

Kaupapa-here | Bullying, Discrimination and Harassment Policy

Mō wai me te whānuitanga | Audience and scope

This Policy applies to Te Pūkenga Council members, Te Pūkenga advisory committee members and all employees of Te Pūkenga, including contracted staff, consultants and secondees providing services for Te Pūkenga, and those on fixed term contracts (collectively referred to as **Employees** in this policy document).

Mokamoka whakaaetanga | Approval details

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Policy sponsor (has authority to make minor amendments)	Director People, Culture and Wellbeing	Policy owner	Chief Executive
Contact person	Keri-Anne Tane	Date of next review	1 December 2023

Ngā whakatikatika | Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	1 April 2020		New policy
2	1 June 2022	Legal and Risk	High-level review and rollover pending confirmation of operating model and structure

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1. Pūtake | Purpose

The purpose of this policy is for Te Pūkenga to provide a safe workplace and promote a work environment free from bullying, discrimination and harassment.

2. Te Pae Tawhiti | Te Tiriti o Waitangi Excellence Framework

The Council of Te Pūkenga acknowledges that this Policy has been adopted while there is ongoing work being carried out to consider how Te Pae Tawhiti - Te Tiriti o Waitangi Excellence Framework should be fully embedded in the Policy. The Council notes that Te Pūkenga is still on its transition journey and, as it matures, this Policy and others will be reviewed to ensure they align with the new Operating Model and reflect Te Pae Tawhiti best practice.

3. Ngā Mātāpono | Principles

- 3.1. Everyone has the right to be treated fairly in the workplace. Te Pūkenga is committed to providing a work environment that is safe and free from bullying, discrimination and/or harassment. Any action or inaction, communication or behaviour that could be reasonably interpreted as bullying, discrimination and/or harassment will be managed under this policy and/or the Code of Conduct.

Bullying

- 3.2. Bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.
- 3.3. Repeated behaviour occurs more than once and can involve a range of actions over time.
- 3.4. Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. This includes victimising, humiliating, intimidating or threatening a person.
- 3.5. Bullying may also include harassment, discrimination, or violence. Workplace bullying is not:
- One-off or occasional instances of forgetfulness, rudeness or tactlessness.
 - Setting high performance standards.
 - Constructive feedback and legitimate advice or peer review.
 - A manager requiring reasonable verbal or written work instructions to be carried out.
 - Warning or disciplining workers in line with the Code of Conduct.
 - A single incident of unreasonable behaviour.
 - Reasonable management actions delivered in a reasonable way.
 - Difference in opinion or personality clashes that do not escalate into bullying harassment or violence.
- 3.6. It can occur in person, through text messaging or online through email, internet chat rooms or other social media channels.
- 3.7. Discrimination occurs when a person is treated unfairly or less favourably than another person in the same or similar circumstances. It is behaviour that excludes or restricts a person or group from

opportunities that are available to others. The Employment Relations Act 2000 and the Human Rights Act 1993 offer protection from discrimination on the grounds of sex or sexual orientation, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status and sexual orientation.

Harassment

- 3.8. Harassment is any unwanted or unjustified behaviour that is humiliating, offensive or intimidating to an employee and has a detrimental effect on their employment, job satisfaction or performance at work.
- 3.9. Harassment can be spoken, written, visual or physical acts.
- 3.10. Examples of harassment can include:
- a) Hostile or offensive comments.
 - b) Preventing or hindering access to the workplace.
 - c) Persistent following, watching, loitering near or accosting an employee.
 - d) Giving offensive material to an employee or leaving it where it will be found by, given to, or brought to their attention.
 - e) Perpetrating and circulating persistent and malicious gossip about an employee.
 - f) Interfering with an employee's property.
- 3.11. Harassment can also be sexual - sexual harassment is any unwelcome or offensive behaviour of a sexual nature that has a harmful effect on the employee's employment, job performance or job satisfaction, or a request (direct or indirect) which contains an implied or avert promise of preferential treatment or an implied threat of detrimental treatment. Behaviour does not need to be repeated to be sexual harassment.
- 3.12. Examples of sexual harassment include:
- a) Offensive sexual remarks or jokes
 - b) Unwelcome touching, patting, or pinching
 - c) Regular hassling for a date
 - d) Being followed home
 - e) Sexually offensive images at work including screen savers of a sexual nature
 - f) Intrusive questions about your sex life.
- 3.13. Sexual harassment can happen at any time and can be spoken, written, visual or physical acts.
- 3.14. Harassment (including sexual harassment) is not:
- a) Behaviour based on mutual attraction, including the development of relationships.
 - b) Occasional and appropriate comments on a person's appearance.
 - c) Appropriate performance management and feedback.

Roles and Responsibilities

- 3.15. We are all responsible for ensuring we work in a safe and healthy workplace.
- 3.16. Managers must promote a working environment which is free from bullying, discrimination and/or harassment.
- 3.17. You must not engage in behaviour which is bullying, discrimination or harassment.

Process

- 3.18. If a complaint of bullying, discrimination or harassment is made, Te Pūkenga will act promptly to address the matter.
- 3.19. If you feel that you have experienced any form of bullying or harassment it is important that you raise your concerns as soon as possible after the behaviour of concern occurs. There are a number of ways you can deal with this.
- 3.20. Informally:
 - a) Talk to someone you trust (a manager or a colleague) about your concerns.
 - b) If you feel comfortable to do so, speak directly to the person whose behaviour is causing the problem
 - i) Focus on their behaviour-don't make it personal.
 - ii) Be as specific as possible and give examples of the behaviour that is causing you concern.
 - iii) Explain why the behaviour is unwelcome and ask for it to stop. Often the person may not know their behaviour is causing distress and will stop immediately once told.
 - iv) Be firm and confident- not aggressive or confrontational.
 - c) Speak to your manager. If appropriate, your manager may facilitate an informal meeting with you and the person whose behaviour is of concern to discuss the issue and agree a way forward.
 - d) If the person whose behaviour is causing you concern is your manager, you should discuss your concerns with their manager or a member of the People and Culture team.
- 3.21. Formally:
 - a) If you have tried to resolve the bullying or harassment informally and it has failed to stop, or if you feel the matter requires escalation, you should make a formal complaint to your manager (or your manager's manager), or to the People and Culture team.
 - b) A formal complaint should be made in writing, outlining your specific concerns and who they are regarding. Where possible, you should outline dates of incidents and examples of actions/behaviours causing concern, whether anyone else witnessed the behaviour and provide any supporting information (e.g. documentation).
 - c) On receipt of a formal complaint, a meeting will be arranged with an appropriate manager and/or member of the People & Culture team to discuss your concerns and determine next steps, which may include a full investigation into the allegations.

- d) As part of any investigation, the details of the complaint will be provided to the person (or people) against whom the complaint is made, and they will be given an opportunity to respond to the allegations.
- e) If the situation is serious enough, you may also need to consider discussing this with the Police.

3.22. Where an employee is found to have bullied, discriminated or harassed another employee, client, customer, service provider or any other person with whom there is a business connection with Te Pūkenga, this could lead to disciplinary action up to and including dismissal without notice. Where a contractor or consultant is found to have bullied, discriminated or harassed another employee, client, customer, service provider or any other person with whom there is a business connection with Te Pūkenga, this could lead to the termination of their engagement.

Retaliation, victimisation, or discrimination against a complainant will not be tolerated and anyone engaging in such behaviour may be subject to disciplinary action (or termination of engagement in the case of a contractor or consultant). However, if a dishonest or malicious false complaint is made then disciplinary action may be taken against the complainant.