



1 AUG 2018



Dear 

On 8 June 2018 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *The number of complaints made in relation to workplace bullying within Work and Income New Zealand in the years 2014, 2015, 2016, and 2017*
- *The number of bullying complaints that were investigated in the years 2014, 2015, 2016, and 2017*
- *The number of bullying complaints that resulted in disciplinary action in the years 2014, 2015, 2016, and 2017*
- *The number of complaints made in relation to sexual harassment within Work and Income New Zealand in the years 2014, 2015, 2016, and 2017*
- *The number of sexual harassment complaints that were investigated in the years 2014, 2015, 2016, and 2017*
- *The number of sexual harassment complaints that resulted in disciplinary action in the years 2014, 2015, 2016, and 2017*

The Ministry takes its obligations as an employer to provide a safe and healthy work environment very seriously. As such, the Ministry does not tolerate any form of workplace bullying or harassment. All Ministry staff, including managers, are required to read and sign the Code of Conduct, which sets out the Ministry's expectations of all staff to act in a way that is professional and respectful.

All complaints of bullying or harassment received by the Ministry are treated seriously and confidentially, and are followed by an investigation to determine the appropriate course of action, including possible disciplinary action.

Workplace bullying is defined by the Ministry as unwanted and unprovoked behaviour that is offensive, intimidating, or humiliating and is repeated, or significant enough as a single incident, and which has a detrimental effect upon a person's dignity, safety, or sense of wellbeing. This could include:

- repeated criticism in front of colleagues

- the use of offensive language
- isolating an employee
- spreading malicious rumours, or insulting an employee by word or behaviour

The above list is not exhaustive. The Ministry recognises that workplace bullying can take many forms and does not tolerate it in any situation.

Work and Income sits within the Service Delivery branch of the Ministry. Service Delivery includes Work and Income, StudyLink, Senior Services, Integrity Services, and the Youth Service.

Please find attached Table 1 showing the number of complaints that were made, and investigated for bullying in the years 2014 to 2017 within Service Delivery.

Please note that the number of complaints which resulted in disciplinary action is withheld under section 9(2)(a) of the Official Information Act (the Act) in order to protect the privacy of natural persons. This is because the release of these numbers, by year, may identify the outcomes of specific complaints, and thereby breach the privacy of the individuals concerned. The need to protect the privacy of these individuals outweighs any public interest in this information. The total number for the period is provided at an aggregate level.

Sexual harassment guidelines are also included in the Ministry's Workplace Harassment and Bullying policy. Sexual harassment is described as unwanted and unwarranted behaviour or a sexual nature, including the use of language (whether written or spoken), visual material, or physical behaviour that, directly or indirectly:

- makes a request of a sexual nature to an employee which contains an implied or overt promise of preferential treatment or a threat of detrimental treatment
- is unwelcome or offensive to an employee
- has, either by its nature or through repetition, a detrimental effect on an employee.

When the Ministry is made aware of a situation that breaches our Code of Conduct, we will conduct a formal investigation of the complaint raised, or will work with any external agencies investigating this, such as the Police. During the investigation process, the Ministry encourages complainants to bring support people, such as family or whānau or a Union representative, to any meetings.

When the Ministry receives a complaint of this nature, the complainant is advised that they are entitled to:

- seek independent legal advice if they believe that they have been the victim of a criminal offence. Where an assault or serious intimidation is alleged, it may be appropriate to report the alleged incident or incidents to the Police

- lodge a complaint with the Human Rights Commission under the Human Rights Act 1993, or raise a personal grievance under the Employment Relations Act 2000 within 90 days of the incident occurring.

Examples of sexual harassment complaints that will be investigated if a complaint is made include:

- offensive gestures or verbal comments
- unwanted and deliberate physical contact
- offensive electronic messages
- sexual propositions or requests for dates, especially after prior refusal.

The Ministry acknowledges that sexual harassment may take many forms, and the above list is not exhaustive.

Please find attached table 2 showing the number of complaints that were made, and investigated for sexual harassment in the years 2014 to 2017 within Service Delivery.

You will note that the number of complaints resulting in disciplinary action is withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. As in the case of the bullying data, the release of this information may identify the outcomes of specific complaints and thereby breach the privacy those individuals affected. The need to protect the privacy of these individuals outweighs any public interest in this information. The total number for the period is provided at an aggregate level.

The Ministry is committed to ensuring all staff feel safe and well supported at work. All Ministry employees are entitled to professional counselling through the Employee Assistance Programme. These sessions are voluntary, confidential, away from the workplace, and with qualified counsellors. All employees are entitled to three free one-hour sessions per issue.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding bullying and sexual harassment within Work and Income, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'S. Crombie', written in a cursive style.

Stephen Crombie
Deputy Chief Executive

Table 1: The number of complaints made, number of complaints investigated, and number of complaints which resulted in disciplinary action being taken relating to workplace bullying within Service Delivery in the years 2014 to 2017

	2014	2015	2016	2017
Complaints made	5	16	7	17
Complaints investigated	5	16	7	17
Disciplinary action taken	S	S	S	S

Note:

- Disciplinary action taken includes giving written and verbal warnings, and the sending of letters of caution and expectation to ensure that staff are aware of the standards of behaviour expected by the Ministry.
- 'S' represents data that is suppressed in order to protect the privacy of natural persons. During this period, a total of 11 complaints of bullying resulted in disciplinary action being taken.

Table 2: The number of complaints made, number of complaints investigated, and number of complaints which resulted in disciplinary action being taken relating to sexual harassment within Service Delivery in the years 2014 to 2017

	2014	2015	2016	2017
Complaints made	1	3	2	7
Complaints investigated	1	3	2	7
Disciplinary action taken	S	S	S	S

Note:

- Disciplinary action taken includes giving written and verbal warnings, and the sending of letters of caution and expectation to ensure that staff are aware of the standards of behaviour expected by the Ministry.
- 'S' represents data that is suppressed in order to protect the privacy of natural persons. During this period, a total of 4 complaints of sexual harassment resulted in disciplinary action being taken.