



Dear Ms [REDACTED]

On 20 December 2018, you emailed the Ministry requesting, under the Official Information Act 1982, information relating to workplace bullying, complaints and personal grievances.

The Ministry employs just under 7,000 staff and 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.

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.

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

The Ministry will not tolerate any form of workplace harassment or bullying. All complaints are treated seriously and confidentially. The Ministry takes all reasonable steps to prevent workplace harassment/bullying.

A number of options are available to employees to address harassment/bullying. While it is recommended that employees use internal processes to investigate and resolve situations wherever possible, employees may choose to seek independent advice at any stage.

Depending on the nature and circumstances of the complaint, the employee may request the situation be resolved informally. Informal intervention involves getting a third person (usually a Manager or Human Resources Consultant) to help resolve the situation and assist the parties to work through the options available given the circumstances. All complaints are taken seriously and dealt with impartially, without unnecessary delays.

If there is agreement on what happened and what will fix the situation, the issue can be resolved confidentially between the immediate parties. The delegated decision-maker will then take advice from their Human Resources Consultant and work to resolve the matter. Employees may also wish to contact their union for support.

Where informal intervention is not possible, for instance due to the denial of the allegations, the seriousness of the allegations, or at the parties' request, a formal investigation may be the appropriate procedure.

The decision to proceed to a formal investigation will be made by the Manager who received the complaint (in consultation with a Human Resources Consultant) who must consider the complainants and/or respondent's requests, the nature of the complaint and the obligations on the Ministry to treat complaints seriously and take all reasonable steps to prevent harassment/bullying.

An employee is also entitled to:

- 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
- 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.

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

On 16 January 2019, you confirmed that question three of your request relates to the number of open/closed cases. You also confirmed that questions 8-14 of your request were in relation to bullying and harassment cases at the Ministry.

Please note that complaints involving staff of the former Child, Youth, and Family are included in the data prior to 1 April 2017. From this date, Oranga Tamariki, the Ministry for Children was established and approximately 3,000 staff were transferred to the new agency. The Ministry is aware that this request has also been made to Oranga Tamariki and this information will therefore be included in Oranga Tamariki's response to you. In answering questions 1 to 15, please note that some of those staff who were involved in a complaint may now be working for Oranga Tamariki.

For the sake of clarity, I will address each of your questions in turn.

For the period between 2014 -2018 (please provide information per year and region).

- 1. How many (formal and verbal) personal grievances and workplace bullying complaints have been laid by current/former staff /contractors at the Ministry of Social Development?*
- 2. Please provide a general breakdown of the nature of the personal grievances and complaints - for example workplace bullying, or sexual harassment, employment related (performance).*
- 3. How many were resolved?*

For the period 2014 to 2018, the Ministry identified 114 bullying and harassment complaints and 61 Personal Grievances received by current, former staff and contractors. Enclosed are the following six tables:

- Table One shows the number of bullying complaints received by the Ministry between 2014 and 2018, broken down by calendar year.
- Table Two shows the number of bullying complaints received by the Ministry between 2014 and 2018, broken down by region.
- Table Three shows the number of harassment complaints received by the Ministry between 2014 and 2018, broken down by calendar year.
- Table Four shows the number of harassment complaints received by the Ministry between 2014 and 2018, broken down by region.
- Table Five shows the number of Personal Grievance claims received by the Ministry between 2014 and 2018, broken down by region and calendar year.
- Table Six shows the number of Personal Grievance claims received by the Ministry between 2014 and 2018, broken down by nature of Personal Grievance and calendar year.

Please note, the number of staff in each region differ. Wellington figures are also inclusive of National Office.

During the 2018 calendar year, one case was opened and is currently ongoing. The remaining 113 bullying and harassment cases and 61 Personal Grievances received between 2014 and 2018 have been resolved.

- 4. How many of the complainants (broken down by reason) left on sick leave/ stress leave /anxiety/ PG /resigned etc as a result of their case?*

Of the 114 cases identified during 2014 and 2018, 31 complainants were given either Paid Special Leave or took Sick Leave and three of the complainants initiated Personal Grievances as part of their complaint process. All of these Personal Grievances have been resolved.

In addition to this, 32 of the complainants were identified as no longer working for the Ministry; however the Ministry is unable to ascertain if the decision to leave was complaint related as this information is not recorded. As such, your request for this information is refused in part under section 18(g) of the Official Information Act as this information is not held by the Ministry and there are no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

5. *How many were offered exit interviews?*
6. *How many took up an exit interviews?*

Please refer to the Ministry's extension letter to you, dated 11 February 2019. A copy of this letter is attached for your reference.

7. *How many still work for the Ministry?*

Of the 114 cases identified during the 2014 to 2018 period, 44 of the complainants remain employed by the Ministry of Social Development and 38 of the complainants transferred to Oranga Tamariki in April 2017. As per the Ministry's response to question four, the remaining 32 complainants were identified as no longer working for the Ministry; however the Ministry is unable to ascertain if this was complaint related.

8. *What role was the alleged bully in - eg manager, supervisor, another employee.*

Please refer to table seven that shows the role the alleged bully of a Ministry staff member was in between 2014 and 2018, broken down by employee type and calendar year.

9. *Please provide a general breakdown of the nature of these complaints, per year?*

Please refer to the Ministry's response to question two of your request as you confirmed in your email on 16 January that you were requesting the same information.

10. *For the same time period, by year, how many of the employee complaints were received by 'Human Resources'?*
11. *How many of those complaints were investigated internally by 'Human Resources'?*
12. *How many were made to an external organisation?*
13. *How many were externally investigated?*

All 114 bullying and harassment complaints identified in the Ministry's response to question one of your request were received by the Ministry's Human Resources team and were investigated internally. This includes two complaints where the investigation was also externally referred by the complainant and investigated externally.

14. *Please provide the outcome of all investigations.*

Enclosed are the following two tables that show the outcome of all investigations into workplace bullying and harassment complaints between 2014 and 2018 nationwide:

- Table Eight shows the outcome of all bullying and harassment investigations in the 2014 and 2015 calendar years.
- Table Nine shows the outcome of all bullying and harassment investigations in the 2016, 2017 and 2018 calendar years.

The Ministry has not split these out into individual years due to some of the years having very small numbers. The release of this information broken down into each year may risk identifying the complainant involved. As such, your request is refused in part under section 9(2)(a) of the Official Information Act. The need to protect the privacy of these individuals outweighs any public interest in this information.

15. Has the Ministry been made aware of any cases where suicide was a result of alleged bullying or was attempted/contemplated?

The Ministry is not aware of any former staff member of the Ministry committing suicide as a result of alleged bullying or harassment. Of the 114 cases identified during the 2014 to 2018 period, the Ministry is aware of one case where the employee reported that they had attempted/contemplated suicide. In such circumstances, the Ministry offers support options to staff such as EAP; paid Special Leave; reimbursement of medical costs / specialist counselling; a new location, manager or role or the use of external workplace facilitators.

16. Does the Ministry have a bullying policy?

Please refer to the Ministry's extension letter to you, dated 11 February 2019. A copy of this letter is attached for your reference.

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 available to the wider public shortly. The Ministry will do this by publishing this letter 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 workplace bullying, complaints and personal grievances, 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



Stephen Crombie
Deputy Chief Executive, Corporate Solutions

Table One: Number of bullying complaints received by the Ministry between 2014 and 2018, broken down by calendar year.

Calendar year	Number of bullying complaints
2014	19
2015	24
2016	15
2017	19
2018	13
Total:	90

Table Two: Number of bullying complaints received by the Ministry between 2014 and 2018, broken down by region.

Region	Number of bullying complaints
Northland	4
Auckland	23
Waikato	11
Bay of Plenty	6
East Coast	5
Taranaki	1
Wellington	22
Nelson	3
Canterbury	14
West Coast	1
Otago	0
Total	90

Table Three: Number of harassment complaints received by the Ministry between 2014 and 2018, broken down by calendar year.

Calendar year	Number of harassment complaints
2014	6
2015	4
2016	4
2017	2
2018	8
Total:	24

Table Four: Number of harassment complaints received by the Ministry between 2014 and 2018, broken down by region.

Region	Number of harassment complaints
Northland	2
Auckland	8
Waikato	1
Bay of Plenty	0
East Coast	0
Taranaki	0
Wellington	6
Nelson	2
Canterbury	3
West Coast	0
Otago	2
Total	24

Notes for tables One to Four:

- Some complaints were lodged as both "bullying and harassment" however the numbers have been determined after identifying the most appropriate / lead descriptor for each complaint.

Table Five: Number of Personal Grievance claims received by the Ministry between 2014 and 2018, broken down by region and calendar year.

Region	Calendar Year				
	2014	2015	2016	2017	2018
Northland	4	0	0	0	0
Auckland	7	7	0	0	1
Waikato	2	2	3	1	0
Bay of Plenty	2	2	0	1	0
East Coast	0	0	0	2	0
Taranaki	0	0	0	0	0
Wellington	3	3	3	1	3
Nelson	0	0	0	0	0
Canterbury	2	7	2	0	0
West Coast	0	0	1	0	0
Southern	0	2	0	0	0
Otago	0	0	0	0	0
Total	20	23	9	5	4

Table Six: Number of Personal Grievance claims received by the Ministry between 2014 and 2018, broken down by nature of Personal Grievance and calendar year.

Nature of Personal Grievance	Calendar Year				
	2014	2015	2016	2017	2018
Sick leave	1	2	0	0	0
Ability to work	1	2	1	0	0
Inappropriate workplace conduct	2	0	0	0	0
Appointment challenge	2	0	0	0	0
Claim ill defined	2	0	0	0	0
Challenge work offer	0	1	0	0	1
Dispute Code of Conduct outcome	6	12	3	1	2
Lack of training/support	1	0	0	0	0
Challenge role content	2	0	0	0	0
Terms & Conditions	1	1	0	0	0
Restructuring	1	0	0	0	0
Privacy/Information	1	0	0	0	0
Workplace environment	0	1	0	0	1
Workplace injury	0	2	1	0	0
Bullying	0	1	0	2	0
Performance	0	1	2	1	0
Restructuring	0	0	2	1	0
Total	20	23	9	5	4

Table Seven: Role the alleged bully of a Ministry staff member occurred in between 2014 and 2018, broken down by employee type and calendar year.

Role of alleged bully	Calendar Year				
	2014	2015	2016	2017	2018
Manager	12	16	12	9	9
Peer	8	11	4	8	9
More than one peer	3	1	2	4	2
More than one manager	1	0	0	0	0
Manager and Peers	1	0	1	0	1
Total	25	28	19	21	21

Note for table Seven:

- The numbers only relate to bullying and sexual harassment complaints.

Table Eight: Outcome of all bullying and harassment investigations in the 2014 and 2015 calendar years.

Region	Apology	Complainant resigned/retires	Outcome of bullying and harassment complaints				Warning issued	Letter of expectation	Facilitation process	Ongoing
			Alleged bully/harasser resigns	Not substantiated	PIP alleged bully/harasser	PIP complainant				
Northland	1	0	0	0	0	0	1	0	0	
Auckland	1	3	3	1	0	0	0	2	0	
Waikato	0	0	1	3	1	0	1	0	0	
Bay of Plenty	0	0	1	2	2	0	0	0	0	
East Coast	0	0	0	3	0	0	0	0	0	
Taranaki	0	0	0	1	0	0	0	0	0	
Wellington	2	0	0	6	1	1	0	0	0	
Nelson	0	1	1	0	0	0	0	0	0	
Canterbury	1	2	0	5	1	0	0	0	0	
West Coast	0	1	0	0	0	0	0	0	0	
Otago	1	0	0	1	0	0	0	0	0	
Total	6	7	6	22	5	2	1	2	0	

Table Nine: Outcome of all bullying and harassment investigations in the 2016, 2017 and 2018 calendar years.

Region	Apology	Complainant resigned/retires	Outcome of bullying and harassment complaints				Warning issued	Letter of expectation	Facilitation process	Ongoing
			Alleged bully/harasser resigns	Not substantiated	PIP alleged bully/harasser	PIP complainant				
Northland	0	0	0	4	0	0	0	0	0	
Auckland	0	4	0	10	0	0	3	4	1	
Waikato	0	1	0	2	0	0	0	0	0	
Bay of Plenty	0	0	0	1	0	0	0	0	0	
East Coast	0	0	0	2	0	0	0	0	0	
Taranaki	0	0	0	0	0	0	0	0	0	
Wellington	0	0	0	11	1	0	2	3	0	
Nelson	0	3	0	3	0	0	0	0	0	
Canterbury	0	0	0	5	0	0	1	2	0	
West Coast	0	0	0	0	0	0	0	0	0	
Otago	0	0	0	0	0	0	0	0	0	
Total	0	5	0	38	1	0	6	9	1	

Notes for tables eight and nine:

• PIP stands for Performance Improvement Plan