



## Bullying, Harassment and Discrimination Prevention Policy

### What's the purpose of the policy?

Education New Zealand Manapou ki te Ao (ENZ) is committed to fostering a positive and diverse workplace environment which respects the rights of others by:

- Providing a safe, healthy and inclusive workplace free from bullying, harassment and discrimination
- Ensuring occurrences of bullying, harassment, and discrimination within ENZ are taken seriously and are dealt with promptly and with due sensitivity
- Setting out the framework for raising, addressing, and resolving concerns or complaints of bullying, harassment and/or discrimination.

ENZ strictly prohibits bullying, harassment and/or discrimination in the workplace. We do not condone and will not tolerate acts of bullying, harassment and/or discrimination against or by any employee or person.

This policy should be read in conjunction with the [Bullying, Harassment and Discrimination Prevention Procedure](#) to support the resolution of any harassment, bullying or discrimination complaints made by an ENZ employee against or by any employee or person, ensuring everyone is treated with courtesy, dignity and respect.

### Who is covered by this policy?

This policy applies to all permanent and fixed term contractors, consultants and temporary agency staff. Whilst this policy is based on New Zealand legislation the intent applies to all staff at ENZ. At times, other countries' legislation will also apply.

### Definitions and examples

#### What is workplace bullying?

**Workplace bullying** is defined by WorkSafe as unreasonable and repeated behaviour towards a person or group that can lead to physical or psychological harm. This may include:

- Repeated behaviour is persistent (occurs more than once) and can include a range of actions.
- Unreasonable behaviour covers actions which a reasonable person wouldn't do in similar circumstances, including victimising, humiliating, intimidating, or threatening a person. A single incident of unreasonable behaviour is not normally considered bullying but can escalate if ignored. Managing performance in line with business policies and processes is not bullying

Bullying includes cyberbullying – where technology (internet, mobile phones etc.) is used to bully. The [Harmful Digital Communications Act 2015](#) sets out serious consequences if electronic communications are used with the intent to cause harm to an individual.

## **What is harassment?**

**Harassment** is where a person is subjected to repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, at the place of work and/or in the course of employment that:

- Expresses hostility against or intimidates or ridicules them
- Is unwanted, hurtful, and offensive, and affects their performance / job satisfaction or creates a risk to their safety and well-being

Any breach of the [Human Rights Act 1993](#) will be treated as serious misconduct.

**Sexual harassment** between colleagues is defined as behaviour, material or language of a sexual nature that is unwelcome or offensive to another person and is either repeated or of such a significant nature that it has a detrimental effect on that person's employment.

**Racial harassment** is defined as the use of language, conduct or material that expresses hostility against, or brings into contempt, any other person on the ground of their colour, race, ethnic or national origins, which is hurtful or offensive to the individual(s) concerned, and which is either repeated, or of a significant nature that it has a detrimental effect on the employee's employment.

This legislation applies in all aspects of employment, including recruitment and selection.

## **What is discrimination?**

**Discrimination (direct or indirect)** is when an individual or group are treated differently in the same or substantially the same circumstance than others on any of the following prohibited grounds:

- sex (including pregnancy, childbirth and gender status), marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation

**Direct discrimination** occurs when a person, or a group of people, is treated less favourably than another person or group on one or more of the above prohibited grounds. It can also occur if assumptions are made, which results in a person or group being treated differently based on one or more of those grounds.

**Indirect discrimination** occurs when there is conduct or a practice, requirement or condition that appears not to be discriminatory but has the effect of disadvantaging one group more than another based on one or more of the above prohibited grounds.

## **What is workplace violence?**

**Workplace violence** is any incident in which an employee is verbally or physically abused, threatened, or assaulted by a fellow employee or by a member of the public in circumstances

arising out of the course of employment. It can be a form of harassment or bullying and includes behaviour such as physical assault, aggressive, threatening, or intimidating behaviour and other disruptive behaviour. It can be physical or non-physical behaviour which may involve oral, written, or electronic statements, gestures or expressions that communicate a direct or indirect threat of harm.

ENZ has zero tolerance for workplace harassment, discrimination, bullying and violence. Everyone who works or uses ENZ's facilities has the right to be free from fear of or concern about being harassed or bullied.

### **What are the key roles and responsibilities?**

Guided by our Ngā Manapou, everyone has a role to play in ensuring our work environment is a safe place to work.

#### **ENZ staff, contractors, consultants and temporary agency staff are responsible for:**

- Treating colleagues with dignity and respect
- Behaving in ways that live our Manapou and the behaviours that sit beneath them to ensure a safe and positive workplace
- Understanding people's differences
- Respecting each other's privacy
- Raising any concerns or questions about the understanding of, or non-compliance with, this policy with their people leader or the People and Capability (P&C) team
- Refraining from engaging or participating in any offensive comments or behaviour
- Complying with this policy and assisting in developing a culture where bullying cannot thrive
- Reporting, in good faith, any behavior which may be considered a breach of this policy
- Following ENZ's formal or informal processes when making a complaint
- Participating in an investigation if asked to by ENZ
- Complying with applicable legislation, including duties under the [Employment Relations Act 2000](#), [Health and Safety in Employment Act 1992](#), [Human Rights Act 1993](#), and the [Harassment Act 1997](#)

#### **People leaders are responsible for:**

- Leading by example to ensure a respectful working environment, that is free from bullying, harassment and discrimination
- Encouraging their team members to talk through any issues which may be considered harassment (where appropriate)
- Intervening early to call out and deal with any inappropriate behaviour before it escalates
- Treating any complaint seriously and act promptly to get it resolved
- Looking for informal solutions before escalating an issue to higher levels (where appropriate)
- Ensuring team members are familiar with and understand their obligations under this policy
- Keeping up to date with any changes within this policy
- Ensuring their team is aware of the [Speaking Up Policy](#)

**People and Capability team are responsible for:**

- Treating all matters seriously and investigating promptly and impartially
- Ensuring neither the person who complained nor the alleged bully are victimised
- Supporting all parties involved
- Communicating the process and its outcome
- Ensuring confidentiality
- Keeping good documentation
- Having specialist external advisors to support when needed

The Bullying, Harassment and Discrimination Prevention Policy is subject to change when there are changes to related documentation, law or our procedures.