

Bullying, Harassment and Discrimination Prevention Procedure

What's the process for responding to bullying, harassment, and discrimination?

Education New Zealand Manapou ki te Ao (ENZ) does not tolerate any form of workplace bullying, harassment or discrimination.

If you consider you've been subject to workplace bullying, harassment and/or discrimination, you have the following options available to assist. You can select whichever you feel most comfortable with for your situation.

Option 1: Addressing the behaviour directly

You may decide to let the person you believe has bullied, harassed, or acted inappropriately towards you know their behaviour is unwelcomed, inappropriate or offensive and needs to stop. You should do this in a confidential manner.

This may resolve the matter quickly and in a low-key manner. This may be appropriate if you feel safe, comfortable and confident to deal with the problem yourself. This may be after discussions with a colleague, people leader, a safety and wellbeing representative or the Employee Assistance Programme (EAP).

This approach may be appropriate where the behaviour is minor, and you do not feel unsafe or threatened by approaching the person. The way the behaviour could be addressed directly, includes:

- Telling the person directly (in the presence of a support person if necessary) about the behaviour you do not like and asking them to stop
- Writing a letter or email on a 'private and confidential' basis to the person

Resolution may involve a verbal or written apology or agreement on how the parties will behave towards one another in the future.

You should not approach someone directly about their behaviour if, by doing so, you would feel unsafe, threatened or uncomfortable in any way. If this is the case, contact either your people leader, a senior leader, the Director People and Capability, or if your concerns relate to the Chief Executive, a Member of the Board, to take the matter further. You should keep a record of self-help actions you have taken.

In many circumstances self-help will not be reasonable or practicable. If for any reason you do not feel comfortable or confident in dealing with the problem, please pursue one of the other options.

Option 2: Discuss your concerns

If you experience or see bullying, harassment, or discrimination, you can discuss your concerns with the following:

- A trusted person who is willing to support you to raise a concern and/or test your perception of events. This could be a colleague, friend or whānau

- An independent lawyer or other adviser or representative
- EAP – which provides brief solution focused support to help deal with any issues you are experiencing, details for this can be found on the [Be Safe Be Well](#) page on Ipu
- Safety and wellbeing representative
- Your people leader
- The People and Capability (P&C) team

If you discuss a bullying, harassment or discrimination matter with your people leader, the P&C team or a safety and wellbeing representative, it will be on a confidential basis. Confidentiality will be maintained but within the boundaries of our legal obligations as an employer.

ENZ has a duty to ensure that the workplace is safe. This means that where matters are disclosed to your people leader, the P&C team or a safety and wellbeing representative they

- Cannot guarantee to keep that matter confidential or promise that they will not take action in response to the information
- May be obligated to take steps further to deal with the situation to ensure that the workplace is safe if they become aware of a situation that they consider is sufficiently serious, or where they are concerned the health, safety or wellbeing of an individual and/or others may be exposed to an imminent risk

In this case ENZ will inform the individual(s) concerned of the proposed process and involve the individual(s) in that process as far as possible.

Option 3: Informal intervention

You may wish to raise the matter informally with your people leader, a senior leader, the people leader of the alleged perpetrator, the P&C team or a safety and wellbeing representative to see whether the matter may be able to be resolved through an informal discussion.

The people leader or P&C team member will meet with you to obtain details of the behaviour and try to resolve the matter informally.

The P&C team can assist with an informal resolution which may involve appropriate coaching, training, a supported meeting with the alleged perpetrator or facilitation. The people leader or the P&C team member may:

- Talk to the alleged perpetrator and outline the behaviour in question – either with or without you present
- Request the alleged perpetrator to refrain from that behaviour in the future

You may choose to make a formal complaint if a resolution is not possible. The Director People and Capability may commence a formal complaint process even if you do not. This decision will be made after consultation with you.

Option 4: Formal complaint

You will be advised if a formal complaint is considered the most appropriate option in this situation. A formal complaint may be lodged where either:

- You wish to make a formal complaint

- You wish to make a formal complaint after the self-help or informal intervention approach has not resolved the problem, or
- The allegations are so serious that they would result in disciplinary action being taken against the alleged perpetrator if substantiated

A formal complaint should be addressed to the relevant people leader, Director People and Capability or Chief Executive and should cover:

- Who the complaint is against
- The behaviour being complained about
- Where and when it took place, including date(s) and time(s)
- What actions you have taken in response to stop the alleged harassing behaviour
- Whether this has occurred before
- Whether there were witnesses or people who could provide relevant information
- What you wish to happen as a result of your complaint

A formal complaint will be dealt with by the Director People and Capability. They may decide that a formal investigation is necessary, for example where more informal attempts to resolve the situation have not succeed or are unlikely to succeed. Any investigation would be carried out by the Director People and Capability, or by an external investigator who will:

- Treat all matters seriously
- Ensure procedural fairness by investigating efficiently and impartially
- Use the principles of natural justice
- Maintain confidentiality, subject to the requirements of natural justice
- Respect the rights of the complaint and the person being complained about
- Clearly communicate the process
- Keep good documentation
- Investigate in a manner sensitive to cultural considerations.

ENZ appreciates that these types of situations are not easy for anyone involved, and so all parties involved in a bullying, harassment or discrimination investigation or process are entitled to be represented or have a support person present with them at any stage. A support person cannot be involved in the investigation process as either a participant or decision maker.

If it is determined at the conclusion of an investigation that bullying, harassment and/or discrimination has occurred, a disciplinary process may follow, and measures proportions to the offence will be applied. These will be in accordance with ENZ's [Discipline and Dismissal Policy and Procedure](#) and may include a verbal warning, a written warning or dismissal.

Victimisation

Under no circumstances will you be penalised for making a complaint that you believe in good faith to be bullying, harassment and/or discrimination, or for participating/assisting in an investigation process. If you believe you are being retaliated against you should report such conduct immediately to your people leader or the Director People and Capability.

Any employee who retaliates against another employee for making a complaint or because they have participated in an investigation process, shall be disciplined in accordance with ENZ's [Discipline and Dismissal Policy and Procedure](#).

Further support

EAP is a free, confidential counselling service available to all employees and details for this can be found on the [Be Safe Be Well](#) page on Ipu.

The People and Capability team are available for support regarding any aspect of this procedure.