build consensus. A resolution may involve possible restitution to the subject or sanctions for the offender. A settlement requires that the offender is genuinely sorry, apologises and wants to make amends. The subject of the act must not be pressured to reconcile, if they do not want to.
6. If the offender confesses and the matter is settled, a warning is an appropriate sanction from the event organiser. The offender will be told what the consequences will be if a similar act or other harassment is carried out. If the matter can be settled, there is no reason to bring it to the employer's attention. If the harassment is repeated, the employer will also be contacted if the person is representing their workplace at the event.

#### Points to note

- The event organiser, the harassment contact person or the settlement process can never bypass the criminal procedure if the matter is serious or contentious. Neither the event organiser nor other actors have the mandate or the obligation to take on complex cases or disputes. More serious cases should always be taken to the police.
- However, if there has been a clear breach of the game industry's Code of Conduct or the rules of the event, sanctions may be imposed in this respect. If there is also a criminal investigation, the sanctions are provisional and will be reviewed after the criminal proceedings are concluded.
- If a report is created after the incident, it is worth noting the guidance in Section 3 on the content of the event description.
- For more information and help with the guidelines or incident resolution, see, for example, the game industry's **Sexual Harassment Task Force** for: <https://neogames.fi/the-finnish-game-industry-code-of-conduct/>