



Reference: 25-OIAD-007

9(2)(a)

15 August 2025

Tēnā koe 9(2)(a)

## Response to your Official Information Act Request

Thank you for your email of 5 August 2025 requesting the following under the Official Information Act 1982 (the Act):

1. What data does your organisation collect about incidents or concerns related to workplace bullying, harassment or sexual harm? For clarity, this includes requests for advice, assistance, informal notifications or formal complaints relating to these types of behaviour.
2. Please provide a list or schema of all data fields used to record or track information about workplace bullying, harassment or sexual harm, at any stage of the process your organisation follows (from initial contact to case closure). Please include an explanation of the classifications used in each data field and any specific terminology, so it can be easily understood by someone from outside your organisation.
3. Please provide a list of all reports produced by your organisation that relate to workplace bullying, harassment or sexual harm? Please include a brief explanation for each report of:
  - who is responsible for its creation (i.e. the job title/role, not individual names)
  - how often they are produced
  - the purpose of the report, and
  - the information and any data fields contained in each report.
  - to whom they are distributed (job titles/roles)
  - whether the reports are shared externally (e.g. with ministerial offices, other agencies, Public Service Commission, unions and associations, the general public)

Please provide responses to Q4-7 for the period 2020-2025 (inclusive), broken down by calendar year and listed under the headings of

(a) workplace bullying

(b) harassment

(c) sexual harm

4. The total number of incidents recorded. Please also break these down according to any sub-categorisations you use internally to differentiate types of bullying, harassment or sexual harm incidents.

5. The number of incidents that involved a formal investigation, broken down to show:

- internal investigations (i.e. those conducted by people employed by your organisation)
- independent external investigation (i.e. external lawyers, investigators or other 3rd parties engaged for the purpose of conducting the investigation)

6. The outcomes of the investigations completed in Q5 (using whatever categorisations your organisation records internally against cases).

7. The number of people who have left your organisation who were:

- complainants (i.e. people who raised any inquiry or complaint)
- respondents (i.e. people who were the subject of any inquiry or complaint allegations)

Please provide responses to Q8-9 for the period 2020-2025 (inclusive), broken down by calendar year:

8. The number of settlement agreements (or other legal agreements containing any form of non-disclosure requirement) signed by people leaving your organisation who were:

- complainants who raised any inquiry or complaint about workplace bullying, harassment or sexual harm.
- respondents who were the subject of any inquiry or complaint about workplace bullying, harassment or sexual harm.

9. The amount spent by your organisation on external legal advice for:

- legal services or advice provided in conducting independent investigations in Q5 (ii)
- other advice provided about any other matters involving workplace bullying, harassment or sexual harm

Aroturuki Tamariki was established as a departmental agency on 1 May 2023. Prior to this, we operated as a business unit within the Ministry of Social Development (MSD). We understand you had also submitted this request to MSD and the information you have requested for 2020 to 30 April 2023 will be provided by them in their response to you.

The scope of your request was interpreted to be for the following information held by Aroturuki Tamariki from 1 May 2023 regarding workplace bullying, harassment and sexual harm:

- Data collected about incidents or concerns, including requests for advice, assistance, informal notifications or formal complaints.
- A list of all data used to record or track information, at any stage of the organisational process.

- Details of all reports produced by Aroturuki Tamariki about this topic (including who produces those reports, their purpose and regularity, types of data included, and who they are distributed to).
- The number of incidents, number of internal versus external investigations, the outcome of those, and how many staff left Aroturuki Tamariki who were respondents versus complainants.
- The number of settlements or other legal agreements signed by complainants or respondents leaving Aroturuki Tamariki.
- The amount spent on legal advice relating to independent investigations, or other advice relating to workplace bullying, harassment and sexual harm.

I have identified one document in scope of your request.

Our positive behaviour in the workplace policy is within scope of parts 1 and 2 of the request. This policy outlines the support and options available for dealing with inappropriate behaviour, including what information should be recorded.

When a complaint is laid, the report should include:

- who the complaint is about
- what happened (including the time, date, place, what was said and what was done)
- what impact the action had
- what response, if any, was made
- whether anyone else witnessed the behaviour
- what the complainant wants to happen as a result of the complaint, including what would be a suitable outcome.

For part 3 of your request, we have not produced any specific reports on bullying, harassment or sexual harm, either internally or externally. However, the Public Service Commission required organisations that undertook the recent Public Service Census to produce a Public Census Action Plan based on the organisation's survey results in consultation with staff. One area that Aroturuki Tamariki chose to focus on and strengthen in our plan was unacceptable behaviour. We set goals to ensure *"kaimahi (staff) are not subjected to harassment or bullying, and if kaimahi are subjected to unacceptable behaviour, they report it."* Our planned actions to improve note that *"although kaimahi feel our workplace is respectful and they are safe to say something if they notice wrongdoing or inappropriate behaviour, it is important to us that those who are subjected to behaviour such as harassment or bullying are confident to formally report this behaviour, and that these matters will be addressed and resolved appropriately. Work is underway to update our*

*policies to incorporate clearer complaints processes, and these changes will be launched across Aroturuki Tamariki to ensure all kaimahi understand the importance of formally reporting this behaviour and the responsibilities of leadership to respond in a way that supports their decision to make a report."*

This work has been undertaken and our updated positive behaviour in the workplace policy is now in place. You can also find Public Service Census results for Aroturuki Tamariki under the category of 'unacceptable behaviour' on Te Kawa Mataaho | the Public Service Commission's website here: <https://www.publicservice.govt.nz/data/public-service-census/integrity/unacceptable-behaviour>.

For parts 4 to 9 of your request, Aroturuki Tamariki has no recorded and/or reported incidents, investigations or settlements, and no advice received, nor money spent in relation to bullying, harassment or sexual harm between 1 May 2023 to 5 August 2025.

You have the right to seek an investigation and review by the Office of the Ombudsman relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work, Aroturuki Tamariki publishes responses to requests for official information on our [OIA responses page](#). If you have any queries about this, please feel free to contact us on [info@aroturuki.govt.nz](mailto:info@aroturuki.govt.nz).

Ngā mihi nui



Arran Jones  
Chief Executive



# Positive behaviour in the workplace policy and practice

## Purpose

All our people have the right to work in a positive work environment free from bullying, discrimination, and all forms of harassment<sup>1</sup>. At Aroturuki Tamariki we promote a positive workplace culture where these behaviours are not acceptable.

This policy and practice document outlines the workplace behaviours, expectations, and responsibilities for our people. It also outlines the support and options available for dealing with inappropriate behaviour.

## Scope

This policy and practice document applies to all kaimahi of Aroturuki Tamariki, including contractors. It applies to workplace behaviours at work and all work-related events, including social activities and those not held on our premises. It also applies to behaviour towards a colleague or monitoring participant on social media channels (Facebook, Instagram, X, text, etc).

Inappropriate workplace behaviour includes any form of harassment, bullying, or discrimination. It includes racial or sexual harassment, intimidation, offensive behaviour or aggression from people in our work environment.

We promote a safe and supportive workplace environment

We expect all kaimahi to contribute towards a positive work environment and to behave consistently with our [Code of Conduct](#). The principles of our Code of Conduct include the following:

- We treat everyone fairly and with respect
- We are trustworthy
- We must ensure our mahi is not affected by our personal interests or relationships

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<sup>1</sup> The legislation applicable to this policy is outlined in Appendix One.

- We are impartial
- We are politically neutral
- We are responsible:

Our values are interwoven throughout the principles laid out in our Code of Conduct, they underpin all of the mahi we do. Our values are:

Kia Māia – We are courageous

We are brave, bold, capable and confident. This means we:

- stand up for what is right
- tell the truth, even when it isn't popular.

Manaaki – Respectful

We show respect and care for others. This means we:

- respect diversity of thought, action, and culture
- have a child-centred and te ao Māori perspective woven throughout our work
- look out for each other and make work a safe place for our colleagues.

Kia Pono, Kia Tika – Trustworthy

We are honest and genuine and do the right thing. This means we:

- admit when we don't know the answer
- cross-check our data
- do what we say we will and communicate in a timely manner if we can't.

Kia Huriā – Reflective

We are considered and reflective. This means we:

- learn from experience, value feedback, and always look for opportunities to improve
- take the necessary time to make the best decisions we can
- never assume we know what is best.

All kaimahi must also comply with the Public Service Commission Standards of Integrity and Conduct. By meeting these expectations, and acting with a spirit of service to the

community, we enable the Public Service to maintain the trust and confidence of people in New Zealand.

## **What is inappropriate behaviour – definitions**

Inappropriate behaviour in the workplace can take many forms. Below is a summary of definitions used for the purpose of this kawa.

### **Workplace Harassment**

Workplace harassment is unwanted and unprovoked behaviour that is offensive, intimidating or humiliating to another person. It is either repetitive or of such a significant nature that it has a detrimental effect on a person's dignity, safety or sense of wellbeing.

Workplace harassment may be unwelcome and offensive behaviour towards a person by:

- another staff member
- a contractor or consultant at Aroturuki Tamariki
- a monitoring visit participant, or an external agency staff member.

Examples of workplace harassment or bullying could include:

- repeated, unfounded criticism in front of colleagues
- the use of offensive language
- isolating someone (e.g. not including someone in workplace activities that kaimahi in a similar position can expect to be involved in)
- withholding information to ensure a kaimahi fails to achieve a given task
- making derogatory and frequent inappropriate comments about someone's appearance or dress
- spreading malicious rumours or insulting by word or action
- overbearing supervision
- misuse of power or position.

### **Bullying**

Bullying is characterised by repeated and persistent, offensive, abusive, intimidating, malicious or insulting behaviour. It is repeated, intentional and unreasonable behaviour towards kaimahi that can lead to physical or psychological harm.



- **Repeated** behaviour is persistent (occurs more than once and can involve a range of actions over time)
- **Unreasonable** behaviour is defined by WorkSafe as actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating and threatening a person
- Bullying may also include harassment, discrimination or violence.
- Bullying can be physical, verbal or social (e.g. excluding someone from a peer group or spreading rumours).

Common bullying behaviours fit in two main categories:

- direct and personal or
- indirect and task-related.

### **Discrimination**

When a person is disadvantaged on the grounds of gender, marital status, religious or ethical beliefs, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation.

### **Sexual Harassment**

Sexual harassment is unwelcome or offensive verbal or physical behaviour of a sexual nature that is repeated or is significant enough to have a harmful effect on an individual's employment, job performance or job satisfaction.

Unwelcome means behaviours that are unwanted and are regarded by a person on the receiving end as undesirable or offensive at the time.

Behaviour includes the use of language (written or spoken), visual material, or physical behaviour, and includes requests of a sexual nature to an employee (directly or indirectly) that contain an implied or overt promise of preferential treatment or threat of detrimental treatment.

Examples of sexual harassment may include:

- offensive gestures or verbal comments
- unwanted and deliberate physical contact
- unwelcome comments, questions about an employee's sexual activities, orientation or private life



- sexual propositions or requests for dates, especially after prior refusal
- display of pictures, screensavers or other material of a sexual nature
- sexual behaviour such as leering or staring at an employee's body
- unwelcome sexual or smutty jokes
- offensive email messages or texts
- suggestions for preferential treatment at work in return for sexual favours
- threats or suggestions of a negative impact on an employee's position if favours are not granted.

Note: the above list is not complete. Sexual harassment can take many forms.

### **Racial harassment**

Racial harassment includes the use of language (written or spoken), visual material, or physical behaviour that directly or indirectly:

- expresses hostility against, or ridicules any employee on the grounds of their colour, race, ethnic or national origins
- either by its nature or through repetition is hurtful, humiliating, intimidating or offensive to an employee
- has a negative impact on an employee.

Examples of racial harassment include:

- making offensive remarks or jokes about a person's race
- mimicking the way a person speaks
- calling people racist names
- deliberately pronouncing people's names incorrectly.

Note: the above list is not complete. Racial harassment can take many forms.

## What is not harassment, bullying or discrimination

The following examples are not considered to be workplace harassment or bullying<sup>2</sup>:

- one-off instances of forgetfulness, rudeness or tactlessness
- a single incident of unreasonable behaviour (unless of such significant nature to have a detrimental effect on dignity, safety or wellbeing)
- warning or disciplining someone in line with our kawa or code of conduct
- constructive advice and legitimate advice or peer review
- a manager requiring reasonable verbal or written work instructions to be carried out
- differences in opinion or personality clashes that do not escalate into bullying or harassment.

Just because an incident or behaviour may not be classified as bullying, harassment or discrimination doesn't mean that it is appropriate. Speak to your line manager, the Senior HR Advisor, or another trusted manager if you need any advice.

## Where to go for help and resolving issues

We encourage anyone experiencing harassment, bullying or discrimination to take action to try stop the behaviour and prevent it occurring again.

We have a number of approaches available to resolve an issue or instance of inappropriate behaviour. You can discuss options with a manager to see what the best pathway is for you. Options can include both informal and formal approaches:

- self-help: This involves the person who has experienced the harassment letting the other person know that their behaviour is offensive and needs to stop. This may mean telling them directly what behaviour is objectionable and asking the person to stop it or writing a letter to the person on a 'private and confidential' basis.
- informal intervention: this approach involves asking a trusted colleague or manager to raise the matter with the person involved. This does not require a written formal complaint to be lodged.
- facilitated discussion (mediation): having an independent third-party act as a facilitator in either an informal or formal setting to discuss and resolve the issue.

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<sup>2</sup>: [Preventing and responding to bullying at work | WorkSafe](#)

- formal complaint and investigation: this involves the complainant completing a written complaint that will be formally investigated by Human Resources. If the complaint is upheld, there may be disciplinary consequences for the person who has been complained about.

WorkSafe NZ also provides [guidance around preventing and responding to instances of bullying or inappropriate behaviour](#).

## Guidelines

**Making a complaint** Formal complaints are put in writing and contain the following specific information:

- who the complaint is about
- what happened (including the time, date, place, what was said and what was done) and what impact the action had
- what response, if any, was made
- whether anyone else witnessed the behaviour
- what the complainant wants to happen as a result of the complaint, including what would be a suitable outcome.

The complaint can be made to a member of the Executive Leadership Team or your manager.

Every formal complaint is impartially investigated. As a part of the process, the views of all involved parties are sought and required from their perspective to restore a positive working environment after the complaint is finalised. This is particularly the case where parties may be required to interact in the future as part of their roles.

### When a complaint is lodged

There are two aspects that need to be considered in relation to possible instances of bullying, harassment and discrimination. This means the process needs to have two parallel streams focusing on each of the people involved:

- the person who the behaviour and actions etc. have been directed at (the complainant)
- the person who has been complained about.

Managers who receive formal complaints are expected to liaise with their manager immediately to jointly identify an appropriate, impartial person to investigate the complaint

following the guidelines set out below. Our Senior HR Advisor can provide advice to both kamahi and the manager on the most appropriate process to follow.

### **The complainant**

The manager dealing with the complaint must make sure that the complainant is supported throughout the process. Complainants will be offered access to our [employee assistance programme](#). Given the sensitive nature of complaints, consideration of confidentiality both during and after is very important, but requirements of the Employment Relations Act 2000 and the principles of natural justice mean that the complainant may not be able to remain anonymous.

The complainant is protected during the complaints process. It may be appropriate to move the person complained about to other work or another team during the investigation. The complainant should not be the person moved (unless they specifically want this) as this may look as if they are being punished for making the complaint. In some instances, it may be appropriate to give the complainant time off work (on discretionary leave) or allow them to work from home if that is what they want, during the investigation.

The manager making the decision about what action to take will take into consideration what the complainant wants to happen.

The manager will keep the complainant updated at all stages of the investigation.

### **The person complained about**

The investigation into the complaint will focus on the person being complained about and their privacy and confidentiality will be protected. Until there is resolution, the matters are only an allegation, and the investigating manager does not indicate that any conclusions have been reached about the behaviour. At the end of the investigation, if a decision is made that there was bullying, harassment or discrimination, disciplinary action for misconduct or serious misconduct may be taken against them. The action taken will depend on the circumstances of the situation and the person. Instances of serious misconduct could result in the person's dismissal without notice.

### **The outcome(s)**

The outcome(s) depends on the seriousness, circumstances and impact of the behaviour. Potential outcomes may include:

- an apology (in person or written) to the person who was subjected to the inappropriate behaviour or wider team
- coaching or training to address certain behaviour
- counselling

- agreement to work or behave in a different manner
- an investigation could result in formal disciplinary action such as a warning or dismissal in the case of serious misconduct
- other outcomes that are appropriate in the circumstances.

Where allegations are not substantiated, it may still be appropriate to undertake some action, for example communications training.

### **Malicious complaints**

If someone makes a complaint, it is assumed that they genuinely believe they have witnessed or been subject to inappropriate behaviour.

We care about the wellbeing of all our people. This means we will support all kaimahi involved in an allegation of inappropriate behaviour. Where, through an investigation, it is found that a complaint has been made with a malicious intent, this will be treated seriously and could lead to disciplinary action. If a complaint is not upheld this does not mean that it is malicious.

### **Complaints that also involve criminal behaviours**

Complaints may also be about action of a criminal nature, for example physical assault or stalking. This is a police matter as well as an employment matter. Complaints of this nature will be immediately referred to the Executive Leadership Team who will seek appropriate legal advice.

### **Relevant legislation**

Below is a summary of relevant legislation that supports this kawa and tikanga. Please note this is not an exhaustive list, and additional legislation or clauses may be relevant to an individual case.

Legislation	Additional information
Employment Relations Act 2000 (ERA)	Under the Employment Relations Act 2000 employers must provide a safe working environment for employees.



Human Rights Act 1993 (HRA)	Some bullying and harassment behaviour may be a form of discrimination. The Human Rights Act 1993 states that it is unlawful to discriminate against anyone on the grounds of sex, marital status, religious belief, ethnical belief, colour, race or ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation. The intention of the HRA is ensure everyone is treated fairly and equally.
Health and Safety at Work Act 2015	<p>The main purpose of the HSWA is to provide a balanced framework to promote the health and safety of workers and workplaces by protecting workers and other persons against harm to their health, safety, and welfare.</p> <p>Health and Safety legislation has long required employers systematically to identify hazards in the working environment. Bullying and harassment are stressors that may lead to reports of stress and may thus constitute hazards under the HSWA. Failure to take all practical steps to manage stress in the workplace leaves the employer susceptible to prosecution or other action under the Act.</p> <p>While identification of a workplace stress may be less obvious than identifying and eliminating physical hazards at work, there are still many objectively identifiable warning signs. These can include:</p> <ul style="list-style-type: none"> <li>- high levels of absenteeism and sick leave;</li> <li>- high staff turnover and low levels of staff morale;</li> <li>- accumulated untaken annual leave;</li> <li>- an increase in resignation or retirement rates; and</li> <li>- an increase in use of personal grievance procedures.</li> </ul>
The Harmful Digital Communications Act 2015	The purpose of the HDCA is to deter, prevent and mitigate harm caused to individuals by digital communications. Harm means emotional distress. The HDCA lays out ten communication principles which are plain expressions of unacceptable ways to communicate online. Harmful communications could include people using phones to send threatening or offensive messages online, spreading

	damaging or degrading rumours, and publishing invasive or distressing photographs or videos. This covers cyberbullying. Digital communications mean any form of electronic communication and includes emails, texts, websites, blogs, comments sections, online forums, (chat rooms), social media sites, or phone apps.
The State Sector Act 1988	Section 56(2) of the State Sector Act 1988 requires departments as good employers to operate personnel policies necessary for the fair and proper treatment of employees in all aspects of their employment, including "good and safe working conditions".