Thank you for your email of 20 December 2018 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), asking the following questions under the Official Information Act 1982 (the Act):

1. How many personal grievances and workplace bullying complaints have been laid by current/former staff /contractors Oranga Tamariki-Ministry for Children?
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?
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?
5. How many were offered exit interviews?
6. How many took up an exit interview?
7. What roles did each of these employees have at the Ministry (eg social worker, office staff etc)?
8. How many still work for the Ministry?
9. What role was the alleged bully in - eg manager, supervisor, another employee?
10. Please provide a general breakdown of the nature of these complaints, per year?
11. For the same time period, by year, how many of the employee complaints were received by ‘Human Resources’?
12. How many of those complaints were investigated internally by ‘Human Resources’?
13. How many were made to an external organisation?
14. How many were externally investigated?
15. Please provide the outcome of all investigations.
16. Has the ministry been made aware of any cases where suicide was a result of alleged bullying or was attempted/contemplated?
17. Also, does the Ministry have a bullying policy?
18. What is the threshold of behaviour that has to be met before a allegation/complaint is considered?

On 7 February 2019, I informed you of an extension of time to respond to your request to 1 March 2019 under section 15A(1)(a) of the Act, in order to collate the information necessary to form a response.
Oranga Tamariki is committed to being a good employer and providing a safe working environment for over 4000 staff, where these staff are treated fairly and with respect. It is the responsibility of all staff members to promote and maintain a work environment free of inappropriate behaviour and to behave in a manner that is respectful of others.

We do not tolerate any form of workplace bullying. All complaints made to us, in respect of this, are treated seriously and confidentially.

**Personal Grievances**

There were 39 personal grievance claims (by 37 different employees) raised with Oranga Tamariki between its formation on 1 April 2017 and 31 December 2018.\(^1\) Seven of these personal grievance claims were for unjustified disadvantage because of bullying and/or harassment, eight claims were for unjustified dismissal, and 24 claims were for unjustified disadvantage other than bullying and/or harassment.

As at 31 December 2018, 30 of the 39 personal grievances had been resolved. The remaining personal grievances are currently being worked through. Of the 30 closed personal grievances, nine resulted in disciplinary action being taken against another employee.

Oranga Tamariki does not record the number of complainants who undertook leave for sickness/stress or anxiety, or resigned as a result of their complaint, as employees are not required to state their reasons for leave or resigning. As such, we are refusing this part of your request under section 18(g) of the Act, as the information requested is not held.

Of the 39 personal grievances outlined above, 27 were raised by employees working in a front line role for Oranga Tamariki (including Youth Workers, Coordinators, Social Workers and Social Work Supervisors). 12 were raised by employees working in other roles (including Administration and Advisory roles).

Of these 39 personal grievances raised and outlined above, 20 employees (out of the 37 that raised the 39 personal grievances) continue to work for, and be employed by, Oranga Tamariki. The personal grievances for bullying (seven as outlined above) were raised against colleagues, managers and in some cases both.

All personal grievances that we have reported on in this response, were received by the Oranga Tamariki People and Leadership team and the Human Resources team. The People and Leadership team do not generally investigate personal grievances, but work with managers in the organisation to appoint internal and external investigators where appropriate.

It is not possible for Oranga Tamariki to determine how many claims were made by employees to external organisations, nor is it possible to determine how many claims were externally investigated by agencies other than Oranga Tamariki. Questions 13 and 14 of your request have been refused under section 18(g) of the Act, as the information you have requested is not held.

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1 A personal grievance is a formal complaint raised under Part 9 of the Employment Relations Act 2000. A personal grievance can only be raised under the Employment Relations Act 2000 by employees (not contractors or any other party).
Oranga Tamariki is aware of two cases reported in the media of self-harm or attempted suicide that has been associated with the work environment.

Complaints

In addition to the investigation into any claims of bullying raised in the specified personal grievances mentioned above, between 1 April 2017 and 31 December 2018, the Oranga Tamariki People and Leadership team was made aware of and considered 26 separate instances of an employee raising concerns or a complaint with their manager about the behaviour of another person, towards them, which they have described as bullying and or harrassment. Oranga Tamariki has also considered two further instances of sexual harassment.

Exit Interviews

The offer of an exit interview to an employee is extended as part of the off-boarding process. The choice to have an interview is voluntary and can be held with a manager or a member of the Human Resources team. Matters discussed at an exit interview are confidential.

Managers conduct exit interviews in a variety of ways. For example the staff member may choose to have a brief informal conversation, or no conversation at all. Whether the interview took place is not recorded on every occasion. For this reason, we are not able to confirm the number of staff members who took up an exit interview.

Workplace Bullying and Harassment Policy

Oranga Tamariki has a workplace bullying and harassment policy which can be accessed on the Oranga Tamariki internal website by all staff. The policy provides information about behaviours that are considered bullying or harassment. A copy of the policy is attached to this letter.

Oranga Tamariki intends to make the information contained in this letter and any attached documents available to the wider public shortly. We will do this by publishing this letter on our website. Your personal details will be deleted and we 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@ot.govt.nz.

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at www.ombudsman.parliament.nz or by contacting them on 0800 802 602.

Yours sincerely

Steve Groom
General Manager Public, Ministerial and Executive Services
Workplace Harassment / Bullying policy

This page outlines the Ministry's workplace harassment / bullying policy

On this Page:
- Overview
- Types of Harassment
- Acceptable Behaviour
- Legislative Compliance
- For staff
- Key Information

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

Overview

Workplace harassment/bullying includes sexual and racial harassment that may be inappropriate and offensive behaviour towards an employee by:

- another employee(s)
- a contractor or consultant engaged by the Ministry
- a client or volunteer of the Ministry

It is the responsibility of both management and employees to promote and maintain a work environment free of inappropriate behaviour and to behave in a manner that is respectful of others.

Note: This policy also applies at all work events, irrespective of whether it is held at or away from Ministry premises. It also applies to all inappropriate behaviour towards an employee/colleague via social media channels (such as Facebook, Twitter, texting etc.)

Mental Health Condition:

It is important that where a mental health condition may be a factor, managers read the Ministry's guidance on managing performance issues which may result from the mental health condition.

Prior to any action being taken, such as taking up a meeting with or resorting to an employee, managers must seek advice from the HR Consultancy Team.

Mental Health Guidance and Mediation
Types of Harassment

Workplace Harassment / Bullying

Workplace harassment/bullying is unwanted and unwelcome 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.

Examples of workplace harassment/bullying could include:

- repeated unfounded criticism in front of colleagues/other employees
- the use of offensive language
- isolating an employee (e.g. not involving the employee in workplace activities that all employees of a similar position can expect to be involved in)
- withholding information to ensure that an employee fails to achieve a given task
- making derogatory and frequent comments about an employee’s appearance or dress
- spreading malicious rumours or insulting an employee by word or behaviour
- overbearing supervision or conspiracy of power or position

Note: the above list is not exhaustive as workplace harassment/bullying can take many forms.

Sexual Harassment

Sexual harassment is unwanted and unwelcome behaviour of 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 a threat or element of unwanted sexual harassment or 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.

Examples of sexual harassment could include:

- offensive gestures or verbal comments
- unwanted and deliberate physical contact
- unwelcome comments, questions about an employee’s sexual activities, orientation or private life
- continued unwelcome social invitations or social calls from a work colleague or a client
- display of pictures/posters, screen savers or other material that is sexual in nature
- sexual behaviour such as leering or staring at an employee’s body
- unwelcome sexual or smutty jokes
- sexual propositions or requests for dates, especially after your refusal
- offensive electronic mail messages
- suggestions for or requests for sexual favours and/or threats or suggestions of negative impact on an employee if sexual favours are not provided.

Note: the above list is not exhaustive as sexual harassment can take many forms.

Racial Harassment

Racial harassment is unwanted and unwelcome behaviour, including the use of language (whether written or spoken), visual material or physical behaviour that directly or indirectly:

- expresses hostility or ridicule any employee on the grounds of their colour, race, or ethnic or national origins
- either by its nature or through repetition is hurtful or offensive to an employee, or otherwise has a detrimental effect on an employee.

Examples of racial harassment could include:

- making offensive remarks or jokes about a person’s race
- mentioning the way a person speaks
- calling people by racist names
- deliberately pronouncing people’s names incorrectly

Note: the above list is not exhaustive as racial harassment can take many forms.

Acceptable Behaviour

What constitutes acceptable behaviour to one person may not be acceptable to another. This can be for various reasons such as different backgrounds, experiences and personal beliefs that people hold, or because an employee is new to a workplace and has not formed relationships with the other staff, and is unfamiliar with the behavioural norms (i.e. what is and is not acceptable) of that particular workplace.

For these reasons, employees should be careful in all of their dealings with colleagues and clients to ensure that their behaviour is acceptable.

Additional details on acceptable behaviour can also be found in the Ministry’s Code of Conduct.
What is NOT harassment/bullying

The following are examples of behaviours that are not considered to be workplace harassment/bullying:

- Friendly banter, light-hearted exchanges, mutually acceptable jokes and compliments
- Friendships, sexual or otherwise, where both people consent to the relationship
- Issuing lawful and reasonable instructions and expecting them to be carried out
- Warning or disciplining someone in line with Ministry policy
- Insisting on high standards of performance in terms of quality, safety and teamwork cooperation
- Giving negative feedback, including in a performance appraisal and requiring justified performance improvement
- Assertively expressing opinions that are different from others

Legislative Compliance


For staff

If you feel that you have experienced workplace harassment/bullying, you need to speak with your manager or, in the last instance, if you feel unable to raise your concerns with your immediate manager, you can contact your line manager for assistance. However, if neither of these options are suitable, you can contact AskHR so that your matter can be escalated to an HR Consultant for follow-up.