

Summary of report for Nordic Game regarding sexual misconduct

This investigation has been conducted and the report written by Paul Bengtsson on commission by Nordic Game. Reference: Erik Robertson, CEO

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This document contains a summary of the findings of the investigation into potential sexual misconduct in connection with Nordic Game, regarding accusations made against man 1 and man 2. It summarizes the findings of the full report in a way that is meant to make it suitable for public release, while taking the involved persons' integrity into consideration. No assessments or conclusions have been changed for this summary, but some assessments and conclusions have been purposefully omitted for the above reasons.

Conclusions at a glance

- Five allegations of sexual misconduct against man 1 (M1) have been corroborated. The misconduct has been both physical and verbal. Most victims have been in a position of personal or professional dependence to M1. There are an additional two uncorroborated claims against M1.
- At least three of the confirmed instances of misconduct by M1 have likely amounted to sexual harassment in violation of 2 chap. 2 § The Discrimination Act (SFS 2008:567). The remaining two instances likely fall outside of the purview of the Discrimination Act.
- There are five confirmed and two unconfirmed victims of M1's misconduct. All victims are women.
- There have been three allegations from three women against man 2 (M2). None of these have been independently corroborated.
- There has been a culture at Nordic Game ranging from the informal and friendly to the unprofessional and inappropriate. This culture centered around M1 and M2.
- The above culture has created an environment with unclear professional boundaries, and has at times been directly conducive to M1's misconduct.
- Early attempts at handling the complaints by Nordic Game lacked structure, which led to a break-down in trust between some of the accusers and Nordic Game.

Background

Nordic Game commissioned Gender Balance to investigate several allegations of sexual misconduct, made by a number of women against two men who represented Nordic Game. At the time of this investigation, man 1 had left Nordic Game, but man 2 remained. The task was to identify and investigate as many allegations of misconduct as possible. However, it was agreed that no presumed victim should be pressured into participating, and all have had the option to remain anonymous towards Nordic Game if they so wished. Gender Balance has conducted this investigation as an independent third party, meaning that we have not represented Nordic Game, any alleged victim or perpetrator, or any other

party. It was agreed with Nordic Game that the regulations and definitions of the Swedish Discrimination Act (SFS 2008:567) would be used as guidance, even in cases where the act for different reasons was not legally applicable. Among other things, the Discrimination Act provided guidance on burden of proof.

Statements and corroboration

Although extensive statements have been collected, this section is kept very brief in order to protect the privacy of those involved.

Statements have been collected in digital meetings with the involved persons. A small number of potential witnesses have also been contacted, and when necessary interviewed. The corroborating evidence against M1 has mainly constituted witness statements and screen-pictures of chat messages between the victim and M1. The chat messages have either constituted misconduct in themselves, or has shown M1 discussing and directly or indirectly acknowledging misconduct.

The complaints range from persistent and unwelcome comments or messages of intimate or sexual nature, including explicit invitations to sexual acts, to intrusive and obviously violating physical touching of a sexual nature. The explicit messages have frequently continued after the victim has clearly and repeatedly protested against it.

M1 has not been interviewed. However, there has been an abundance of textual material in which M1 either commits misconduct or directly discusses it. Additionally, testimonies from victims, presumed victims, and witnesses have been abundantly clear and all speak to the same conclusions. Based on M1's own communications it is likely that he would deny any misconduct if directly asked.

The allegations against M2 have been difficult to investigate for a variety of reasons. The allegations are all regarding in-person misconduct that would have taken place several years ago, leaving few or no potential witnesses with clear recollections of the events. There have been no or very little textual evidence. M2 has been interviewed and disputes the allegations.

Assessments: the claims against M1

Five complaints against M1 have been corroborated, with an additional two uncorroborated. Several of the victims have been in a clear position of dependence, both professional and personal, towards M1. M1 has clearly been aware of this dependence, and in some cases has likely taken steps to strengthen and exploit it.

While it is unusual to conclude an investigation without talking to the alleged offender, in the case of M1, the evidence is overwhelming. Crucially, much of the misconduct is documented or backed up by witnesses.

The misconduct M1 has been shown to have subjected five persons to has resulted in considerable discomfort and agony for the victims. It has also potentially damaged the reputation of Nordic Game. In the case of three of the victims, the misconduct was of such a nature that it is likely that Nordic Game, as the responsible employer, has violated the prohibition against discrimination in 2 chap. 2 § The Discrimination Act.

Assessments: the claims against M2

It is always frustrating, for everyone involved, when an investigation is unable to bring much more clarity to a situation than what was in the original complaint. Regrettably, this is the case with the complaints against M2. Due to the nature of the complaints, and due to the alleged misconduct occurring a considerable time ago, there were very few good investigative measures available, and the few that were available invariably came to dead-ends. M2 additionally denies any inappropriateness. Consequently, there are no corroborated claims against M2.

Assessments: organisational and other

There are some organisational lessons to be learned. Several people have testified to a culture at Nordic Game ranging from the informal and friendly (in a positive sense), to the unprofessional and inappropriate. This culture centered around M1 and M2, who by all accounts were good friends. The work could often lack structure in a general sense and frequently included heavy partying in conjunction with conferences or business trips. This created a high dependency for some of the victims on M1, which clearly M1 exploited. There is no indication that M2 has exploited this culture in a similar sense.

Additionally, the initial response from Nordic Game to these allegations appears to have lacked structure, and on a few occasions individual employees or collaborators with Nordic Game reached out to suspected victims with unsanctioned messages. This created a disjointed communication from Nordic Game in a crucial time period where trust needed to be built. M1, meanwhile, was very vocal in his denials and more than once threatened to sue any alleged victim for defamation. This all contributed to a loss of trust between some of the persons who had made complaints and Nordic Game, creating additional difficulty for the investigation. This is not to imply that our investigation could reasonably be assumed to have reached different conclusions if Nordic Game had acted differently – some of the complaints would have been difficult to investigate regardless.

Measures and recommendations

Confirmed and alleged victims have been given access to our assessments regarding their own claims, and they have received information on additional steps they may take, including, when applicable, filing police reports or complaints with The Equality Ombudsman (Swedish: *Diskrimineringsombudsmannen*).

Nordic Game has received recommendations regarding measures to take to decrease the risk for misconduct in the future.