

18.a Anti-Bullying & Harassment Policy

Purpose & Scope

LCBNZ is committed to ensuring a healthy and safe place of work and study, with a culture of dignity and respect where people are free from bullying and harassment. LCBNZ take legal and moral obligations in this respect seriously and will not tolerate bullying, or harassment at any level of the organisation:

- 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
- 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 LCBNZ. This includes but is not limited to staff, students and contractors.

Digital Communication and Social Media

LCBNZ 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.

LCBNZ take seriously the obligations under the Harmful Digital Communications Act 2015 (HDCA) and expect all staff members and students to treat others with respect when using digital communication and social media.

LCBNZ will endeavour to:

- prevent bullying, and harassment by making staff and students aware of this policy
- respond promptly, appropriately and fairly to any complaints that are brought to its attention
- ensure employees are aware of LCBNZ's commitment to anti-bullying and harassment principles through induction and staff meetings.

Key Roles & Expectations

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The following roles have key responsibilities:

All Staff and students

- 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 LCBNZ's 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

- 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.

Managers


Ensure their team are committed to this policy, being aware of obligations under any applicable diversity and:

- inclusion strategy or initiatives
- are aware of LCBNZ's obligations under the Human Rights Act 1993
- monitor their team's compliance with this policy
- provide tools and support for the monitoring and measurement of staff wellbeing under this policy
- provide Professional Development that supports anti-bullying, harassment and discrimination
- ensure that Safety and Wellbeing staff and mental health first aid responders are skilled and capable to support, educate and promote this policy
- conducting an annual assessment of this policy, the objectives and progress made toward achieving them.

Raising a Concern

LCBNZ 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, LCBNZ 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,

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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/or harassment. A support person can always be invited to be present. This also applies to staff and students when accessing counselling services.

Self help

It is often sufficient for a complainant to approach the alleged offender directly, in person or in writing, and:

- identify the language or behaviour that has given offence,
- state that the language or behaviour is unwelcome and offensive,
- seek an assurance that it will not be repeated.

If the complainant and the offender speak directly, it may be appropriate for the complainant to be accompanied by a support person or a manager. Informal resolution through direct communication is the preferred first step, although that will not always be appropriate or practical. The objective is to bring the unwelcome and offensive nature of the language or behaviour to the attention of the person responsible for it. In many cases, this will be enough to stop the unwelcome behaviour.

An apology, with an assurance that there will be no repetition, may be an appropriate resolution.


If a complaint cannot be resolved directly, or a complainant is not comfortable raising the matter directly, the individual should seek help from a support person or a manager. When a request for an informal intervention is made, the request must be acted on quickly, discreetly and fairly. All discussions and any investigations must be conducted in confidence.

The aim of this informal intervention is to ensure that the alleged harasser becomes aware of, and understands the effect of, the language or behaviour on the complainant. The intervenor should seek an undertaking that the language or behaviour will not be repeated. There may also be an apology to the complainant.

Mediation

In some situations, arranging for a complainant and respondent to discuss the complaint with a skilled mediator may be an appropriate way to address the issue. Both parties need to agree to mediation. Mediation is not always appropriate to resolve behaviour issues, particularly if there is a power imbalance. Mediation may be suitable where:

- there is basic agreement on the facts
- both parties agree to try to resolve the situation through this method
- the harassment is of a low level and serious disciplinary consequences do not appear warranted.

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If a complainant and the respondent cannot resolve the complaint through mediation, then formal options are available.

Formal Approach

If a person has been unable to achieve a resolution through the informal approach, or circumstances are such that resolution through the informal approach would be inappropriate due to the nature or seriousness of the complaint, LCBNZ will follow the formal approach set out in the Concerns and Complaints Procedures.

Complaint to Human Rights Commission

A person may take a complaint of sexual harassment directly to the Human Rights Commission under the Human Rights Act 1993. A complaint to the Commission is an alternative to a personal grievance under the Employment Relations Act.

Related Legislation, and Procedures

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

Concerns and Complaints Procedures

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