

Harassment and bullying



"I am safe at work and know how to respond if harassment or bullying occurs"

Whakapūpūtia mai ō mānuka, kia kore ai e whati.

Whakatauki used by Bullying-free NZ to convey that together, with a shared vision, we know which way to go.

Intent

Sexual and racial harassment breach human rights to safety, equality and dignity. It often reflects intolerance for difference and links to prejudice based for example on gender, gender identity, age, cultural identity and sexual orientation.

The effects of harassment, including bullying, can be significant and include loss of self-esteem and confidence, fear through to injury. We do not tolerate harassment and bullying in the workplace and if it occurs respond to it promptly and appropriately.

We encourage any kaimahi or volunteer who experiences or becomes aware of harassment to speak up early.

Complaints are followed up quickly and fairly. The safety of complainants is prioritised and the rights of all involved respected.

Definitions

"Harassment" is unwelcome verbal or physical behaviour or conduct (including displaying visual material) which is either repeated or of such a significant nature, that it causes offence, humiliation, fear, or intimidation of another person in the workplace. It may or may not be intentional.

It may involve behaviour ranging from emailing, texting and social media posts through to the use of physical force. It includes sexual harassment, racial harassment and bullying.

"Sexual harassment" involves inappropriate sexual behaviour or displays in the workplace that cause fear, intimidation and detriment. It includes a direct or indirect request to a kaimahi for sexual contact or activity that contains:

- an implied or overt threat of detrimental treatment, or
- threat to current or future employment status, or
- a promise of preferential treatment behaviour that is unwelcome or offensive to a kaimahi and
- is repeated or significant enough to have a detrimental effect on their employment, job performance or job satisfaction.

"Racial harassment" involves behaviour or use of language and visual displays that directly or indirectly express hostility against, or brings another person into contempt or ridicule because of their race, colour, ethnic or national origins and is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to them.)

"Bullying" is behaviour directed at a person or group in the workplace that can cause physical and psychological harm. It is unreasonable and usually repeated behaviour and includes victimising, humiliating, intimidating or threatening a person.

Responsibilities

The board must:

- adhere to their [health and safety responsibilities](#)
- monitor reports on worksite checks for risks of bullying and harassment

- respond promptly and fairly to complaints about bullying and harassment.

Management must:

- lead a culture of respect and tolerance in the workplace that encourages early reporting
- undertake worksite checks and address [psychosocial indicators of risks](#)
- ensure kaimahi/staff are educated about the signs and indicators of bullying and how to deal with it
- respond promptly and fairly to complaints about bullying and harassment
- ensure records are kept of interactions and outcomes with kaimahi in relation to bullying and harassment.

Kaimahi and volunteers must contribute to a culture of respect and tolerance in the workplace and report signs and incidents of bullying and harassment.

Requirements

Prevention

Strategies to promote this policy, respectful conduct, tolerance for difference and diversity, and awareness about bullying and harassment must be used in the workplace (eg visual materials, induction and training).

The signs, indicators and processes for dealing with bullying and harassment will be addressed as part of induction and health and safety hui with kaimahi.

Any kaimahi or volunteer who experiences or becomes aware of harassment towards others is encouraged to speak up early about it (using informal/formal processes.)

Management will assess and monitor the risks of bullying and harassment as part of [worksite checks](#) and ensure controls are implemented and monitored for those risks in accordance with our [Health and safety policy](#)

Informal options

Bullying and harassment may be dealt with informally. The kaimahi/volunteer:

- may deal with the issue directly with the person whose behaviour they are concerned about
- might ask a senior person to informally talk to the other person about their behaviour
- ask the person to participate in mediation.

A record should be kept of informal discussions and the outcome.

Formal complaint

The [Feedback and complaints](#) policy will apply to complaints about bullying and harassment in the course of service delivery.

A staff member/volunteer (the "complainant") can choose to make a formal complaint in writing in their own capacity or through their representative. The complaint should be directed to management unless it is about the manager.

A complaint about management should be made to and dealt with by the next level up (ie the person/entity to whom management reports).

When a complaint is received, all reasonable steps will be taken to protect the complainant from retaliation and any further bullying or harassment.

The complaint will be treated as an allegation of [misconduct](#) with:

- the complainant's views considered
- the complainant kept informed of the process (e.g the outcome and process of investigation).

External options

Complaints about sexual and racial harassment may be progressed externally if the kaimahi or volunteer prefers to not rely on internal processes. Options are below.

Human Rights Commission

[The Human Rights Commission](#) provides a free and confidential mediation service. If mediation doesn't resolve the dispute, the employee can take the dispute to the Director of the Office of Human Rights Proceedings, Human Rights Review Tribunal.

For more information contact the Human Rights Commission:

- Phone: 0800 4 YOUR RIGHTS (0800 496 877)
- Email: infoline@hrc.co.nz
- Visit the [Human Rights Commission website](#).

Personal grievance

Sexual and racial harassment may be pursued as a [personal grievance](#) under the [Employment Relations Act 2000](#) if a complaint is made but has not been reasonably followed up.

New Zealand Police

Police should be contacted if behaviour involves criminal activity (eg violence, threats). See [here](#) for how to report a crime.

Bullying through cyber and digital technology

If bullying occurs through digital channels in, or out, of the workplace, then [Cyber-bullying and abuse](#) policy will apply. Harmful digital communication and cyberbullying includes:

- sending or publishing threatening or offensive material
- spreading damaging rumours
- sending or publishing sensitive personal information such as embarrassing photos and videos.

Digital communication includes any form of electronic message such as texts, photos, pictures, recordings etc. [Cyberbullying complaints](#) can be made to Netsafe.

Compliance

Social Sector Accreditation Standards- Level 2, Health and Safety 1.0-2.0

Social Sector Accreditation Standards- Level 3, Health and Safety 2.0; Level 4 Staffing 1.0-2.0

NZS 8134: 2021 Service management, 2.3.8, 2.4.7

Helpful links

[Tips for those managing bullying and harassment complaints](#)

[Bullying, harassment and discrimination](#)

[Human Rights Commission](#)

[Help with bullying and abuse](#)

[Misconduct](#)

[Bullying: Workplace Assessment form](#)

[Bullying: Reporting and Assessment forms](#)

[Cyberbullying and abuse](#)

[Bullying and harassment notification form](#)

Review

Date: March 2021

Next review: by April 2023