



18 November 2019

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Dear [REDACTED]

Re: Official Information Act request – bullying, harassment or other complaints for the last five years

Thank you for your Official Information Act request of 24 October 2019 seeking details from Waitematā District Health Board (DHB) in relation to bullying, harassment or other complaints laid by staff for the last five years.

Before responding to your questions, some contextual information about our population and our services may be useful and assist your understanding of the information provided.

Waitematā DHB serves the largest population of any district health board in New Zealand, currently standing at more than 630,000 people.

Our DHB has a workforce of more than 7,500 (FTE) staff spread across more than 80 sites. In addition to caring for our own population, we are also the metropolitan Auckland provider of forensic psychiatry, child disability services, child community dental services and community alcohol and drug services.

The reported incidence of bullying and harassment is extremely low at Waitematā DHB given the large number of employees who work across our many services. However, any allegation of bullying or harassment is treated seriously and sensitively and complainants are provided with support and information about the options available.

Waitematā DHB encourages the reporting of bullying, harassment or other complaints.

See attached Appendix 1: Speak Up staff guidelines, which is available on our staff intranet.

We ensure that the safety and security of staff and patients is approached in line with our organisational values as follows:

Everyone Matters

We have a responsibility to be welcoming and respectful and to listen, while maintaining the personal safety of our staff. We will equip staff with strategies to manage care where behaviour is a concern, whether it is their own or the behaviour of others.

Our approach will be professional and consistent wherever care is delivered, be it in hospital, a community facility or at home.

We all have a responsibility to report risks and incidents and to take care of ourselves and others - to not walk by.

With Compassion

Safety and security initiatives will protect personal dignity and will be as unobtrusive as possible. If someone's behaviour compromises the safety of others, we will ensure a fair and balanced response. We will be attentive to people's individual circumstances and provide an opportunity for people to modify behaviour before using security measures.

Connected

All safety and security initiatives will link with our Engagement Strategy to make sure we stay connected to our community and colleagues. We will have clear boundaries for behaviour which are documented in straightforward terms and readily available to staff and the community. Security risks will be clearly communicated across services to enable team work and promote staff safety.

Better, Best, Brilliant

Security measures contribute to a safe, secure and supportive environment for everybody. We will continue to look for innovative ways to improve services and provide a positive experience for everyone.

Our responses to your questions are provided below.

- 1. The number of bullying, harassment or other complaints laid by staff.**
- 2. The outcomes of the complaints.**

For questions 1-2 above, please refer to our response in the table attached in Appendix 2, which includes information on the key outcomes.

- 3. How many were taken to mediation?**
- 4. What was the outcome of mediation?**

In response to questions 3 & 4, the data available does not note mediation in all circumstances and we are unable to provide reliable and complete information on this aspect of your request.

Therefore, we are declining this element of your request under Section 18(g) of the Official Information Act as the information requested does not exist.

You have the right to seek an independent review of this decision by contacting the Office of the Ombudsman via www.ombudsman.parliament.nz.

However, we can identify the key outcomes and this information is included in Appendix 2.

- 5. Any anonymous information regarding the nature of the complaints.**

We do not hold any anonymous information regarding the nature of the complaints and, therefore, are declining this request under Section 18(g) of the Official Information Act as the information requested does not exist. You have the right to seek an independent review of this decision by contacting the Office of the Ombudsman via www.ombudsman.parliament.nz.

6. How many times was bullying or harassment stated as a reason for leaving the DHB in exit interviews?

We do not record this information and, therefore, are declining this request under Section 18(g) of the Official Information Act as the information requested does not exist.

You have the right to seek an independent review of this decision by contacting the Office of the Ombudsman via www.ombudsman.parliament.nz.

I trust that the information we are able to provide is helpful.

Waitematā DHB supports the open disclosure of information to assist community understanding of how we are delivering publicly funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released.

If you consider there are good reasons why this response should not be made publicly available, we will be happy to consider your views.

Yours sincerely



Fiona McCarthy
Director Human Resources
Waitematā District Health Board

SPEAKING UP
ABOUT BULLYING
AND HARASSMENT

EVERYONE'S RESPONSIBILITY

Guidelines for staff



We want our organisation to be a place where we all feel safe and supported, in an environment which fosters behaviours that reflect the very best of our shared values – when working with each other and our patients and community.

By preventing discrimination, harassment and bullying we help each other work in a safe, healthy and supportive environment, which allows us to achieve our best in serving our community.

We are all responsible for creating that organisation.

If you are, or someone you know is, feeling bullied or harassed talk to someone – never turn away or decide to do nothing.



You can talk to a trusted colleague, your union or other support person, your manager or leader or HR Manager/Advisor.

You can also contact:

- EAPWorks – our confidential counseling service for staff. You can contact them on **0800 735 343** (available 24/7)
- The anonymous 24/7 National Health Integrity line on **0800 424 888**

Please read this booklet to help you recognise unacceptable behaviour and how to deal with it.



You can find further information on our bullying and harassment webpage on Staffnet.

Why should you speak up about harassment and bullying?

Bullying and harassment have a negative impact on people and workplaces:

- It decreases employee health and wellbeing, motivation, and commitment
- It can cause sickness and harm
- It can impact on patient care
- It can impact on team morale
- It diminishes the capability of people who witness it and who are subject to it to solve problems
- It affects productivity
- It gives an organisation a bad name and affects recruitment and retention.



What's the difference between harassment and bullying?

What is harassment?

Harassment or discrimination is unwelcome or offensive verbal or physical conduct in relation to sex, gender, ethnic origin, religion, sexual orientation, political opinion, family status, marital status, age, or disability which is either persistent, or of such a nature, that it has a detrimental effect on the individual's employment, job performance, or job satisfaction.

Harassment can take many forms, examples include:

- Verbal or written abuse or comments
- Physical or verbal assault
- Embarrassing, threatening, humiliating, patronising or intimidating remarks
- Belittling opinions or constant criticism
- Spreading of a malicious, unfounded rumour
- Subjecting a person in the workplace to unreasonable scrutiny
- Undermining another's authority in the workplace
- Isolating or excluding a person in the workplace for example, dealing with him or her through a third party
- Publicly insulting or humiliating a person in the workplace
- Engaging in favouritism
- Sabotaging or impeding work performance by deliberately withholding work-related information or resources or by supplying incorrect information
- Jokes or offensive gestures.

The behaviour may either be repeated or be a one-off incident which is significant enough to have a detrimental effect on the person's health and safety, employment, job performance or satisfaction. Repeated behaviours do not have to be directed at one individual to constitute harassment.

Harassment isn't:

- Reasonable work directions
- Feedback about performance or conduct
- Performance management processes
- Differences in opinion.

What is bullying?

Bullying is persistent, unreasonable and unwelcome behaviours which have a detrimental effect on the individual's employment, job performance or job satisfaction. Behaviours may be overt, covert and/or hostile.

Bullying can be manifested in many ways that impact on the health and well-being of the victim.

Bullying may include:

- Physical assault or threats
- Initiation rites
- Verbal abuse or name calling
- Practical jokes
- Teasing or inappropriate comments
- Intimidating actions
- Psychological abuse such as excluding or isolating workplace participants
- Deliberately withholding information necessary for effective work performance
- Giving unachievable tasks/impossible deadlines
- Persistent or public criticism.

Bullying isn't:

- Reasonable work related instructions
- Expressing a difference of opinion
- Disciplinary outcomes resulting from fair process according to our policies
- Expecting reasonable standards of behaviour at work
- Legitimate criticisms expressed constructively
- One-off rudeness or tactlessness.

You can prevent harassment and bullying in our organisation – but not if you turn away or keep things to yourself.

If you are experiencing harassment or bullying, or you see someone who is, here's what to do:

Address it yourself

Talk to a manager or someone else you trust – they can give you support and guidance.

You might choose to privately speak to the person you believe is harassing or bullying you and let them know the behaviour is unwanted and you'd like it to stop.

Separately, you might contact that person in writing with your concerns.

Focus on the behaviour, not the person.

Keep your cool and be kind. They may not have done it intentionally.

Informal Action

If you are able, you can raise your concerns with the person you believe is behaving badly through a trusted third party such as your manager or someone independent from the situation.

You can ask for assistance to meet with the person you believe is behaving badly with a facilitator to talk through your concerns, if they are willing to attend.

These are 'no-blame' approaches aimed at reaching resolution to prevent unwanted behaviour happening again. Agreements reached can be recorded.



Employees

Formal Action

You have the option to submit a formal complaint. These are usually made in writing detailing all aspects of the complaint. Your complaint should be submitted to your manager or their manager if more appropriate. You can also contact the 24/7 Health Integrity Line (0800 424 888)

If an investigation is initiated this will be conducted in strict confidence.

Where a complaint is substantiated we will take appropriate steps to ensure:

- Suitable support is provided to all parties
- Appropriate action is taken
- The behaviours are not repeated.

Where a complaint is unable to be substantiated the matter may be referred for informal mediation to see if a resolution can be reached that is fair to both parties.



As a leader or manager you play an important role in fostering an work environment that is supportive and safe and free from bullying and harassment behaviours.

If one of your team feels they've been harassed, or bullied, please take the following steps to ensure they are supported and their concerns are responded to:

Listen

Set aside plenty of time to listen and fully understand their concerns, the impact it's having and how they'd like it resolved.

Act promptly

Identify and initiate appropriate support as soon as possible. Think about what they need to be safe and supported while the matter is being resolved.

Consider whether it is appropriate for you to provide on-going support for your team member or if another manager needs to take on this role to avoid potential conflict of interest.

Support options for your team member include:

- EAP services
- Union representative
- Professional body
- Health referral to Occupational Health and Safety
- Trusted colleague, family member or friend.

Options for resolution

Where ever possible we look to resolve concerns at an informal level through direct discussion or supported/facilitated discussion.

If this is not possible and/or the allegations are serious, an employment investigation will need to be initiated.

Contact your service Human Resource manager or advisor for guidance and advice on how to proceed. You can also talk to your manager.

You can find further information on our bullying and harassment webpage on Staffnet.



Support and Information

- Your manager
- Your professional leader or professional body
- Your service human resource manager or advisor
- You union representative
- Occupational Health and Safety
- Employee Assistance Programme – 24/7
0800 735 343
- Health Integrity Line – 24/7
0800 424 888
- Human Rights Commission (hrc.co.nz)
- Worksafe New Zealand





Waitematā
District Health Board

Best Care for Everyone

SPEAKING UP
ABOUT BULLYING
AND HARASSMENT

EVERYONE'S RESPONSIBILITY

Guidelines for Managers & Leaders



Introduction

We are all proud to work in a place that makes a difference to people's lives.

We want our organisation to be a place where we all feel safe and supported, in an environment which fosters behaviours that reflect the very best of our shared values when working with each other and our patients and community.

By preventing discrimination, harassment and bullying we help each other work in a safe, healthy and supportive environment, which allows us to achieve our best in serving our community.

As a manager or leader you are responsible for:

- Preventing harassment and bullying
- Investigating harassment and bullying conduct and complaints (either formally or informally) or manage an Independent investigator
- Resolving complaints and concerns.

This guide provides you with information, tools and resources to help you prevent and respond to harassment and bullying concerns.

More information can be found on our bullying and harassment webpage on Staffnet or you can talk to your manager, or Human Resource Manager.

If you feel you are being bullied or harassed contact your manager or any of the other options available to you for support.



Why prevent or respond to discrimination, harassment and bullying?

Bullying and harassment have a negative impact on people and workplaces:

- It decreases employee health and wellbeing, motivation, and commitment
- It can cause sickness harm
- It makes staff end their employment
- It leads to questions about patient safety
- It diminishes the capability of people who witness it and who are subject to it to solve problems
- It affects productivity
- It gives an organisation a bad name and affects recruitment and retention.

Research shows that those who witness bullying are as impacted as those who are the direct subject of the behaviour. Great people don't want to work with bullies or around bullies and great people have options, which means we don't get to work with the best people possible and our ability to be at our best can be compromised.

All managers have legal obligations to take all practicable steps to prevent bullying and deal with it when it occurs.

Who is affected?

Colleagues can bully colleagues.

For example:

- Isolating a team member
- Not inviting them to social functions
- Excluding people from discussions
- Threatening consequences unless the person covers a shift.

Managers or leaders can be bullied by their direct reports. For example:

- When a direct report refuses to complete reasonable instructions
- Staff group together to make demands
- Criticise the manager behind their back
- Discuss the manager's performance in a group.

Patients and suppliers can also bully and harass staff and these situations should be reported.

Employers who do not deal with bullying and harassment risk action under:

- Employment Relations Act 2000
- Health and Safety at Work 2015
- Human Rights Act 1993
- Harassment Act 1997.



Preventing harassment and bullying - steps for managers

There are many things you can do as a manager to prevent inappropriate behaviour from happening:

- Ensure our values and standards of behaviour are displayed
- Set out expected standards for work and behaviour
- Discuss the values and standards of behaviours as a team
- Lead your team in actively contributing to values campaigns
- Have regular catch ups with individuals and as a team
- Challenge inappropriate behaviour as soon as possible
- Always focus on the behaviour not the person
- Always include everyone in team meetings and seek everyone's opinions
- Let staff know where they can get information on speaking up about bullying and harassment
- Reinforce behaviour that reflects our values and expected standards of behaviour.

Foster an environment where:

- People are encouraged to provide feedback and everyone feels involved and valued for what they bring
- Regular contact builds relationships and trust
- Unacceptable behaviours are noticed and people feel empowered to speak up
- Values are lived
- Consequences occur where inappropriate behaviour is confirmed
- Honest, regular feedback is given and received
- People express opinions without personalising
- Processes are clear, expected behaviours are clear, expectations are set and everyone takes accountability for their work and behaviour.



Definitions

What is harassment?

In relation to the Human Rights Act 1993, harassment or discrimination is unwelcome or offensive verbal or physical conduct in relation to sex, gender, ethnic origin, religion, sexual orientation, political opinion, family status, marital status, age, or disability which is either persistent, or of such a nature, that it has a detrimental effect on the individual's employment, job performance, or job satisfaction.

Harassment can take many forms.

Examples include:

- Verbal or written abuse or comments
- Physical or verbal assault
- Embarrassing, threatening, humiliating, patronising or intimidating remarks
- Belittling opinions or constant criticism
- Spreading of a malicious, unfounded rumour
- Subjecting a person in the workplace to unreasonable scrutiny
- Undermining another's authority in the workplace
- Isolating or excluding a person in the

workplace for example, dealing with them through a third party

- Publicly insulting or humiliating a person in the workplace
- Engaging in favouritism
- Sabotaging or impeding work performance by deliberately withholding work-related information or resources or by supplying incorrect information
- Jokes or offensive gestures.

The behaviour may either be repeated or be a one-off incident which is significant enough to have a detrimental effect on the person's health and safety, employment, job performance or satisfaction. Repeated behaviours do not have to be directed at one individual to constitute harassment.

The intentions of the alleged harasser are not relevant to the definition of harassment. It is the effect of the behaviour on the individual and its reasonableness which are key to defining behaviour that constitutes harassment.

Harassment can take place in a range of relationships, including between:

- An employee and a manager or leader
- Co-workers
- An employee and a patient
- An employee and another person in the workplace.

Harassment may also occur through electronic means such as electronic messages, voicemail, phone and video calls and social media both inside and outside the workplace or work time.

Sexual harassment

Sexual harassment is one form of unlawful harassment and it includes any unwanted or unwelcome conduct of a sexual nature that makes a person feel offended, humiliated or intimidated. As with harassment, conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

Sexual harassment may take many forms including:

- Requests or demands for sexual activity which carry overt or implied threats or promises regarding the employee's employment
- Offensive sex-oriented gestures or comments
- Sex based insults, taunts, teasing or name calling
- Unwanted and deliberate physical contact, including pinching, touching, grabbing, kissing or hugging
- Persistent and unwelcome social

invitations, telephone calls or propositions or inappropriate attention

- Leering and suggestive staring at a person or parts of their body
- Obscene phone calls
- Sending rude or offensive emails, attachments, text messages or movie files
- Sending sexual material in any form or format
- Displays or circulation of sexual material such as posters, magazines, pictures, screen savers, internet material
- Accessing, downloading or transmitting sexually explicit or inappropriate material in the workplace
- Sexual jokes, comments or innuendo, including sexually provocative remarks and suggestive or derogatory comments about a person's body or physical appearance
- Questions or probing about a person's sex life
- Sexually explicit conversations.

Racial harassment

Racial harassment occurs in the workplace when a person expresses hostility against or brings into contempt or ridicules another person on the grounds of their colour, race, ethnic or national origins, is hurtful or offensive to that person and it has a detrimental effect on that person's employment, job performance or satisfaction.

Racial harassment may take many forms including:

- Making offensive remarks about a person's race
- Jokes or songs of a racial nature
- Mocking others' accents or mimicking the way they speak
- Deliberately mispronouncing names
- Racial or ethnic oriented jibes or abuse
- Calling people by racist names
- Displaying offensive material
- Distribution of racist material.

Other Forms of harassment

Harassment covers many activities, events and situations which may occur in the workplace. This guide cannot identify every behaviour or conduct that may constitute harassment. In general, Waitemata DHB will consider any conduct that creates a hostile or offensive environment as being in breach of our Bullying and Harassment policy. What constitutes acceptable behaviour to one person may not be acceptable to another. This can be for various reasons such as different backgrounds, experiences or personal beliefs that people hold, or because an employee is new to a workplace and has not formed relationships with the other staff, and is unfamiliar with the behavioural norms (i.e. what is and is not acceptable) of that particular workplace.

No unreasonable behaviour which causes distress to another employee

is acceptable. All employees should consider their own behaviour and that of their colleagues and reflect whether it might be unacceptable or offensive.

What is bullying?

The organisation's definition of workplace bullying is persistent, unreasonable and unwelcome behaviours which have a detrimental effect on the individual's employment, job performance or job satisfaction. Behaviours may be overt, covert and/or hostile.

Bullying can be manifested in many ways that impact on the health and well-being of the victim.

Bullying may include:

- Physical assault or threats
- Initiation rites
- Verbal abuse or name calling
- Practical jokes
- Teasing or inappropriate comments
- Intimidating actions
- Psychological abuse such as excluding or isolating workplace participants
- Deliberately withholding information necessary for effective work performance
- Giving unachievable tasks/impossible deadlines
- Persistent or public criticism.

Examples of bullying

Personal attacks (direct)	Task-related attacks (indirect)
Belittling remarks – “of course you would think that” “you’re full of it” “no one is interested in what you have to say”	Setting unachievable tasks, deadlines, workload, being set up to fail
Ignoring, excluding, silent treatment, isolating	Meaningless tasks, unpleasant jobs
Ridiculing, insulting, teasing, “funny surprises”, sarcasm	Undervaluing contribution to work, not giving credit for contribution, taking credit for contribution
Physical attacks, tampering with personal effects	Putting someone in harm’s way
Humiliating others	Not being supported to complete tasks
Persistent and / or public criticism	Criticising the way things are done
Obscene language	Declining leave when others get leave
Ganging up (group bullying) – “we have all talked about it and we don’t like you”	Not being rostered fairly across team
Condescending comments	Hinting that job is not secure
Intruding on privacy – stalking, calling when off duty, emailing when not work related	Unjustified disciplinary processes
Inaccurate accusations	Giving incorrect information, not giving all the information to do work
Encouraging someone to feel guilty	Excluding or isolating behaviours
Threatening to fail in course work (rather than constructive feedback with an explanation of possible consequences)	Withholding resources, training or development opportunities, removing responsibilities with no good reason



What bullying and harassment isn't

Bullying and Harassment are not:

- One off occasional incident of rudeness, annoyance, tactlessness, poor taste joke
- High standards of performance
- Accountability for doing the work
- Constructive feedback about performance or conduct from managers or peers
- Manager requiring reporting on work and achievements
- Manager requiring work to be completed (that is reasonable and legitimate)
- Disagreements about matters where varying opinions can exist
- A single act of unreasonable conduct (but it could escalate)
- Making a mistake even if it has a negative impact
- Not getting absolutely everyone's views on every matter
- Managers making decisions that they are entitled under their delegated authority to make
- Reasonable management actions directed at an employee in a reasonable way
- Poor management skill – manager might not give feedback in the best way but this does not make it bullying.

Conflict is not necessarily bullying but it can escalate into bullying. Conflict or differences in views can bring about new ideas and different approaches. However if the conflict involves personal attacks, shouting, anger etc. then it can cross a line into inappropriate behaviour, bullying or harassment.



How to manage a complaint or situation

Questions to consider

Does there need to be a complaint?

The person who has been the subject of Harassment or Bullying does not need to lay a complaint for the matter to be dealt with either informally or formally. Bullying and harassment are unacceptable, possibly in breach of the Health and Safety Act and create an environment that is not safe for patients. Managers must confront any examples of harassment or bullying that they witness or become aware of.

Does there need to be an Investigation?

This depends on the nature of the complaint. For low level conduct which is the first time, informal resolution is appropriate. For repeat or serious matters, then a formal investigation and outcome should occur.

What if it is a clinical matter?

It is unacceptable for a patient or family member to harass, bully or be violent to a staff member. Much of this guide has been focused on work and employment related incidents. For patient related matters, a Risk Pro safety report should be completed and the clinical lead for the patient involved.

Key points to deal with a complaint

Do not jump to conclusions

The complainant may genuinely feel bullied but this does not mean that the behaviour meets the test of bullying. Alternatively, the behaviour might be inappropriate or poor management skill but not bullying.

Confidentiality

Do not discuss with people who do not need to know.

Ensure that the complainant is safe. It is important that people who speak up are safe. Confidentiality and respect are the key to this.

Support all parties

Offer EAP, remind people that their union can assist them and most professional bodies offer wellness support.

Be neutral

Until you gather the information you do not know what has happened.

Do not judge anything.

Communicate

Keep people informed about where things are at even if it is just that you are still investigating.

Keep notes

Keep a diary of what you have done – who you meet with, what you say, when and who else was present. One sheet of paper with the dates and meetings is acceptable.

Deciding how serious an issue is

You should review the issue, decide how serious the allegation is and what the appropriate process to deal with the complaint is.

Here is a guide to help you:

Least serious:

- Low level conduct
- One-off low level conduct
- Not bullying or harassment but inappropriate behaviour
- Lapse in judgement
- Single inappropriate comment
- Person immediately apologises, recognises behaviour and attempts to put right when low level behaviour.

More serious:

- Re-occurrence (formally noted)
- Impact is significant
- Conduct is serious or escalates or involves multiple behaviours – shouting, swearing, and threatening
- Patient safety compromised
- Patient witnesses behaviour.

Most Serious:

- Senior staff or management
- Serious conduct
- Long period of time
- Series of workers report problems or behaviour
- Vulnerable workers
- Patient safety compromised
- Impact on people or service is significant
- Repeated
- Discrimination – sexual, racial, religion
- When other approaches fail.

Options for responding to a complaint

Informal Resolution

Waitemata DHB is committed to facilitating an informal resolution to allegations of harassment or bullying, wherever possible.

An informal approach can be more empowering for all those involved as they are based on a 'no blame' approach. They are also managed close to those concerned so fewer parties need to be involved, and they are solution focussed and forward looking.

Informal resolutions include:

- The complainant directly approaching the person to discuss the behaviours and how they have affected/are affecting them
- Manager of complainant, with permission, approaching either the person or their manager to discuss the situation and possible resolutions
- Facilitated meeting led by the manager, where appropriate, between the two parties
- Facilitated meeting led by independent facilitator, internal or external.

For informal resolution to be successful both the complainant and the other person need to be willing and open participants in any process initiated. A safe environment for discussion needs to be maintained and you should always discuss options with your service Human

Resource Manager or advisor for guidance.

Informal resolution processes are usually most effective for issues that are at the less serious end of the guide on the previous page but can be appropriate at any level if the parties are willing to engage and it is managed in a safe and constructive framework.

Formal Investigations

The purpose of a formal investigation is to gather information to determine whether allegations are substantive.

When it is determined that a formal investigation is necessary this will follow the investigation guidelines as set out in the DHB's Discipline and Dismissal Policy and Procedure.

You should always consult with your service Human Resource Manager or advisor before initiating a formal investigation to ensure all required processes and steps are covered.

Depending on the nature and scope of the allegations the investigator may be internal or externally appointed. Their role is to gather all relevant information, interview witnesses and collate a report with findings and recommendations for the delegated manager.

It is important to ensure that all those involved in a formal investigation are treated fairly and that confidentiality is maintained.

Rights and Responsibilities

Stakeholder	Rights	Responsibilities
Complainant	<ul style="list-style-type: none"> To a workplace safe from harassment and bullying To a fair and thorough investigation if appropriate To be advised of the process To an objective investigation Access to support person/ representative Confidentiality 	<ul style="list-style-type: none"> Confidentiality Providing information in a timely manner Providing specific details and supporting information to assist investigation Providing witness information i.e. name, title, contact number Responding promptly to requests for information from the investigator Avail themselves to support offered Maintain day to day professionalism
Alleged Harasser	<ul style="list-style-type: none"> To a workplace safe from harassment and bullying To an objective investigation without preconceived ideas or bias To know the name of the complainant and details of the allegations. To be advised of the process To a support person/ representative Confidentiality 	<ul style="list-style-type: none"> Providing information in a timely manner Confidentiality Maintain day to day professionalism Responding promptly to questions from the investigator Providing witness information i.e. name, title, contact number
Witnesses	<ul style="list-style-type: none"> To a workplace safe from harassment and bullying To decline to comment To a support person/ representative Confidentiality 	<ul style="list-style-type: none"> To verify statement in a timely manner Provide truthful information To focus on the complaint and not their own issues or whole workplace issues – (if there are other issues, then a complaint can be made) Maintain day to day professionalism Confidentiality
Line Manager	<ul style="list-style-type: none"> To a workplace safe from harassment and bullying Confidentiality 	<ul style="list-style-type: none"> To provide a safe workplace To remain objective Offer support to employees e.g. EAP Confidentiality To make staff aware of the Waitemata DHB Harassment and Bullying management policy and resources Manage relationships between staff/ team as appropriate
Human Resources	<ul style="list-style-type: none"> To a workplace safe from harassment and bullying Confidentiality 	<ul style="list-style-type: none"> To provide advice around policy, process and best practice Confidentiality To co-ordinate the formal investigation as required

All parties have the right and responsibility to confidentiality in this process. However, confidentiality may be broken by the organisation when health and safety is at risk. Information may also be shared with those who need to know including those who will view records.

What do you do if you observe harassment or bullying behaviour?

- Write it down
- Review the policy and resources
- Think about best options for addressing the issues (informal v formal)
- Seek advice from your manager and/ or your service Human Resource Manager or advisor.



Waitemata
District Health Board

Best Care for Everyone

SPEAKING UP
ABOUT BULLYING
AND HARASSMENT

EVERYONE'S RESPONSIBILITY

Tips to help you
respond directly to
unprofessional
behaviour at work



In the moment

- Be polite
- Be clear
- Name the behaviour
- State exactly what you want or how you are feeling
- Use just a few words
- Do not be judgmental
- You are not entering a discussion, you are calling it out and ending the event (for now)
- If it doesn't stop, walk away.

Keep an even tone of voice and talk loud enough to be clear.

Here are some suggested words to get attention:

- Ouch
- Please stop shouting
- Stop pointing
- Stop speaking like that
- You are criticising us and we can't think straight
- Let's take a moment and be quiet
- Take a step back, you are too close
- That is really rude, please stop.

Walkaway

Get up and walk away if you think the behaviour is inappropriate.

You do not have to stay and listen to or watch the behaviour.

After the event

Approach the person and tell them the impact of what they did.

- Remind them of the event and tell them what the behaviour was that you considered inappropriate
- State the impact on you or others and that you want it to stop
- Do not be rude
- Do not make it personal – focus on the behaviour not the person
- Be kind and polite, they may not realise the impact they are having.

You are not entering a discussion, you are stating your view. They don't have to agree or accept anything.

Words you might want to use:

“When you said/did...I felt/saw others...”





Waitemata
District Health Board

Best Care for Everyone

SPEAKING UP
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Definitions



Harassment

In relation to the Human Rights Act 1993, harassment or discrimination is unwelcome or offensive verbal or physical conduct in relation to sex, gender, ethnic origin, religion, sexual orientation, political opinion, family status, marital status, age, or disability which is either persistent, or of such a nature, that it has a detrimental effect on the individual's employment, job performance, or job satisfaction.

These behaviours include but are not limited to:

- Mocking or disrespectful remarks about any of the above
- Verbal or physical conduct of a sexual nature
- Unwelcome and suggestive scrutiny of physical characteristics
- Unwelcome physical contact
- Improper suggestions
- Verbal innuendo
- Jokes or comments
- Display and/or distribution of offensive printed or electronic material
- Projection of unwanted attention which causes detriment or fear (e.g. stalking).

The behaviour may either be repeated or be a one-off incident which is significant enough to have a detrimental effect on the person's health and safety, employment, job performance or satisfaction. Repeated behaviours do not

have to be directed at one individual to constitute harassment.

The intentions of the alleged harasser are not relevant to the definition of harassment. It is the effect of the behaviour on the individual and its reasonableness which are key to defining behaviour that constitutes harassment.

Harassment can take place in a range of relationships, including between:

- An employee and a manager or leader
- Co-workers
- An employee and a patient
- An employee and another person in the workplace.

Harassment may also occur through electronic means such as electronic messages, voicemail, phone and video calls and social media both inside and outside the workplace or work time.



Bullying

The organisation's definition of workplace bullying is persistent, unreasonable and unwelcome behaviours which have a detrimental effect on the individual's employment, job performance or job satisfaction. Behaviours may be overt, covert and/or hostile.

These behaviours include but are not limited to:

- Verbal abuse
- Unjust criticism
- Threats
- Sarcasm and teasing
- Withholding of information required to perform tasks
- Exclusion or isolation from team.

Bullying is not:

- Setting high performance standards because of quality or safety
- Constructive feedback and legitimate advice or peer review
- A manager requiring reasonable verbal or written work instructions to be carried out
- Warning or disciplining employees in line with Waitemata DHB's Discipline & Dismissal Policy
- A single incident of unreasonable behaviour
- One-off or occasional instances of forgetfulness, rudeness or tactlessness.

“ best care for everyone ”

This is our promise to the Waitemata community and the standard for how we work together.

Regardless of whether we work directly with patients/clients, or support the work of the organisation in other ways, each of us makes an essential contribution to ensuring Waitemata DHB delivers the best care for every single patient/client using our services.

“ everyone matters ”

Every single person matters, whether a patient/client, family member or staff member.

“ connected ”

We need to be connected with our community. We need to be connected within our organisation – across disciplines and teams. This is to ensure care is seamless and integrated to achieve the best possible health outcomes for our patients/clients and their families.

“ with compassion ”

We see our work in health as a vocation and more than a job. We are aware of the suffering of those entrusted to our care. We are driven by a desire to relieve that suffering. This philosophy drives our caring approach and means we will strive to do everything we can to relieve suffering and promote wellness.

“ better, best, brilliant... ”

We seek continuous improvement in everything we do. We will become the national leader in health care delivery.



Waitemata
District Health Board

Best Care for Everyone



The Employee Assistance Programme (EAP)

Telephone: 0800 735 343
Someone is available 24/7

The Health Integrity Line

Telephone: 0800 424 888
This is a national, anonymous phone line answered 24/7. You can report any activities you're concerned about in the health system, including bullying and harassment

Waitemata DHB intranet

Go to the following page, Bullying and Harrassment – 'Talking about our behaviour – speaking up about bullying and harassment'

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**If you are being
bullied or witness
someone being
bullied...**

Get support

Speak to someone you trust. This could be a colleague, a union representative, someone from the Employee Assistance Programme (EAP), your manager or leader or your HR Manager/Advisor.

Speak Up directly

If you are comfortable approach the person and speak to them directly about their behaviour.

- Focus on the behaviour, not the person
- Be specific about the incident and the impact the person's behaviour had
- Ask the person to stop the behaviour
- Keep your cool and be kind. They may not have done it intentionally.

Speak Up indirectly

Ask your manager or leader to approach the person on your behalf. If the complaint is about your manager, speak to their manager or leader.

Speak up and make a formal complaint

If you are unable to speak to the person or you have tried and the behaviour continues, you can make a formal complaint.

- Make sure you document the incident
- Talk to your manager, leader or Human Resources manager
- See the internal website for more information.

You can also:

- Call the Health Integrity Line on 0800 424 888
- Make a formal complaint to the Human Rights Commission (www.hrc.govt.nz).

The role of your manager or leader in this situation is to:

- Respond in a neutral, impartial and professional way
- Apply the principles of fair process
- Try to resolve the matter quickly and reasonably
- Tell you what support options are available to you, such as counselling or having a support person present at interviews and meetings
- Outline how the issue will be dealt with
- Provide honest and constructive feedback to people about behaviours and performance
- Keep it confidential
- Keep records of conversations, meetings and interviews during the resolution process.

**If you are
accused of
bullying...**

Sometimes we don't realise the impact of our behaviour on others. See our harassment, discrimination and bullying policy on the 'Talking about our behaviour – speaking up about bullying and harassment' intranet page which defines harassment, discrimination and bullying, and other types of unreasonable behaviour.

Take the heat off

If you are comfortable and it is safe and reasonable to do so, try to resolve it directly.

- Whether you approach the person or they approach you, calmly explain that you didn't realise the impact of your actions
- Be open to feedback and prepared to change your behaviour if it is having a negative impact on others
- Record the time, date and content of the conversation
- Keep your cool and be kind.

Division	2015						2016						2017						2018						2019 (to date)					
	Complaint Raised	Complaint Resolved Informally	Complaint Formally Investigated	Disciplinary Action Taken	Employee Dismissed	Employee Resigned during or as a result of the process	Complaint Raised	Complaint Resolved Informally	Complaint Formally Investigated	Disciplinary Action Taken	Employee Dismissed	Employee Resigned during or as a result of the process	Complaint Raised	Complaint Resolved Informally	Complaint Formally Investigated	Disciplinary Action Taken	Employee Dismissed	Employee Resigned during or as a result of the process	Complaint Raised	Complaint Resolved Informally	Complaint Formally Investigated	Disciplinary Action Taken	Employee Dismissed	Employee Resigned during or as a result of the process	Complaint Raised	Complaint Resolved Informally	Complaint Formally Investigated	Disciplinary Action Taken	Employee Dismissed	Employee Resigned during or as a result of the process
	18	5	14	5	1	1	30	18	19	8	0	3	15	6	7	2	0	2	22	8	13	9	1	2	17	0	16	4	0	2