



9 September 2025



Ref: OIA-2025/26-0104

Tēnā koe ,

Official Information Act request relating to Workplace bullying, harassment and sexual harm data for the period 2020-2025

Thank you for your Official Information Act 1982 (the Act) request, received on 7 August 2025. You requested:

"[...] the following information from your organisation please. This is for a research project studying public service organisations and workplace bullying, harassment and sexual harm.

1. *What data does your organisation collect about incidents or concerns related to workplace bullying, harassment or sexual harm?*
 - a. *For clarity, this includes requests for advice, assistance, informal notifications or formal complaints relating to these types of behaviour.*
2. *Please provide a list or schema of all data fields used to record or track information about workplace bullying, harassment or sexual harm, at any stage of the process your organisation follows (from initial contact to case closure).*
 - a. *Please include an explanation of the classifications used in each data field and any specific terminology, so it can be easily understood by someone from outside your organisation.*
3. *Please provide a list of all reports produced by your organisation that relate to workplace bullying, harassment or sexual harm?*
 - a. *Please include a brief explanation for each report of:*
 - i. *who is responsible for its creation (i.e. the job title/role, not individual names)*
 - ii. *how often they are produced*
 - iii. *the purpose of the report, and*
 - iv. *the information and any data fields contained in each report.*
 - v. *to whom they are distributed (job titles/roles)*
 - vi. *whether the reports are shared externally (e.g. with ministerial offices, other agencies, Public Service Commission, unions and associations, the general public)*

Please provide responses to Q4-7 for the period 2020-2025 (inclusive), broken down by calendar year and listed under the headings of

- *workplace bullying*
 - *harassment*
 - *sexual harm*
4. *The total number of incidents recorded.*
 - a. *Please also break these down according to any sub-categorisations you use internally to differentiate types of bullying, harassment or sexual harm incidents.*
 5. *The number of incidents that involved a formal investigation, broken down to show:*
 - a. *internal investigations (i.e. those conducted by people employed by your organisation)*

- b. *independent external investigations (i.e. external lawyers, investigators or other 3rd parties engaged for the purpose of conducting the investigation)*
- 6. *The outcomes of the investigations completed in Q5 (using whatever categorisations your organisation records internally against cases).*
- 7. *The number of people who have left your organisation who were:*
 - a. *complainants (i.e. people who raised any inquiry or complaint)*
 - b. *respondents (i.e. people who were the subject of any inquiry or complaint allegations)*

Please provide responses to Q8-9 for the period 2020-2025 (inclusive), broken down by calendar year:

- 8. *The number of settlement agreements (or other legal agreements containing any form of non-disclosure requirement) signed by people leaving your organisation who were:*
 - a. *complainants who raised any inquiry or complaint about workplace bullying, harassment or sexual harm.*
 - b. *respondents who were the subject of any inquiry or complaint about workplace bullying, harassment or sexual harm.*
- 9. *The amount spent by your organisation on external legal advice for:*
 - a. *legal services or advice provided in conducting independent investigations in Q5 (ii)*
 - b. *other advice provided about any other matters involving workplace bullying, harassment or sexual harm.”*

The time frames for responding to your request were extended under section 15A of the Act by six working days because it necessitated a search through a large quantity of information, and consultations were needed before a decision could be made on the request. Following that extension, I am now in a position to respond.

The table below provides the definitions we have used throughout this response for both the Department of the Prime Minister and Cabinet (DPMC) and the National Emergency Management Agency (NEMA), in accordance with our corporate policies. For your reference, we have attached the current and previous versions of our Anti-Harassment, Discrimination and Bullying Prevention Policy. The previous version covered most of the period of interest (2020 to early 2025).

Table 1 – Definitions of key terms

Term	Definition
<i>Harassment</i>	Harassment refers to sexual harassment and racial harassment which are defined below.
<i>Sexual Harassment</i>	Where a person is directly or indirectly subjected to: <ul style="list-style-type: none"> • requests for sexual contact or activity with an implied or overt promise of preferential treatment or threat of detrimental treatment if the request is refused; or • language, visual material and/or behaviour of a sexual nature that is unwelcome or offensive to that person, and which is either repeated or of such a significant nature that it has a detrimental effect on that person.
<i>Racial Harassment</i>	Where a person is exposed to language, visual material or physical behaviour that:

Term	Definition
	<ul style="list-style-type: none"> • expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and • is hurtful or offensive to that other person (whether or not that is conveyed to the first-mentioned person); and • is either repeated, or of such a significant nature, that it has a detrimental effect on that other person
<i>Bullying</i>	<p>Repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.</p> <p>Bullying does not include reasonable actions and behaviours including (but not limited to) legitimate management, justified disciplinary action/performance management, issuing lawful and reasonable instructions, and setting high performance and/or behavioural standards.</p>

For the purposes of employment matters, we treat all matters of an unwanted sexual nature as alleged sexual harassment and as potential breaches of our code of conduct.

Question 1

The table below describes the data that falls within scope of the request, collected by DPMC in 2023 and 2024, and by NEMA in 2024, in a confidential survey emailed to all staff. The survey questions and associated definitions for terminology are from the Copenhagen Psychosocial Questionnaire (COPSOQ) (English version).

Table 1: DPMC (2023 and 2024) and NEMA (2024 only) all staff survey data items description.

Multi-Choice Questions	Options	Dependant Question 1	Options	Dependant Question 2	Options
Bullying means that a person repeatedly is exposed to unpleasant or degrading treatment, and that the person finds it difficult to defend themselves against it. Have you been exposed to bullying at work during the last 12 months?	<ul style="list-style-type: none"> No Yes, a few times Yes, monthly Yes, weekly Yes, daily 	From whom have you been exposed to bullying at work during the last 12 months? (Multiple responses can be selected for this question)	<ul style="list-style-type: none"> Manager/leader Colleagues (people inside the organisation) Direct reports Stakeholders (people outside the organisation) 	Has the bullying been:	<ul style="list-style-type: none"> Experienced by you personally and observed happening to others Experienced by you personally Observed/witnessed happening to someone else
During the last 12 months, have you been exposed to work-related harassment by email or text messages, or on social media (for example, Facebook)?		From whom have you been exposed to work-related harassment during the last 12 months? (Multiple responses can be selected for this question)		Has the work-related harassment been:	
Have you been exposed to threats of violence at work during the last 12 months?		From whom have you been exposed to threats of violence at work during the last 12 months? (Multiple responses can be selected for this question)		Has the threats of violence been:	
Have you been exposed to undesired sexual attention at work during the last 12 months?		From whom have you been exposed to undesired sexual attention at work during the last 12 months? (Multiple responses can be selected for this question)		Has the undesired sexual attention been:	
Have you been exposed to physical violence at work during the last 12 months?		From whom have you been exposed to physical violence at work during the last 12 months? (Multiple responses can be selected for this question)		Has the physical violence been:	

Question 2

Please refer to *Table 1* above and *Table 2* below for the schema of data fields used to record or track information about workplace bullying and harassment (includes sexual harassment). For specific allegations, information is held in a secure file and not within a database, therefore no data fields exist.

Question 3

The table below lists the reports produced between the date range of 2020-2025 inclusive, by DPMC and NEMA that relate to workplace bullying, harassment or sexual harm. For the reports in the table below relating to Te Taunaki Public Service Census results, these results are publicly available: [Public Service Census - Te Kawa Mataaho Public Service Commission](#).

Table 2. List of reports produced by DPMC and NEMA that relate to workplace bullying and harassment (includes sexual harassment)

Title of the Report	Produced By	Frequency	Purpose	Information/Data Included	Distributed To	Shared Externally
<i>NEMA Memorandum Workplace Behaviours – Action Plan (July 2024)</i>	NEMA Talent and Organisational Development team	One-off	Inform the NEMA Senior Management Team of the results from the workplace behaviour questions rolled out in 2024 (drawn from the Copenhagen Psychosocial Questionnaire).	Survey questions, results, and comparison data	NEMA Senior Managers	No
<i>NEMA Memorandum Te Taunaki Public Service Census (June 2025)</i>	NEMA Talent and Organisational Development team	One-off	Inform the NEMA Senior Management Team of the results from the Te Taunaki Public Service Census survey released in March 2025.	Survey questions, results, and comparison data	NEMA Senior Managers	No
<i>DPMC ELT Memorandum Te Taunaki Public Service Census (June 2025)</i>	DPMC Organisation Direction and Development team	One-off	Inform the DPMC Executive Leadership Team of the results from the Te Taunaki Public Service Census survey released in March 2025.	Survey questions, results, and comparison data	DPMC Executive Leadership Team	No
<i>2024 DPMC ELT Memorandum - 2024 Kōrero Mai Results, Actions and Comms</i>	DPMC Organisation Direction and Development team	One-off	Inform the DPMC Executive Leadership Team of the results from the survey, including workplace behaviour questions rolled out in 2023 (drawn from the Copenhagen Psychosocial Questionnaire).	Survey questions, results, and comparison data	DPMC Executive Leadership Team	No
<i>2023 DPMC ELT Memorandum – 2023 Kōrero Mai Results and Actions</i>	DPMC Organisation Direction and Development team	One-off	Inform the DPMC Executive Leadership Team of the results from the survey, including workplace behaviour questions (drawn from the Copenhagen Psychosocial Questionnaire).	Survey questions, results, and comparison data	DPMC Executive Leadership Team	No



Questions 4-7

The table below summarises the total counts of incidents, investigation types, and investigation outcomes for the period 2020 to 2025 (inclusive), broken down by DPMC and NEMA. To protect the privacy of individuals, and in accordance with section 9(2)(a) of the Act, to protect the privacy of individuals, only total counts are provided due to the small numbers recorded annually.

It is important to note that, while the table includes the number of complainants and respondents who left the organisation, it does not indicate whether their departure was directly related to the incidents or investigations. Additionally, the table does not provide turnover rates for DPMC or NEMA at the time of these departures. As such, caution should be exercised when interpreting these results, as they do not provide a complete picture of the context surrounding these incidents or organisational departures.

Table 3. Total counts of incidents, investigation type and outcome for the date range 2020 to 2025 inclusive, broken down by agency (where privacy considerations allow)

	DPMC	NEMA
Total number of incidents recorded	19	10
Incidents involving internal investigation		6
Incidents involving external investigation or facilitation/mediation		17
Finding of bullying, harassment, sexual harassment, or breach of code of conduct		5
Total number of complainants who left		9
Total number of respondents who left		10

Question 8

For the period 2020 to 2025 (to date), there have been a total of 11 Record of Settlements for DPMC and NEMA. Due to low numbers, we have decided not to provide a further breakdown of these, under section 9(2)(a) of the Act.

Question 9

External legal costs, provided in Table 4 below, are close estimates only. This reflects the fact that we seek legal advice on employment policies, legislative matters and where required employment matters monthly.

Table 4 - Estimated external legal costs for the years 2020 to 2025 (GST exclusive)

Year	Estimated external legal costs
2020	\$979.59
2021	\$3,619.00
2022	\$11,544.00
2023	\$5,664.00
2024	\$11,152.00
2025 (to date)	\$700.00

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to outweigh the reasons for withholding that information.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā,



Alan Cassidy
**Deputy Chief Executive and Chief People Officer
Corporate**

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Anti-Harassment, Discrimination and Bullying Prevention Policy

Original policy approved by:

i-Manage reference	3121212	Approved by	Chief Executive
Date originally approved			1/07/2017

Amended policy approved by:

i-Manage version	5	Contact	Human Resources Manager, DPMC/NEMA
Amended version approved by	Executive Director, Strategy, Governance and Engagement Group (SGE)	Name Signature	Clare Ward 
Date amended version approved	11/03/2025	Date for review	11/03/2028

Objective

1. The Department of the Prime Minister and Cabinet (DPMC) and the National Emergency Management Agency (NEMA) are committed to providing a safe and respectful working environment for all workers. This policy sets out a framework and process to assist DPMC and NEMA workers to raise concerns about bullying, harassment and/or discrimination, and to assist DPMC and NEMA in addressing such concerns.

Principles

2. The principles that underpin this policy and give effect to it are:
 - a) **Inclusion** - every worker in DPMC and NEMA will treat one another fairly, with courtesy, respect and dignity, without verbal or physical abuse. Harassment, discrimination, and bullying will not be tolerated.
 - b) **Prevention** - we will have a strong focus on preventive action against harassment, discrimination, and bullying. Prevention is a shared individual and organisational responsibility. It is an important aspect of actively supporting the health, safety and wellbeing of all workers.
 - c) **Transparency** - we will have open processes that are accessible, accountable and fair.

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- d) **Supportive** - we will support complainants and respondents through any formal process. We will provide staff with appropriate training and guidance.

Policy Statement

3. It is the policy of DPMC and NEMA, to maintain a working environment free from all forms of harassment or intimidation.
4. To achieve this our policy is that:
- a) All workers are responsible for creating and maintaining a working environment where harassment, discrimination and bullying are not tolerated. All workers are responsible for their own behaviour and for supporting their colleagues to maintain a mutually respectful environment.
 - b) All formal complaints will be treated confidentially and seriously. In dealing with formal complaints, DPMC and NEMA will use fair and transparent processes.
 - c) DPMC/NEMA will:
 - i. protect any worker who makes a complaint about harassment, discrimination or bullying in good faith from being victimised or disadvantaged in any way,
 - ii. support the respondent, who is also entitled to a fair and confidential process, and
 - iii. provide appropriate guidance on bullying, discrimination and harassment along with information on resolving issues to all workers as part of induction.
 - d) In the event that a complaint is upheld against any DPMC or NEMA employee, this may be treated as serious misconduct and may result in dismissal. Other DPMC/NEMA workers may have their engagement terminated.
 - e) In the event that a complaint is found to have been made other than in good faith (e.g. for ulterior motives or when it is known to be false), this will be treated seriously and may result in disciplinary action up to and including dismissal or termination of the engagement.

Applies to

5. This policy applies to:
- a) **Everyone employed by DPMC and NEMA**, regardless of seniority, including permanent, fixed-term, and casual employees. The expectations of behaviour are set out in this policy and any concerns or unacceptable behaviour will be managed using the processes set out in the Disciplinary Policy.
 - b) **Agency temporary staff and secondees** who will comply with the expectations of behaviour set out in this policy. Any concerns or unacceptable behaviour will be addressed in conjunction with their employer.
 - c) **Self-employed and independent contractors** who work in the office or as part of our teams. They will comply with the expectations of behaviour set out in this policy. Any concerns or unacceptable behaviour will be addressed as set out in the contract with the contractor or supplying company.

6. This policy applies to our workplace, at work events and outside of our workplace – when it's related to our work.

Definitions

7. The following terms contained in this policy are defined as:

Term	Definition
Complainant	A DPMC/NEMA worker who makes a complaint that they have been subjected to or witnessed bullying, harassment or discrimination in their workplace.
Repeated behaviour:	Persistent behaviour (occurs more than once) and can involve a range of actions over time
Harassment:	Harassment refers to sexual harassment and racial harassment which are defined below.
Sexual Harassment:	Where a person is directly or indirectly subjected to: <ol style="list-style-type: none"> requests for sexual contact or activity with an implied or overt promise of preferential treatment or threat of detrimental treatment if the request is refused; or language, visual material and/or behaviour of a sexual nature that is unwelcome or offensive to that person, and which is either repeated or of such a significant nature that it has a detrimental effect on that person.
Racial Harassment:	Where a person is exposed to language, visual material or physical behaviour that: <ol style="list-style-type: none"> expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and is hurtful or offensive to that other person (whether or not that is conveyed to the first-mentioned person); and is either repeated, or of such a significant nature, that it has a detrimental effect on that other person
Respondent	A DPMC worker or other person who is accused of engaging in harassment, bullying and/or discrimination.
Bullying:	Repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm. Bullying does not include reasonable actions and behaviours including (but not limited to) legitimate management, justified disciplinary action/performance management, issuing lawful and reasonable instructions, and setting high performance and/or behavioural standards.
Worker	Workers are defined as all those listed in paragraph 5. This includes employees of DPMC and NEMA, agency temporary staff and secondees, and self-employed and independent contractors.

Discrimination	<p>Unlawful discrimination as defined in the Human Rights Act 1993/Employment Relations Act 2000 (including but not limited to refusing to employ someone, offering lesser terms and conditions of employment and/or, dismissing someone) on the basis of the prohibited grounds of discrimination. These include (but are not limited to):</p> <ul style="list-style-type: none"> • Age • Disability¹ • Sex • National origin • Colour • Sexual orientation <p>It does not include circumstances where there is a statutory exception to the act or omission in question.</p>
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Policy Detail

Resolving issues

8. Under the Employment Relations Act 2000, an employee can raise a personal grievance if they are subjected to sexual or racial harassment, bullying or discrimination. Employees, and other DPMC/NEMA workers, may also be able to pursue complaints under the Human Rights Act 1993.
9. Any worker who believes they have been subjected to bullying, harassment and/or discrimination is encouraged to speak up and may make a complaint in accordance with this policy. Likewise, any worker who witnesses such behaviour is encouraged to report this to DPMC/NEMA.
10. Workers are encouraged to use the procedures that accompany this policy for dealing with and resolving issues of harassment, discrimination or workplace bullying in the first instance.
11. Workers are encouraged to report any harassment, bullying or discrimination to their people leader, staff representative or Human Resources (HR). DPMC/NEMA employees subjected to such behaviour also have the right to raise a personal grievance pursuant to the Employment Relations Act 2000, or alternatively make a complaint pursuant to the Human Rights Act 1993 (as do other workers). Criminal acts can be reported directly to the Police.

Options for dealing with harassment, discrimination or bullying

12. There are a number of options for dealing with harassment, discrimination or bullying. The informal options include self-help, supported self-help and an informal management intervention. These informal options are discussed in **Appendix 1**.
13. The formal option available within DPMC/NEMA commences when a written complaint is lodged. A written complaint should be forwarded to any DPMC/NEMA people leader and/or HR. The complaint will then be considered and discussed with the complainant before any action is taken. The formal process is outlined in **Appendix 2**.

¹ Can potentially include neurodivergence in circumstances where this meets the statutory definition of a disability in the Employment Relations or Human Rights Acts.

14. A complainant can take formal external action depending on the type of complaint. Such action includes lodging a complaint with the Human Rights Commission, reporting a complaint to the Police or raising a personal grievance with DPMC or NEMA.
15. In some circumstances, DPMC or NEMA might undertake an investigation, even if the employee has not or will not make a formal complaint. It is important that any investigation is able to be held promptly and not unduly delayed by the availability/unavailability of a preferred support person / representative.

Support for employees

16. Information is given to all workers at induction on HR policies, including the Code of Conduct, related policies, and where they can find these and other supporting documents on Kāinga.
17. A worker who feels that they have been or are being harassed, bullied or discriminated against can talk with their people leader, another people leader or HR. Further information is available on Kāinga on the [Speaking Up](#) pages.
18. Employees and secondees may also seek support through DPMC/NEMA's employee assistance programme ("Vitae"). Trained counsellors can act as sounding boards and can also help empower complainants to take action using DPMC/NEMA policies and procedures.
19. If a formal complaint is made, the complainant and the respondent are entitled to have a support person or representative present at any meetings/interviews. This support person / representative could be a family member, friend, co-worker, union representative, lawyer etc. Any costs incurred by a support person / representative in dealing with a complaint / investigation are the responsibility of the worker, not DPMC/NEMA. However, DPMC/NEMA may assist with assistance with actual and reasonable costs for employees on a case-by-case basis.
20. You are also able to contact "Vitae", an independent private provider of DPMC/NEMA's employee assistance programmes, on its 24-hour free phone **0508 664 981** should you require counselling.

Responsibilities

Role	Responsibilities
Chief Executive	Approving the Anti-Harassment, Discrimination and Bullying Prevention Policy. Ensuring that sufficient resources are allocated to investigate and manage investigation processes.
DPMC ELT/NEMA SLT	Ensuring that people leaders understand the Anti-Harassment, Discrimination and Bullying Prevention Policy and processes and implement these appropriately in line with employment terms and conditions for individuals. Handling individual queries relating to the Anti-Harassment, Discrimination and Bullying Prevention Policy and processes from their own people leaders and employees, consulting with HR to discuss and clarify any areas of uncertainty.

Role	Responsibilities
Business Unit/People Leaders	<p>Maintaining a team environment where harassment and bullying are not tolerated.</p> <p>Implementing and supporting the Anti-Harassment, Discrimination and Bullying Prevention Policy within their unit/group.</p> <p>Taking steps to minimise or eliminate any disadvantage or risk to the complainant and respondent during and at the conclusion of an investigation.</p> <p>Supporting individuals through any investigation processes, specifically ensuring that individuals feel valued, appreciated and are supported.</p> <p>Taking all possible steps to protect the complainant's and the respondent's privacy.</p> <p>Keeping the complainant and respondent informed of progress and the result of the investigation, including the decisions made as to disciplinary action.</p> <p>Advising the respondent of the right to obtain representation before making statements and throughout the investigative process.</p> <p>Encouraging the respondent to establish appropriate support mechanisms e.g. EAP, support person during interviews if formal representative is not available.</p> <p>Informing both parties the seriousness of the situation.</p> <p>ensuring natural justice (e.g. providing reasonable opportunity for the respondent to be heard).</p> <p>Informing the complainant of their right to either pursue a personal grievance or take the case to the Human Rights Commission if they are aggrieved by any action or inaction by the department.</p> <p>consistently apply the Anti-Harassment, Discrimination and Bullying Prevention Policy and processes.</p> <p>Discussing harassment or bullying issues; and clarifying any areas of uncertainty with HR.</p>
DPMC and NEMA employees	<p>Contributing to and maintaining a team environment where harassment and bullying are not tolerated.</p> <p>Avoiding behaviours which may be perceived by others as bullying or harassment.</p> <p>Raising concerns about any behaviour of other staff which they perceive as bullying and harassment, in accordance with DPMC and NEMA policies and procedures.</p>
Human Resources	<p>Supporting people leaders in achieving the aims of the Anti-Harassment, Discrimination and Bullying Prevention Policy.</p> <p>Providing support and advice to people leaders.</p> <p>Initiating action when a complaint is lodged with HR rather than a people leader.</p> <p>Undertaking an investigation where circumstances warrant.</p> <p>Maintaining a relationship with the representatives of PSA where relevant.</p> <p>Monitoring trends and development in relation to harassment and bullying and advising the Executive Leadership Team of any trends.</p>

Related legislation, policies, guidance and information

21. Legislation relevant to this policy is listed below:

- Human Rights Act 1993
- Privacy Act 2020
- Protected Disclosures Act 2000
- Harassment Act 1997
- Health and Safety at Work Act 2015 (and Amendments)
- Employment Relations Act 2000 (and Amendments)
- Public Sector Act 2020

22. Related policies, procedures and other official documents are:

- Health and Safety Policy
- Disciplinary Policy
- Code of Conduct
- Wellbeing Policy

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Appendix 1: Informal Options

Self-Help

The self-help approach is helpful when a complainant believes they are being harassed, discriminated against or bullied and feel comfortable approaching the respondent directly.

This option would be more appropriate where the actions are considered relatively minor and the complainant does not consider the event to be serious enough to warrant a formal process and has not been seriously affected by the alleged incident. It may be that the respondent is/was unaware that their behaviour was causing offence and is embarrassed that they have caused offence. In such an instance it is likely the situation can be resolved quickly and privately between the two parties.

This option is not compulsory. If a complainant does not feel that they can approach the respondent, they will not be made to do so.

If using this option, the complainant should:

- describe what behaviours, words, gestures or visual material they found offensive;
- where and when it occurred; and
- require that the behaviour stop.

Any meetings with the respondent should be held in a private but safe place. Complainants should not put themselves at risk of being harassed/discriminated against/bullied again during such meetings.

Supported Self-Help

There may be times where the complainant would like to approach the respondent directly, but would like to have some support when doing so. A support person could include a colleague, or an employee representative for example.

The complainant is encouraged to lead the discussion when using this option but may seek some assistance from their support person during the meeting. Note, the respondent may also wish to have a support person present.

If it appears the support self-help option is not going to work, the complainant should consider an informal management intervention or formal options outlined in Appendix 2.

Informal Management Intervention

If the complainant does not wish to approach the respondent directly they can ask a people leader or a member of HR team to intervene. In this option the people leader or HR should talk to the complainant so they can gather a full understanding of what has been happening and the effect on the complainant, and will need to learn what needs to be done to resolve the situation. Resolution may involve an agreement that the behaviour will stop, or an acknowledgment that the behaviour was offensive, and/or an apology for instance.

The people leader/HR will then talk with the respondent about the allegations (s), the process that is being used to resolve the situation and gather a response from them before trying to resolve the situation.

When people leaders are contacted and asked to assist, it is important to be very clear about the type of assistance that is being sought e.g. is the complainant seeking advice on the policy and procedures, does the complainant want the people leader to undertake an informal intervention or are they requesting a formal investigation. The process and outcomes should be documented by the people leader/HR to record what happened and when.

If this option of an informal management intervention does not result in a satisfactory outcome, then the complainant should contact their people leader.

Further information is available on Kāinga on the [Speaking Up](#) pages.

Appendix 2: Formal Complaints Procedures

If the complainant does not wish to use the informal options available, or if the complaint is not resolved satisfactorily using the informal processes or if harassment persists, the complainant can submit a written complaint to their people leader or HR requesting the complaint be dealt with formally.

The formal complaint should clearly request an investigation into the behaviour that has occurred. The letter should also outline:

- who the respondent(s) is/are;
- what happened (what was said/done, and what was said/done in response);
- when and where the incident took place;
- record the names of any witnesses; and
- what action has been taken (if any) to try and resolve the situation to date.

If the people leader is the subject of the complaint the complainant should talk to the people leader's people leader or HR.

The aim of the investigation is to determine whether the complainant's allegations can be established and what actions are necessary to resolve the situation.

The investigation will be conducted promptly, fairly and thoroughly.

The investigator² will:

- act as expeditiously as possible, ensuring that natural justice occurs for the parties;
- interview the relevant parties (complainant, respondent and witnesses separately) with the goal of establishing and clarifying the facts;
- gather together all written and visual material that may assist in reaching a conclusion (the information obtained each interview will be recorded in writing and signed as a correct record by the interviewee - interviews may be recorded for this purpose, with the permission of the interviewee); and
- report all material to the decision maker, with a recommendation as to finding of fact

The investigator must maintain confidentiality, maintain an unbiased position, and treat all information received seriously. All interviews conducted with the complainant, respondent, and any witnesses will be done in a suitably private environment. Complainants should not be forced to meet with the respondent.

Subsequent Action

Where the investigator finds that there is agreement as to the facts, the harassment is on a low level and severe disciplinary consequences are not warranted, HR may act as a mediator or appoint a mediator to help find practical solutions that will facilitate an ongoing working relationship.

² A member of HR will either conduct the investigation or recommend an external investigator

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If a complaint is substantiated³, and a mediated resolution (as described above) is not suitable, DPMC or NEMA will advise the respondent and give them an opportunity for input prior to any decision being made about any disciplinary action. The appropriate person with delegated authority will then make a decision as to what, if any, disciplinary and/or rehabilitative action is to be taken.

In respect of employees, disciplinary action can range from a Letter of Expectation(s) to a warning or summary dismissal depending on the circumstances. Where an investigation determines a criminal act, the case may be referred to the Police by DPMC or NEMA with the prior approval of its Chief Executive.

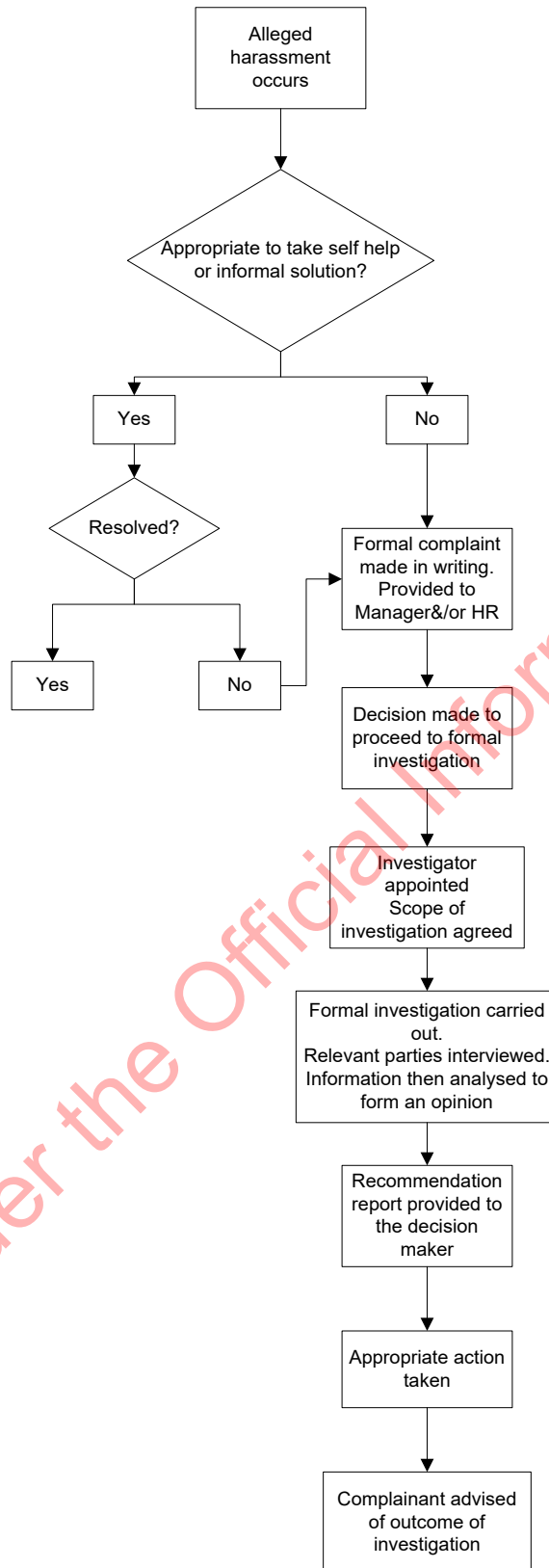
Contractors, secondees and other non-employee workers will be managed in accordance with their specific contractual arrangements.

If the complaint is not substantiated, the reasons will need to be fully explained to both parties (e.g. if it is deemed there is insufficient evidence). The people leader should also discuss further options with the complainant and monitor the relationship between the parties involved in the complaint.

HR will retain records of all complaints and processes relating to allegations of bullying, harassment or discrimination in accordance with the Public Records Act 2005 securely. Only if the allegations are substantiated will documentation be placed on the personnel file of the respondent.

Further information is available on Kāinga on the [Speaking Up](#) pages

³ The burden of proof in determining whether or not the complaint has been substantiated will be 'the balance of probabilities' not 'beyond reasonable doubt'.



Released under the Official Information Act 1982

Anti-Harassment, Discrimination and Bullying Prevention Policy

Version:	2.0	Contact:	Human Resources Manager (DPMC)
Status:	1 July 2017	Approved by:	Chief Executive
Date for Review:	1 January 2019	iManage:	3121212

Name	Role	Signature	Date
	Chief Executive		

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Introduction

1. DPMC is committed to providing a safe and respectful working environment for all of its employees. Harassment, workplace bullying and discrimination in the workplace will not be tolerated.
2. This policy defines harassment and lists the roles and responsibilities of managers and staff with respect to harassment and the working environment.
3. Harassment and workplace bullying are unwanted and unwarranted behaviours, which a person finds offensive, intimidating or humiliating and are repeated, or significantly enough as a single incident, to have a detrimental effect upon a person's dignity, safety and well-being. They can take place in the workplace, during workplace activities or during work-related social situations.
4. If any employee, contractor or member of the public harasses or bullies any employee during the course of their employment, the employee should speak up and if necessary make a formal complaint.
5. DPMC will protect any employee who makes a valid complaint from being victimised or disadvantaged in any way. All complaints will be treated confidentially and seriously. Likewise, DPMC will support the alleged harasser/ bully, who is also entitled to a fair and confidential process.
6. Employees are encouraged to use the procedures that accompany this policy for dealing with and resolving issues of harassment and workplace bullying in the first instance. Employees also have the right to use the provisions of the Human Rights Act and Employment Relations Act or lay a complaint with the Police.
7. Employees at all levels are responsible for creating and maintaining a working environment where harassment and bullying are not tolerated. All employees are responsible for their own behaviour and for supporting their colleagues to maintain a mutually respectful environment.
8. Employees of all levels are expected to report any inappropriate behaviour they may have witnessed, where a peer or colleague was potentially harassed, bullied or discriminated against, to their Manager, staff representative or HR.

Purpose

9. The primary purpose of this policy is to set out a framework and process to assist DPMC in its obligations in a harassment or bullying situation.

Scope

10. All permanent, fixed-term and casual employees employed by DPMC and secondees to the department. The procedures outlined apply to all situations where there is a complaint of harassment or bullying by a departmental employee or secondee against another.

Definitions

11. The following terms contained in this policy are defined as:

<i>Unwanted behaviour:</i>	The recipient does not like or enjoy the behaviour. It has gone beyond the description of banter, harmless fun or good natured interaction.
<i>Unwarranted behaviour:</i>	Refers to behaviour not warranted, reasonable or necessary within the legitimate boundaries of the job or the authority of the alleged perpetrator's position.
<i>Repeated behaviour:</i>	There is a pattern to the behaviour; it is generally not a 'one-off' incident. The recipient is targeted, singled out and repeatedly mistreated.
<i>Detrimental effect:</i>	The behaviour has a detrimental effect upon the recipient, causing psychological or physical harm through stress, anxiety, depression, performance decline or stress-induced illness.
<i>DPMC:</i>	References to DPMC or The Department of the Prime Minister and Cabinet, also includes all business groups/units within DPMC, e.g. MCDEM, NSS.
<i>Defamatory:</i>	To make a false statement about someone that is likely to harm their reputation.
<i>Harassment:</i>	Any unwelcome comment, conduct or gesture that is insulting, intimidating, humiliating, malicious, degrading or offensive. It can include physical, degrading or threatening behaviour, abuse of power, isolation, discrimination, sexual and/or racial harassment.
<i>Sexual Harassment:</i>	As defined by the Human Rights Act, there are two types of sexual harassment: (a) requests for sexual contact or activity with an implied or overt promise of preferential treatment or threat of detrimental treatment if the request is refused; (b) behaviour of a sexual nature that is unwelcome or offensive and which is either repeated or of such a significant nature that it has a detrimental effect on another person.
<i>Racial Harassment:</i>	As defined by the Human Rights Act 1993: Racial harassment is uninvited behaviour that humiliates, offends or intimidates someone because of their race, colour, or ethnic or national origin. It can involve spoken, written or visual material or a physical act.
<i>Bullying:</i>	Ongoing unreasonable behaviour which is often intended to humiliate or undermine the recipient but is not specifically unlawful.

Relevant Legislation

12. Legislation relevant to this policy:

- Human Rights Act 1993
- Privacy Act 1993
- Protected Disclosures Act 2000
- Harassment Act 1997
- Health and Safety at Work Act 2015 (and Amendments)
- Employment Relations Act 2000 (and Amendments)
- State Sector Act 1988 and Amendment Act 2013

Related Policies

13. Related policies, procedures and other official documents are:
 - Health and Safety Policy
 - Code of Conduct
 - Well-Being Policy

Policy Detail

14. Under The Employment Relations Act 2000 (Section 108), an employee can take a personal grievance case against their employer if they directly or indirectly subject the employee to behaviour that is unwelcome (whether or not that is conveyed to the employer or their representative) and by its nature or through repetition, has a detrimental effect on that employee's employment, job performance, or job satisfaction.
15. Harassment in the workplace can take many forms and can include:
 - inappropriate language in conversations, whether or not the recipient is present;
 - posters and other images;
 - harassing other email users, whether through language or frequency; or
 - an isolated but significant incident, such as violent attack or sexual assault.
16. Harassment, discrimination or bullying is not:
 - differences of opinion, conflicts and problems in working relations (these are part of working life and do not constitute discrimination, harassment or bullying);
 - insisting on high standards of performance in terms of quality, safety and team cooperation;
 - friendship, sexual or otherwise where both people consent to the relationship;
 - legitimate managerial actions such as an instruction; or
 - delivering or receiving negative feedback/ constructive criticism in a professional situation such as in a performance review or where performance improvement is required.
17. There are a number of options for dealing with harassment, discrimination or bullying. The informal options¹ include self-help, supported self-help and an informal management intervention.
18. The formal option² available within DPMC commences when a written complaint is lodged. A written complaint should be forwarded to any DPMC manager and/ or HR. The complaint will then be considered and discussed with the complainant before any action is taken.
19. A complainant can take formal external action depending on the type of complaint. Such action includes lodging a complaint with the Human Rights Commission, reporting a complaint to the Police or a personal grievance.
20. HR, in some circumstances, might undertake an investigation, even if the employee has not or will not make a formal complaint.
21. In the event that a complaint is upheld against any member of staff, this will be treated as serious misconduct and may result in dismissal.
22. In the event that a false complaint is found to have occurred, this will be treated seriously and may result in disciplinary action and/ or dismissal.

¹ See Appendix 1

² See Appendix 2

Where does the policy apply?

23. The policy covers all harassment behaviours that happen:
 - in the workplace;
 - between work associates, for example, on social media;
 - during work events such as conferences, training, and work based activities; and
 - at work-related social events.

Support for employees

24. Training is given to all staff at Induction on HR policies, including the Code of Conduct, related policies and where they can find these documents in DPMC.
25. An employee who feels that they have been or are being harassed can talk with their people leader, another manager/people leader or human resources.
26. Employees may also seek support through DPMC's employee assistance programme ("Vitae"). Trained counsellors can act as sounding boards and can also help empower complainants to take action using DPMC policies and procedures.
27. If a formal complaint is made, the complainant and the alleged harasser are entitled to have a support person present at any meetings/ interviews. This support person could be a family member, friend, co-worker, union representative, lawyer etc. Any costs incurred by a support person during a harassment complaint/ investigation would be the responsibility of the employee, not DPMC. However, DPMC may assist with assistance with actual and reasonable costs on a case-by-case basis.
28. It is important that any investigation is able to be held promptly and not unduly delayed by the availability/ unavailability of the preferred support person.
29. You are also able to contact "Vitae", an independent private provider of DPMC's employee assistance programmes, on its 24 hour free phone **0508 664 981** should you require counselling.

Responsibilities

30. Responsibilities are contained in Appendix 3.

Informal Options

Self-Help

The self-help approach is helpful when an employee (the complainant) believes they are being harassed or bullied and feel comfortable approaching the alleged harasser/ bully directly.

This option would be more appropriate where the harassment is considered relatively minor and the complainant does not consider the event to be serious enough to warrant a formal process and has not been seriously affected by the alleged incident. It may be that the alleged harasser/ bully is/was unaware that their behaviour was causing offence and is embarrassed that they have caused offence. In such an instance it is likely the situation can be resolved quickly and privately between the two parties.

This option is not compulsory. If a complainant does not feel that they can approach the alleged offender, they will not be made to do so.

If using this option, the complainant should:

- describe what behaviours, words, gestures or visual material they found offensive;
- where and when it occurred; and
- require that the behaviour stop.

Any meetings with the alleged offender should be held in a private but safe place – complainants should not put themselves at risk of being harassed/ bullied again during such meetings.

Supported Self-Help

There may be times where the complainant would like to approach the alleged harasser/ bully directly, but would like to have some support when doing so. A support person could include a colleague, or an employee representative for example.

The complainant is encouraged to lead the discussion when using this option but may seek some assistance from their support person during the meeting. Note, the alleged harasser/ bully may also wish to have a support person present.

If it appears the support self-help option is not going to work, the complainant should consider an informal management intervention or formal options outlined in Appendix 2.

Informal Management Intervention

If the complainant does not wish to approach the alleged harasser/ bully directly they can ask a manager or a member of HR team to intervene. In this option the manager or HR should talk to the complainant so they can gather a full understanding of what has been happening and the effect on the complainant, and will need to learn what needs to be done to resolve the situation. Resolution may involve an agreement that the behaviour will stop, or an acknowledgment that the behaviour was offensive, and/ or an apology for instance.

The manager/ HR will then talk with the alleged harasser/ bully about the allegations (s), the process that is being used to resolve the situation and gather a response from them before trying to resolve the situation.

When managers are contacted and asked to assist, it is important to be very clear about the type of assistance that is being sought e.g. is the complainant seeking advice on the policy and procedures, does the complainant want the manager to undertake an informal intervention or are they requesting a formal investigation.

If this option of an informal management intervention does not result in a satisfactory outcome, then the complainant should contact their manager or HR and make a formal complaint in writing.

Formal Complaints Procedures

If the complainant does not wish to use the informal options available, or if the complaint is not resolved satisfactorily using the informal processes or if harassment persists, the complainant can submit a written complaint to their manager or HR requesting the complaint be dealt with formally.

The formal harassment complaint should clearly request an investigation into the harassment that has occurred. The letter should also outline:

- who the alleged harasser (s) is/ are;
- what happened (what was said/done, and what was said/done in response);
- when and where **the incident took place**;
- record the names of any witnesses; and
- what action has been taken (if any) to try and resolve the situation to date.

If the manager is the subject of the complaint the complainant should talk to the manager's manager or HR. The aim of the investigation is to determine whether the complainant's allegations can be established and what actions are necessary to resolve the situation.

The investigation will be conducted promptly, fairly and thoroughly.

The investigator³ will:

- act as expeditiously as possible, ensuring that natural justice occurs for the parties;
- interview the relevant parties (complainant, alleged harasser and witnesses separately) with the goal of establishing and clarifying the facts;
- gather together all written and visual material that may assist in reaching a conclusion (the information obtained each interview will be recorded in writing and signed as a correct record by the interviewee - interviews may be recorded for this purpose, with the permission of the interviewee); and
- report all material to the decision maker, with a recommendation as to finding of fact

The investigator must maintain confidentiality, maintain an unbiased position, and treat all information received seriously. All interviews conducted with the complainant, alleged harasser, and any witnesses will be done in a suitably private environment. Complainants should not be forced to meet with the alleged harasser.

Subsequent Action

Where the investigator finds that there is agreement as to the facts, the harassment is on a low level and severe disciplinary consequences are not warranted, HR may act as a mediator or appoint a mediator to help find practical solutions that will facilitate an ongoing working relationship.

If a complaint is substantiated⁴, and a mediated resolution (as described above) is not suitable, HR will advise the harasser and give them an opportunity for input prior to any decision being made about any disciplinary action. HR will also provide advice to the unit manager, and where appropriate the Chief Executive or his/ her nominee who will then make a decision as to what, if any, disciplinary and/or rehabilitative action is to be taken.

Disciplinary action can range from a Letter of Expectations to a warning or instant dismissal whichever action is deemed appropriate based on the facts. Where an investigation determines a breach of the law, the case will be referred to the Police where it is in the public's interest to do so

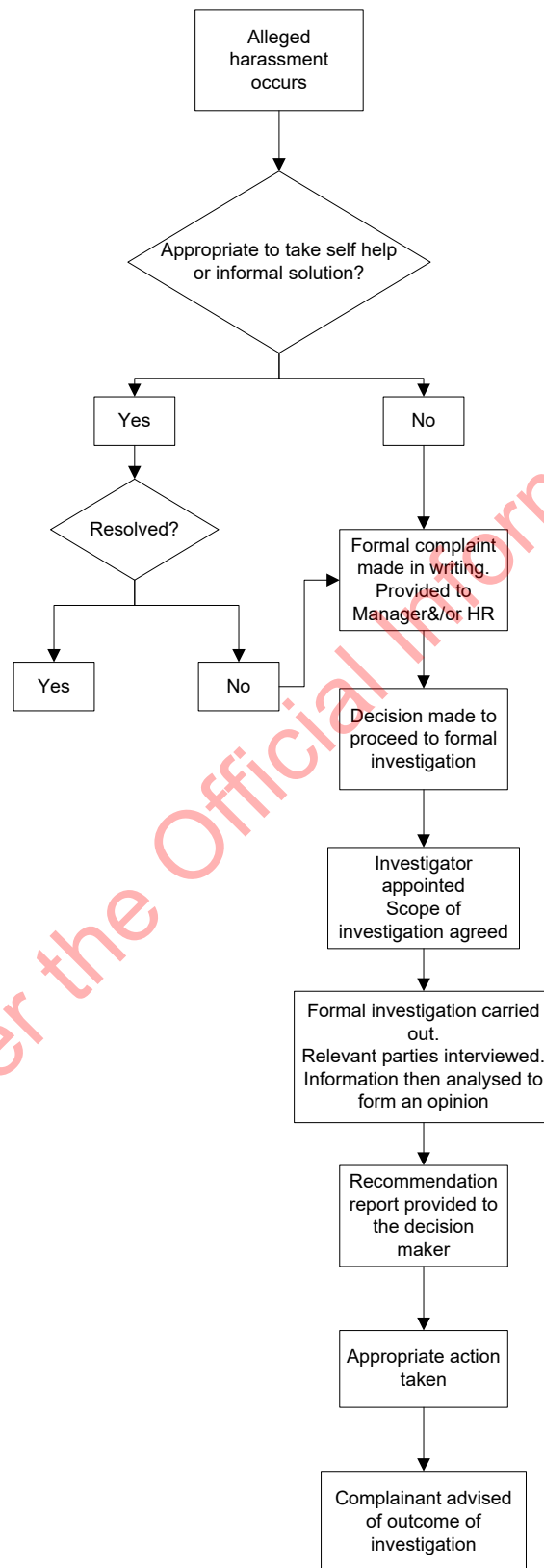
If the complaint is not substantiated, the reasons will need to be fully explained to both parties (e.g. if it is deemed there is insufficient evidence). The manager should also discuss further options with the complainant and monitor the relationship between the parties involved in the complaint.

³ A member of HR will either conduct the investigation or recommend an external investigator

⁴ The burden of proof in determining whether or not the complaint has been substantiated will be 'the balance of probabilities' not 'beyond reasonable doubt'.

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Full records will be kept of formal investigations; however, no papers will be kept on the complainant's personal file. Only if the harassment is found to have occurred will papers be placed on the file of the harasser.



Responsibilities

The Chief Executive is responsible for:

- approving the DPMC Harassment and Bullying Prevention Policy in conjunction with the Executive Leadership Team; and
- ensuring that sufficient resources are allocated to investigate and manage investigation processes.

The Executive Leadership Team is responsible for:

- ensuring that managers understand DPMC's Anti-Harassment and Bullying Prevention Policy and processes, and implement these appropriately in line with employment terms and conditions for individuals; and
- handling individual queries relating to DPMC's Anti-Harassment and Bullying Prevention Policy and processes from their own managers and employees, consulting with HR to discuss and clarify any areas of uncertainty.

Business Unit/ Group Managers/ Team Leaders are responsible for:

- maintaining a team environment where harassment and bullying are not tolerated;
- implementing and supporting DPMC's Anti-Harassment and Bullying Prevention Policy within their unit/group;
- taking steps to minimise or eliminate any disadvantage or risk to the complainant and alleged harasser during and at the conclusion of an investigation;
- supporting individuals through any investigation processes, specifically ensuring that individuals feel valued, appreciated and are supported;
- taking all possible steps to protect the complainant's and the alleged harasser's privacy;
- keeping the complainant and alleged harasser informed of progress and the result of the investigation, including the decisions made as to disciplinary action;
- advising the alleged harasser of the right to obtain representation before making statements and throughout the investigative process;
- encouraging the alleged harasser to establish appropriate support mechanisms e.g. EAP, support person during interviews if formal representative is not available etc...;
- informing both parties the seriousness of the situation;
- ensuring natural justice (e.g. providing reasonable opportunity for the alleged harasser to be heard);
- informing the complainant of their right to either pursue a personal grievance or take the case to the Human Rights Commission if they are aggrieved by any action or inaction by the department;
- consistently apply DPMC's Anti-Harassment and Bullying Prevention Policy and processes; and
- discussing harassment or bullying issues; and clarifying any areas of uncertainty with HR.

HR is responsible for:

- supporting managers in achieving the aims of DPMC's Anti-Harassment and Bullying Prevention Policy;
- providing support and advice to managers;
- initiating action when a complaint is lodged with HR rather than a DPMC manager;
- undertaking an investigation where circumstances warrant;

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- maintaining a relationship with the representatives of PSA where relevant; and
- monitoring trends and development in relation to harassment and bullying and advising the Executive Leadership Team of any trends.

DPMC employees are responsible for:

- contributing to and maintaining a team environment where harassment and bullying are not tolerated;
- avoiding behaviours which may be perceived by others as bullying or harassment; and
- raising concerns about any behaviour of other staff which they perceive as bullying and harassment, in accordance with DPMC's policies and procedures.