

ANTI-BULLYING & HARASSMENT

Kaua e whakaiti tangata

| Document Control | |
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| Policy Owner: Executive Director, People & Culture | Authorised by: Wintec Board |
| Category: Operational | Date Last Revised: June 2020 |
| High-Level Policy: People & Culture | Next Review Date: May 2023 |
| Relates to NZQA Key Evaluation Question(s): | 5. Governance & Management 6. Compliance |

1. Purpose & Scope

We are committed to ensuring a healthy and safe place of work and study and a culture of dignity and respect where people are free from bullying and harassment.

We take our legal and moral obligations in this respect seriously and will not tolerate bullying, or harassment at any level of the organisation.

This subsidiary policy and procedure(s) are part of our overarching People & Culture Policy Statement, which is managed by the People & Culture team. It is intended to align with our Student Values and Code of Conduct (currently under review) and our [values](#), particularly Valuing People – Whakamana i te tangata.

2. Policy Statement

This policy covers all bullying, harassment and discriminatory behaviours as defined below that happen:

- a) in the workplace during and/or outside work hours (including behaviours between colleagues/work associates in social or professional work situations, for example, during work events such as training, conferences, social work-related functions); and/or
- b) Outside the workplace and outside work hours if it is in the context of the employment relationship and/or affects or is related to the workplace (for example, conduct in social media or email or text messaging).

This policy applies to any person undertaking work, studies or duties on behalf of, or under the guidance of Wintec. This includes but is not limited to staff, students and contractors.

Wintec will endeavour to demonstrate that:

- a) Management practices and process at all levels are consistent with anti-bullying and harassment principles.
- b) We will do our best to prevent bullying and harassment by making staff and students aware of this policy.
- c) We will respond promptly appropriately and fairly to any complaints that are brought to our attention.
- d) All employees are aware of Wintec's commitment to anti-bullying and harassment principles through the onboarding programme and Wintec policies.

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- e) All students are aware of Wintec's commitment to anti-bullying and harassment principles through the Code of Conduct, Student Voice and Student Values policies, along with student representation support.
- f) All employees are aware of Wintec's commitment to the Treaty of Waitangi and understand the principles.

This policy should be read in conjunction with the following Wintec policies:

- Employee Complaint Management
- Protected Disclosure
- Staff Discipline
- Safety and Wellbeing
- Social Media
- Students Concerns & Informal Complaints procedures
- Student Values
- Code of Conduct for Students, Peer Tutors and Student Mentors
- Principles of Professional Practice
- Standards of Behaviour
- Discipline Regulations for Students
- Prevention of and Response to Sexual Harassment

3. Key Roles & Expectations

The following roles have key responsibilities:

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| All Staff and students | <ul style="list-style-type: none">• are responsible for adhering to this policy and are aware of the process for raising concerns and/or complaints• are encouraged to promote and maintain a respectful and inclusive culture, recognising that Wintec students and staff are from diverse backgrounds• know their rights and responsibilities and know where they can seek help, in relation to this and other related policies. |
| Student Representatives | <ul style="list-style-type: none">• are responsible for ensuring students are aware of key policies, and the forums available to them should they wish to raise concerns• assist in creating a culture of change and encouraging students to look out for each other. |
| All Staff and Board members | <ul style="list-style-type: none">• complete Wintec's Values and Success profile e-learning• complete Wintec's Safety and Wellbeing e-learning• complete Wintec's anti-harassment, bullying and discrimination training. |
| Managers | <ul style="list-style-type: none">• ensure their team are aware of, and committed to this policy and the Stand up – Speak up information page• are aware of their obligations under any applicable diversity and inclusion strategy or initiatives• are aware of Wintec's obligations under the Human Rights Act 1993 |

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- work with the People and Culture team to ensure records capture supports current business processes as well as wider Wintec goals
 - monitor their team's compliance with this policy
 - Complete the managers' training for prevention and response to workplace bullying.
- Safety and Wellbeing Manager**
- provide tools and support for the monitoring and measurement of staff wellbeing under this policy
 - provide an education programme that supports anti-bullying, harassment and discrimination
 - ensure that Safety and Wellbeing representatives, wellbeing champions and mental health first aid responders are skilled and capable to support, educate and promote this policy ensure that Wintec has a team of mental health first aid responders who are confident and capable to support staff and community.
- Executive Director, People and Culture**
- responsible for ensuring that Wintec meets its statutory and accountability obligations concerning this policy
 - responsible for conducting an annual assessment of this policy, the objectives and progress made toward achieving them.
- People and Culture Board sub-committee**
- approves the Anti-bullying & Harassment policy through the Wintec Board and ensures that Wintec meets its statutory and accountability obligations
 - monitors progress on objectives.

4. Measuring Success

The measurements of successful implementation and management of our anti-bullying and harassment policy are:

- Achieve [Workwell Gold Accreditation](#) by 2020.
- Annually report to Wintec Board and for the purpose of publishing in our annual report diversity demographics and progress on anti-bullying, harassment and discrimination initiatives.
- Establish and regularly review policy and practices, ensuring awareness of this policy and that our values are demonstrated in everything that we do.
- Develop/link in with education programme(s) for employees on anti-bullying, harassment and wellbeing in the workplace.
- Regularly review Wintec's people and culture policies to promote anti-bullying, harassment and wellbeing in the workplace.
- Continue to build a support team, including mental health first aid responders, who are confident and capable to support staff and community.

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5. Supporting Information

5.1. Raising a Concern

We provide a range of options and processes for people to speak up and bring concerns, allegations and complaints in relation to bullying and/or harassment; regardless of whether the person(s) are directly affected or have witnessed bullying or harassment. Issues will be resolved at the most appropriate level of intervention, subject to the rights of the Complainant and the Respondent.

Where possible, we promote the resolution of issues at the lowest appropriate level of intervention as this may sometimes be the fastest and most effective way of dealing with inappropriate behaviour, particularly for issues that are perceived as 'minor' (for example, behaviours that do not cause the complainant to feel unsafe, or seriously harmed, threatened or intimidated).

It is recognised that persons may find it difficult or embarrassing to instigate a complaint of bullying and harassment. A support person can always be invited to be present. This also applies to staff and students when accessing counselling services.

Wintec's Mental Health Business Partner is available to support staff and students with mental health impacts of alleged bullying and/or harassment.

- For staff: [Employee Complaint Management policy](#)
- For students: [Student Voice \(concerns and complaints\) policy](#)
- See also our [Protected Disclosure policy](#)

5.2. Digital Communication and Social Media

We recognise that not all bullying or harassment takes place face-to-face. Digital communication includes any form of electronic message, including texts, emails, posts on social media, photos and recordings. Harmful digital communications include cyber-bullying and harassment, e.g.

- sending or publishing threatening or offensive material
- spreading damaging rumours
- sending or publishing sensitive personal information, e.g. embarrassing photos or videos.

We take seriously [our obligations](#) under the [Harmful Digital Communications Act 2015](#) (HDCA) and the [10 Communication Principles](#) outlined within. We expect all staff members and students to treat others with respect when using digital communication and social media. Staff members are expected to follow our [Social Media policy](#) and related guidelines when operating Wintec social media accounts or when referring to Wintec in their own personal social media accounts.

In the event that you receive or witness a digital communication that breaks any of the principles of the HDCA, you can raise a concern or make a complaint as per *5.1 Raising a Concern* above.

5.3. Privacy

In the event that a staff member, student or any member of the public feels their privacy has been breached, but that the event does not constitute bullying or harassment, the event would be dealt with according to the provisions of the [Privacy Act 1993](#). Any complaint to Wintec should be made via those same complaints processes for students and staff as listed in subsection 5.1 above. You can also read our [Privacy & Personal Information](#) policy for more information.

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If a member of the public believes a breach of their privacy has occurred, this should be directed in writing (in the first instance) to Wintec’s Privacy Officer:

Wintec Privacy Officer
 Wintec
 Freepost 566
 Private Bag 3036
 Waikato Mail Centre
 Hamilton 3240

6. Procedures

Staff members, contractors and volunteers at Wintec who wish to raise concerns, check what internal and external support is available, or make complaints in relation to bullying and harassment, should refer to our [Employee Complaint Management policy](#) and the [Stand Up, Speak Up information page](#).

Students of Wintec who wish to raise concerns, check what support is available, or make complaints in relation to bullying and harassment should refer to our [Student Voice policy](#).

7. Processes

For relevant processes, please refer to the following policies:

- For staff: [Employee Complaint Management policy](#)
- For students: [Student Voice \(concerns and complaints\) policy](#)
- See also our [Protected Disclosure policy \(for staff\)](#)

8. Related Legislation, Regulations, Policies, Guidelines, and Forms

| Legislation/Regulations | Policies | Guidelines/Forms |
|---|---|---|
| Human Rights Act 1993 Employment Relations Act 2000 New Zealand Bill of Rights Act 1990 Treaty of Waitangi State Sector Act 1988 Equal Pay Act 1972 Health and Safety at Work Act 2015 Harassment Act 1997 Crimes Act 1961 Protected Disclosures Act 2000 Harmful Digital Communications Act 2015 Privacy Act 1993 | All Wintec policies, but specifically: <ul style="list-style-type: none"> • Protected Disclosure Policy • Employee Complaint Management Policy • Student Concerns & Informal Complaints • Staff Discipline • Safety & Wellbeing • Social Media • Privacy & Personal Information • Prevention of and Response to Sexual Harassment | Stand up – Speak up Standards of Behaviour |
| Copies of New Zealand Legislation can be found on the New Zealand Legislation Website . You can view Wintec’s Policies and Procedures on the Policy Web . This is not an exhaustive list of policies, procedures and legislation. | | |

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9. Key Definitions & Glossary

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| People and Culture team (P&C) | Wintec's People and Culture team support managers and staff with queries to this policy. |
| Bullying | <p>In the absence of a statutory definition for bullying, this definition is taken from the WorkSafe NZ guidelines. Bullying does not include fair management or justified performance management or disciplinary process.</p> <p>Repeated and unreasonable behaviour towards a worker or a group of workers that can lead to physical or psychological harm. A single incident is generally not considered bullying but can escalate if ignored and may be conduct, warranting discipline for a reason other than bullying.</p> <p>Bullying does <u>not</u> include (the following is a list of examples, this is not intended to be exhaustive):</p> <ol style="list-style-type: none">one-off or occasional instances of forgetfulness, rudeness or tactlessness, differences in opinion or personality clashes;reasonable behaviour and/or performance management, including setting high performance standards, constructive feedback and legitimate advice or peer reviews;insistence on lawful and reasonable work instructions to be carried out;lawful and reasonable disciplinary action. |
| Repeated Behaviour | Persistent (i.e. occurring more than once) behaviour and can involve a range of actions over time. |
| Unreasonable Behaviour | Actions that a reasonable person in the same or similar circumstances would see as unreasonable, including victimising, humiliating, intimidating, or threatening a person (bullying may also include harassment and/or discrimination or violence). |
| Sexual Harassment | <p>Unwelcomed or offensive behaviour of a sexual nature that may be communicated person to person, electronically, pictorially or socially.</p> <p>Unwelcome means that the behaviour is not solicited or invited or consented to and is regarded by the other person as undesirable or offensive at the time.</p> <p>Sexual harassment can be subtle, dependent on context and may entail different cultural understandings of what is considered inappropriate behaviour. It can include, but is not limited to:</p> <ul style="list-style-type: none">the direct or indirect request for sexual intercourse,contact (e.g. touching, hugging, encroaching on someone's personal space),kissing, staring or leering, stalking, unwanted invitations to go out on dates, |

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- repeated and unwanted advances on email or social media,
- intrusive and sexually suggestive private questions or comments in person or via electronic means,
- sexual gestures, indecent exposure or other form of sexual activity with an implied or overt promise of preferential treatment, detrimental treatment or threat to the present or future employment status of the employee, or other negative impact on a student, contractor or Board member.

Behaviour may not constitute sexual harassment where the behaviour is genuinely friendly banter, mutually acceptable and accepted jokes, occasional appropriate compliments or behaviour based on mutual attraction and/or genuine consent.

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| Discrimination | As referred to in the Employment Relations Act 2000, and/or the Human Rights Act 1993. |
| Harassment | As referred to in the Employment Relations Act 2000, and/or the Human Rights Act 1993, and/or the Harassment Act 1997. |
| Racial harassment | Any unwarranted behaviour with respect to colour, race, ethnic or national origin content that may be communicated person to person, electronically, pictorially or socially. Racial harassment includes, but is not limited to, expressions of hostility against, or bringing into contempt or ridicule, an employee because of the race, colour, ethnic or national origins of the employee which is hurtful or offensive to the employee. |
| Respondent | The person who is alleged to have behaved in a way that constitutes or could be construed as bullying, harassment or discrimination, or any person who has encouraged, aided or abetted such behaviour. |
| Complainant | The person/s who says that the behaviour has been directed at them. |

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10. Records Management

In with the Public Records Act 2005, Wintec is required to provide an Information and Records Management programme to ensure that authentic, reliable and usable records are created, captured and managed to a standard of best practice, and to meet business and legislative requirements. All records relevant to a specific policy need to be listed in every policy in the following format:

| Record | Minimum retention period | Disposal Action | GDA Reference # |
|---|---|--------------------------|-----------------|
| This policy document | Until superseded and administratively no longer required for reference purposes | Retain as public archive | 5.1.1 |
| All individual records related to bullying and/or harassment complaints including correspondence, meeting notes, reports and outcomes | 7 years from date of last action | Destroy | D2 |

11. Version History

| Version | Date Approved | Details |
|---------|---------------|-------------------------------|
| 1 | November 2018 | First Published. |
| 2 | April 2019 | Hyperlinks updated. |
| 3 | June 2020 | Minor updates to terminology. |