

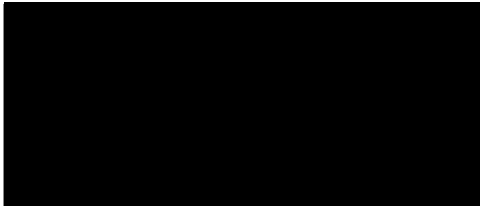


**Waitematā**  
District Health Board  
**Best Care for Everyone**

**DHB Board Office**

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18 September 2019



Dear 

**Re: Official Information Act request – Allegations of bullying, harassment or inappropriate behaviour for the last five years**

Thank you for your Official Information Act request received 23 August 2019 regarding allegations of bullying, harassment or inappropriate behaviour 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. There is a direct link between the size of our population and the significant scale of services we provide and the opportunity for aggression towards our staff.

Our DHB has a workforce of more than 7500 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.

Ultimately, our employees deal with a broad cross-section of the community in their day-to-day work and this often involves reaching out to people when they are at their most vulnerable and anxious, including those with mental health conditions, which can result in unpredictable behaviours. Caution is, therefore, advised in comparing raw event numbers between different district health boards unless it is clear the breadth of service-delivery and clinical caseload is of similar complexity.

Waitematā DHB encourages the reporting of assault, bullying, harassment or inappropriate behaviour and promotes a policy of ensuring 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 total number of complaints relating to alleged staff bullying, harassment or inappropriate behaviour reported, with a breakdown from each department, each year for the last five years.**
2. **The total number of complaints relating to staff alleged staff bullying, harassment or inappropriate behaviour formally investigated, with a breakdown from each department, each year for the last five years.**
3. **The total number of staff disciplined following a complaint relating to alleged staff bullying, harassment or inappropriate behaviour each year, for the last five years.**
4. **The total number of staff dismissed or whose employment ended (such as a resignation or non-renewal of contract) following a complaint relating to alleged staff bullying, harassment or inappropriate behaviour each year, for the last five years.**

For questions 1-4 above please refer to our response in the table attached in Appendix 1. Identifying the department will enable data to be identifiable to individuals and so we refuse this request under Section 9(2)(a) of the Official Information Act.

We have provided information requested as totals across the DHB.

5. **The total cost of legal fees to investigate alleged staff bullying, harassment or inappropriate behaviour complaints each year for the last five years.**

\$49,620.46

6. **Copies of any legal advice given to the DHB relating to alleged staff bullying, harassment or inappropriate behaviour in the last five years. Please note I am meaning broadly rather than a specific case.**

The DHB has received the following legal advice in March 2019 in relation to Directors' duties in relation to bullying or harassment. See Appendix 2.

7. The total number of staff employed at the DHB, with a breakdown on the number of staff at each department, each year for the last five years.

Division	Dec 2014	Dec 2015	Dec 2016	Dec 2017	Dec 2018	Jun 2019
Acute and Emergency Medical	1,238	1,310	1,350	1,351	1,367	1,419
Child Women & Family	1,135	1,156	1,175	1,123	1,175	1,226
Corporate / Facilities and Development	387	409	410	488	536	526
Director Hospital Services	404	427	415	414	472	528
Elective and Outpatient Services	113	111	76	85	82	84
Elective Surgery Centre	86	86	100	106	111	108
Governance and Funding	84	97	98	106	106	105
Hospital Operations	501	557	622	651	662	679
Specialist Mental Health & Addiction	1,337	1,385	1,363	1,389	1,457	1,513
Sub Specialty Med and HOPS	1,053	1,064	1,100	1,044	1,115	1,124
Surgical and Ambulatory / Elective Surgery Centre	1275	1290	1331	1383	1433	1461
<b>Total head count</b>	<b>7,527</b>	<b>7,806</b>	<b>7,980</b>	<b>8,034</b>	<b>8,405</b>	<b>8,665</b>

8. Copies of any policy, regulation, protocol relating to alleged staff bullying, harassment or inappropriate behaviour and reporting of such incidents.

See attached Appendices 3 and 4.

Waitematā DHB, like other agencies across the state sector, supports the open disclosure of information to assist the public's understanding of how we are delivering publicly-funded health care. 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 feel that there are good reasons why your response should not be made publicly available, we will be happy to consider them.

We trust this reply satisfies your request.

Yours sincerely



**Fiona McCarthy**  
**Director Human Resources**  
**Waitematā District Health Board**

# APPENDIX 1

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

# APPENDIX 2

# lane neave.

## Directors Duties- Bullying & Harassment

Waitemata District Health Board

Fiona McMillan

6 March 2019



# Misconception about Bullying and Harassment

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- If Bullying and/or harassment occurs in your liable = employer liable – NO!
- Obligations:
  - To have measures in place i.e. policies, training
  - Act on complaints
  - Directors: keep up to date with Bullying and Harassment law and issues





## Did you know?

- NZ has the second highest rate of workplace bullying in the world
- Between 1 in 5 employees report bullying or harassment annually
- WDHB has on average 5 allegations of bullying & harassment per annum
- 4 cases resulted in disciplinary action over last 5 years



## Workplace Bullying: Definition

*“Repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm”*

**WorkSafe**



# Workplace Bullying: Examples

## Bullying Is Not:

- **Providing direct, instructive directions and/or feedback to staff**
- **Occasionally asking for staff to support you in after-hours work**

## Bullying May Be:

- **Victimising, threatening, humiliation or intimidating behaviour**
- **Shouting at, belittling or putting down staff on own or in front of others**



# Bullying can occur in a variety of ways

lane neave.

- Institutional / Corporate bullying
- Bullying by Managers
- Bullying of Managers
- Bullying by Co-Workers
- Bullying by Service users
- Through email, text messaging, workplace intranets, social media



## Effect on the Workplace as a whole

- Bullying can also negatively impact the entire workforce and result in:
  - a hostile work environment
  - decreased worker health and well-being, motivation, performance and commitment
  - workers attending work while sick, or taking more sick leave
  - increased worker turnover.



## Applicable Legislation

- Bullying and harassment in the workplace is an employment relationship problem:
  - Governed by Employment Relations Act 2000
- It is also a health and safety issue:
  - Governed by the Health and Safety at Work Act 2015



## Worth Noting

- The Employment Relations Authority is often the forum for bullying & harassment concerns to be raised and remedied.
- Prosecution under the Health and Safety at Work Act requires the elements of the Act to be proven beyond reasonable doubt and for there to be a public interest in the prosecution occurring.
- This is a higher standard than is required for a successful case under the employment relations legislation.
- WorkSafe has not yet prosecuted any bullying cases.



# Employment Relations Act 2000

- Implied and statutory duty to provide a safe workplace
- Obligations under the ERA – formal complaint
  - full and fair investigation (may require external investigator) within parameters of WDHB's policies/procedures
  - Complainant entitled to be told outcome of investigation
  - Employer must advise complainant steps it will take to prevent repetition
- Bullying can be considered misconduct or serious misconduct in repeated/extreme circumstances
  - May warrant summary dismissal
- An employer's failure to address bullying in workplace may give rise to personal grievance





# Health & Safety at Work Act 2015

“Hazard” under the Act:

Something that can cause harm, death, injury or illness to a person. This includes **bullying and harassment**



## Duty Holders – Primary Duty of Care

- PCBU – “*Person Conducting a Business or Undertaking*”  
– Waitemata District Health Board
- Officers – “*Any person occupying the position of a director of the company...*”
- Also includes any person occupying a position which allows them to exercise significant influence over the management of the business or undertaking (e.g. CEO)



## Duties of Officers

- Officer of PCBU must exercise **due diligence** to ensure that PCBU complies with duty or obligation
- Officer of PCBU must exercise the **care, diligence, and skill** that a reasonable officer would exercise in the same circumstances



# Officer's Due Diligence under the HSWA

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- Exercising due diligence includes taking reasonable steps to:
  1. Acquire/keep up-to-date **knowledge** of work health & safety
  2. **Understand** nature of the operations/hazards/ risks
  3. Ensure PCBU has appropriate **resources** and **processes** to eliminate/minimise risk to health & safety
  4. Ensure PCBU has appropriate processes for receiving and considering **information**
  5. Ensure PCBU implements processes for **complying** with their duties
  6. **Verify** the provision and use of the resources and processes required above



## Due Diligence - WorkSafe

- Exercising due diligence as a director means taking reasonable steps to:
  - Continuously learn about, and keep up to date with, health and safety issues.
  - Understand the work of the PCBU
  - Know the risks that volunteers and workers face when working for the PCBU
  - Check that the PCBU has processes to eliminate or minimise risks, and that these are used



## Take Home - Officers

- “*Reasonably practicable*”
- Eliminating bullying & harassment unlikely
- Instead need to minimise the likelihood of bullying occurring and have effective processes in place for dealing with it



# Assessing likelihood of bullying & harassment in Workplace

lane neave.

- WorkSafe recommends PCBUs look at the following:



# Tips for preventing Bullying & Harassment

lane neave.

- Build a 'no-bullying tolerated' work culture
- Make anti-bullying policies, processes and systems transparent – **WDHB's relaunch of the bullying & harassment Tool Kit in March**
- Promote good working relationships
- Recognise and promote diversity
- Manage work and workloads
- Implement a conflict management process
- Management leadership training
- Review and update control measures for ongoing improvement





## Offences and Penalties

- An officer of a PCBU may be convicted or found guilty of an offence whether or not the PCBU has been convicted or found guilty of an offence under this Act relating to the duty or obligation:
  - Offence of reckless conduct in respect of duty: **5 years/\$600k**
  - Offence of failing to comply with duty that exposes individual to risk of death or serious injury or serious illness: **\$300K**
  - Offence of failing to comply with duty: **\$100k**



## **Note:**

**The material contained in this workshop is necessarily in summary form. It is not intended to be a comprehensive statement on the law as it applies to the above topics. Accordingly, you must not rely solely on this information without first seeking detailed legal advice**

# Employment Law Team



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Partner



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[laneneave.co.nz](http://laneneave.co.nz)

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# APPENDIX 3

# Harassment and Bullying Management

## Overview

### This document

This document outlines WDHB process and procedures for the management of harassment and bullying in the workplace. The aim is to provide a working environment free of behaviours associated with harassment and bullying in line with WDHB values.

## 1. Introduction

### Purpose

The purpose of this document is to provide:

- definitions for identifying workplace harassment or bullying
- an overview of the process for managing workplace harassment and bullying
- an overview of the roles involved in the management process.

### Scope

All WDHB staff - (students, volunteers, contractors, independent midwives or loaned employees may be covered by this policy under HSE and HR Acts but must also refer to their own company policies)

### Associated documents

Type	Title/Description
WDHB Corporate	<ul style="list-style-type: none"> <li>• Health &amp; Safety (Occupational Health and Safety Service)</li> <li>• Discipline &amp; Dismissal (Human Resources)</li> <li>• Incidence Management (Quality)</li> <li>• Good Employer (Human Resources)</li> <li>• Workplace Violence Prevention (Occupational Health and Safety Service)</li> </ul>
Legislation	<ul style="list-style-type: none"> <li>• Employment Relations Act (2000)</li> <li>• Human Rights Act (1993)</li> <li>• Race Relations Act (1971)</li> <li>• Health &amp; Safety in Employment Act (1992)</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Harassment and Bullying Toolkit for Manager and Staff</li> <li>• WDHB Harassment and Bullying intranet site</li> </ul>

## 2. Definitions

### Harassment (Human Rights Act)

In relation to the Human Rights Act, 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

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## Harassment and Bullying Management

- Jokes or comments
- Display and/or distribution of offensive printed or electronic material

### Bullying

The organization's definition of workplace bullying is persistent, unreasonable and unwelcome behaviours which have a detrimental effect on the individuals employment, job performance or job satisfaction.

These behaviours include but are not limited to:

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

Behaviours may be overt, covert and/or hostile. The projection of unwanted attention which causes detriment is also subject to this policy (e.g. stalking).

Behaviours defined under the Workplace Violence Prevention policy may also be considered harassment and/or bullying.

### Behaviour focus test

The test for harassment is if the behaviour meets illegal discrimination criteria and the impact the behaviour has. The test for bullying is the reasonableness of the behaviour and the impact of the unreasonable behaviour.

## 3. Policy

### Managing allegations

Any allegation of harassment or bullying will be treated seriously and sensitively. Complainants will be provided with support and information about the options available to assist them to make an informed decision about how to proceed.

WDHB maintains a pool of trained contact people available to assist employees with information and support.

Employees may also approach their manager, union or other representative or EAP Services for support and/or advice.

WDHB will attempt, where possible, to facilitate an informal process for the resolution of allegations of harassment or bullying as described in this document.

Where this option is not appropriate (or successful), a formal investigation process will be initiated as described in the WDHB Discipline & Dismissal policy. In some instances it may be appropriate to initiate this process as a first step.

### The complainant

WDHB has a legal obligation to ensure that any employee making an allegation of harassment or bullying is treated fairly. An employee will not be subjected to discriminatory treatment for making an allegation of harassment or bullying.

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## Harassment and Bullying Management

The complainant:

- will receive information from the Bullying and Harassment Contact person (or other contact person listed on Page 8) about the options available to the employee
- is entitled to access WDHB's confidential Employee Assistance Program (EAP)
- is entitled to have a support person or representative present during any interview or discussion
- has a responsibility to provide robust examples and any witness information they have. They must also maintain day to day professionalism.

### Alleged harasser

If a formal allegation is made the alleged harasser is entitled to know the name(s) of the complainant and details of the allegations, including a copy of the written complaint, as soon as possible once the allegation is made to ensure they have a fair opportunity to respond to the allegations.

The individual is entitled to have a support person or representative present during any interview or discussion (formal or informal).

The alleged harasser is also entitled to access assistance through WDHB's confidential EAP program.

The alleged harasser is required to maintain day to day professionalism

### Management responsibility

It is the responsibility of Management and Supervisory staff to ensure that their staff are aware of:

- who to contact should they wish to make an enquiry or allegation, and
- the harassment or bullying reporting and investigation processes
- WDHBs zero tolerance of harassment and bullying

In cases where an allegation is substantiated, managers must ensure that:

- harassment ceases immediately, and
- the complainant is protected from any negative consequences for having made the allegation

### Organisational responsibility

WDHB retains the right to ensure that employees are safe from harassment and bullying on an individual and collective basis.

Where WDHB Management become aware of harassment or bullying related incidents, such incidents may be investigated even in the absence of an allegation from an individual, depending on the seriousness of the issue.

## 4. Process for Managing Harassment or Bullying Issues

### Purpose

The purpose of this process is to ensure:

- all staff are aware of the initial informal process for reporting and investigation of harassment or bullying allegations
- all allegations are dealt with in a consistent, appropriate, and timely manner

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## Harassment and Bullying Management

### Informal or Initial Process

The table below describes the process to be completed when an informal, or initial allegation of harassment or bullying is made.

WDHB encourages individuals to raise issues by following the process. It acknowledges that in some cases it may be appropriate to formalise the process after stage 2.

Stage	Description
1	Perceived harassment or bullying occurs.
2	Preferred contact person contacted. WDHB encourages employees to contact a member of Bullying and Harassment Contact Team, however they may also contact their Manager or service HR team.
3	Contact person provides support and assists in defining the actions and the outlines options available to the individual. Options include: <ul style="list-style-type: none"> <li>No action</li> <li>Self-initiated solutions – where possible, employees are encouraged to address issues directly e.g. employee approaches alleged harasser/bully to ask them to stop the behaviour</li> <li><u>When the contact person is a member of Bullying and Harassment Contact Team, a record of the Bullying and Harassment concerns will be sent to Co-ordinator who will then pass them on to the Service HR Manager, unless otherwise specified.</u></li> </ul>
4	Informal action <u>through HR e.g. facilitated discussion, informal investigation.</u>  <u>It may appropriate for HR to conduct a brief preliminary investigation to determine whether it is reasonable to consider the complaint genuine and/or whether it is able to be substantiated.</u>

### Formal Investigation Process

A formal investigation may be carried out by an in-house or an independent investigator. The Service HR Manager in consultation with the complainant's Manager will decide on an appropriate investigator. An approved list of independent investigators can be accessed through the Co-ordinator.

Stage	Description
1	If informal process has not resolved concerns, a formal written complaint can be made to HR service or service management. HR service and service management may decide to initiate a formal investigation process in the first instance depending on the seriousness of the complaint.
2	HR representative and service management manages investigation, mediation or any other process required to resolve the situation as per the WDHB Discipline and Dismissal policy.

### Disciplinary options

Where an allegation is substantiated through the investigation process, disciplinary action may be an outcome.

This may include verbal or written warnings, and/or the requirement for formal counselling, and/or transfer or dismissal of the harasser/bully.

This may include compliance with action/s as recommended by the Human Rights Commission's formal process.

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## Harassment and Bullying Management

### Note

Reference to the Discipline & Dismissal policy does not mean that the alleged harasser is being subjected to a disciplinary process.

It means that the formal investigation process (e.g. notification to employees concerned, interviewing of other parties, formal record keeping, etc.) described in that document is to be used. An investigation of this nature may still result in the allegation being found to be unsubstantiated.

If the alleged behaviours are of a violent nature then it may be appropriate to refer to the Workplace Violence Prevention policy.

## 5. Contact/Support People

### List of contact people

A list of the designated Bullying and Harassment Contact Team is available from the Human Resources page on the WDHB intranet. Individuals may also wish to contact:

- Human Resources
- Occupational Health and Safety Service
- Service and RC Managers

Bullying and Harassment Contact Team information is also distributed to new staff members. Staff can contact any of the contact persons for advice

### Role of the contact person

The role of the contact person is to:

- support the complainant during the initial “informal” stages of the concerns (i.e. prior to the concerns being sent to the Co-ordinator and to the Service HR Manager)
- advise the complainant of their options, including self-initiated solutions (e.g. see page 6)
- promote the use of the informal process as the first step in the resolution of the complaints issue
- treat all enquiries with the strictest confidence
- report all received concerns to the Co-ordinator. Contact people are specifically advised not to maintain written records or notes of discussions with individuals regarding harassment or bullying issues.
- if the individual wishes to proceed with a formal complaint inform the co-ordinator immediately

The contact person will not approach the harasser on the employee’s behalf or investigate any allegations.

### Additional support people

An employee can, if they wish, involve additional support people of their choice (e.g. union rep, kuia/kaumatua) to support them through any stage of the harassment process in addition to the WDHB nominated contact people.

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## Harassment and Bullying Management

### 6. Co-ordinator's Role

#### Role of the Co-ordinator

- Maintain a pool of trained contact people available to assist employees in the initial stages of them raising their concerns
- Maintain a list of approved mediators, investigators and other external expertise as may be required
- Maintain records of received harassment and bullying concerns and identify trends
- Liaise with Service HR Managers regarding received bullying and harassment concerns should the complainant indicate they want their concerns taken further
- Collate quarterly reports and submit to General Manager, Human Resources
- Act as a resource and support for contact people
- Ensure correct procedures are followed
- Ensure appropriate selection and training is carried out for Bullying and Harassment Contact Team.

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**From Waitematā DHB StaffNet site:**



## Bullying and Harassment

### Supporting You

#### Talking about our behaviours

Speaking up against bullying and harassment – everyone's responsibility

We want our organisation to be a place where we all feel safe and supported, in an environment that reflects our shared values and behaviours.

When we behave unprofessionally towards each other relationships can break down between colleagues and within teams, which affects how we work together and ultimately, how we care for patients.

Bullying and harassment are unwanted and unwarranted behaviours that create a working environment that is unproductive and harmful. Everyone has the right to feel safe at work and we want people to feel empowered to speak up when they think they are being bullied or harassed, or when they believe others are being subjected to these behaviours.

This page is our space to share information and advice with our staff, including:

What bullying and harassment looks like

What to do if you experience or observe bullying and harassment

Where you can find support

What is workplace harassment?

Workplace harassment is any type of unreasonable, unwelcome comments or behaviour that offends, humiliates or intimidates the person it is directed at. It may be repeated or a one off event that is significant enough to have a detrimental effect on person's health and wellbeing, job performance, satisfaction and employment.

# APPENDIX 4

## What is workplace bullying?

Workplace bullying is behaviour directed to a person or group that is generally repeated, persistent and unreasonable having a detrimental effect on the recipient's health, safety and wellbeing.

Where possible we encourage and support employees to talk to the person and explain how their behaviour is making them feel. Sometimes people are not aware of the impact their behaviour is having if no one has told them before. Where this is not possible there are a range of options. If you are unsure if you are experiencing or observing unreasonable behaviour, or if you are looking for more information, please review the DHB policy and resources through the links provided. You can also talk to someone including:

EAPWorks - our confidential counselling service for staff - you can contact them on 0800 735 343 (available 24/7)

your manager or a trusted colleague

your service human resource manager or advisor

your union delegate or other support person

the anonymous 24/7 National Health Integrity line on 0800 424 888



## Resources

- [Speak Up Staff Guidelines](#)
- [Speak Up Manager's Guide](#)
- [Speak Up Tips](#)
- [Speak Up Definitions](#)
- [Speak Up Brochure](#)
- [Bullying and Harassment Management Policy](#)
- [View information on Bullying and Harassment workshops](#)



*Waitemata*  
District Health Board

Best Care for Everyone

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](http://hrc.co.nz))
- Worksafe New Zealand





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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?

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



## 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
<b>Complainant</b>	<ul style="list-style-type: none"> <li>To a workplace safe from harassment and bullying</li> <li>To a fair and thorough investigation if appropriate</li> <li>To be advised of the process</li> <li>To an objective investigation</li> <li>Access to support person/ representative</li> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>Confidentiality</li> <li>Providing information in a timely manner</li> <li>Providing specific details and supporting information to assist investigation</li> <li>Providing witness information i.e. name, title, contact number</li> <li>Responding promptly to requests for information from the investigator</li> <li>Avail themselves to support offered</li> <li>Maintain day to day professionalism</li> </ul>
<b>Alleged Harasser</b>	<ul style="list-style-type: none"> <li>To a workplace safe from harassment and bullying</li> <li>To an objective investigation without preconceived ideas or bias</li> <li>To know the name of the complainant and details of the allegations.</li> <li>To be advised of the process</li> <li>To a support person/ representative</li> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>Providing information in a timely manner</li> <li>Confidentiality</li> <li>Maintain day to day professionalism</li> <li>Responding promptly to questions from the investigator</li> <li>Providing witness information i.e. name, title, contact number</li> </ul>
<b>Witnesses</b>	<ul style="list-style-type: none"> <li>To a workplace safe from harassment and bullying</li> <li>To decline to comment</li> <li>To a support person/ representative</li> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>To verify statement in a timely manner</li> <li>Provide truthful information</li> <li>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)</li> <li>Maintain day to day professionalism</li> <li>Confidentiality</li> </ul>
<b>Line Manager</b>	<ul style="list-style-type: none"> <li>To a workplace safe from harassment and bullying</li> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>To provide a safe workplace</li> <li>To remain objective</li> <li>Offer support to employees e.g. EAP</li> <li>Confidentiality</li> <li>To make staff aware of the Waitemata DHB Harassment and Bullying management policy and resources</li> <li>Manage relationships between staff/ team as appropriate</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>To a workplace safe from harassment and bullying</li> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>To provide advice around policy, process and best practice</li> <li>Confidentiality</li> <li>To co-ordinate the formal investigation as required</li> </ul>

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.







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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...”





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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'

**“ 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. ”

**“ 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. ”


**“ 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. ”

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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](http://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.