



NEW ZEALAND BULLYING AND HARASSMENT POLICY

March 2023

1 Introduction

- 1.1 The College of Law New Zealand Limited (“the College”) is committed to providing a safe and healthy workplace where all employees, workers, volunteers, customers, clients, contractors, and other external parties are free from discrimination, harassment, bullying and victimisation.
- 1.2 This Bullying and Harassment Policy seeks to ensure that the College’s workplace is safe and healthy by monitoring behaviours and work conditions which may lead to illness and/or injury, including unacceptable behaviours.
- 1.3 Discrimination, harassment, bullying and/or victimisation will not be tolerated in the workplace and any breach of this policy may result in disciplinary action up to and including termination of employment/contract.

2 When does this Bullying and Harassment Policy apply?

- 2.1 This Bullying and Harassment Policy applies to you during the course of your work:
 - a. in the workplace, including work outside normal working hours;
 - b. during work activities, including dealings with staff, volunteers, contractors, clients and customers whether on or off-site; and
 - c. at work-related events.

3 Work-related events

- 3.1 Work-related events, regardless of whether they are social, are covered by this policy. Work-related events include any events in which employees are invited in their capacity as employees. This includes (but is not limited to) Christmas parties, social events and functions, work-related travel, work drinks, work trips, business meetings, and conferences.

4 Discrimination

- 4.1 Discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances, because of any of the grounds or attributes listed below.
- 4.2 Discrimination based on any of the following grounds or attributes is unacceptable:
 - a. sex, which includes pregnancy and childbirth;
 - b. marital status;

- c. religious belief;
- d. ethical belief;
- e. colour;
- f. race;
- g. ethnic or national origins, which includes nationality or citizenship;
- h. disability;
- i. age;
- j. political opinion;
- k. employment status;
- l. family status; and
- m. sexual orientation.

4.3 Examples of discrimination include (without limitation):

- a. offensive 'jokes' or comments about another person's racial or ethnic background, sex, sexual preference, age, disability, and the like;
- b. display of pictures, calendars, pin-ups, posters, computer images (e.g. in emails/text messages) etc. which are offensive or derogatory;
- c. expressing negative stereotypes of particular groups, for example, 'married women shouldn't be working';
- d. judging a person on characteristics such as religious or political beliefs, cultural practices, sex or age rather than work performance; and/or
- e. using stereotypes or assumptions when making decisions about a person's career.

5 Harassment

- 5.1 Harassment consists of unwelcome, offensive, abusive, belittling or threatening behaviour directed to another person. This conduct may be based on some real or perceived difference and may lead to the person being harassed, feeling offended, humiliated, intimidated or disadvantaged. The fact that no offence was intended or that the conduct was done in jest does not mean that the harassment is lawful.

Sexual harassment

- 5.2 A person sexually harasses another person if they:

- a. make an unwelcome sexual advance;
- b. make an unwelcome request for sexual favours; and/or
- c. engage in other unwelcome conduct of a sexual nature,

and a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

5.3 'Conduct of a sexual nature' includes subjecting a person to any act of physical intimacy, any remark or statement with sexual connotations to a person or about a person, and/or making any gesture, action or comment of a sexual nature. Sexual harassment can also occur through electronic means such as text messages and social media.

5.4 Examples of sexual harassment include (without limitation):

- a. unnecessary/unwanted physical contact such as brushing up against a person, touching, patting, pinching or grabbing;
- b. using authority or physical strength to place someone in a situation where they feel they need to provide sexual favours to respond to the threat;
- c. repeated invitations or requests for dates or drinks which are unwelcome;
- d. leering, jokes, innuendos, suggestive comments, or taunting remarks about a person's body, appearance, attire etc;
- e. displaying (or transmitting or viewing by way of email/text message) nude/sexually explicit pictures, posters, or graffiti;
- f. crude/sexist jokes or comments, wolf whistles, obscene or sexually explicit language, sexual propositions;
- g. making remarks or asking intrusive questions about a person's sex life or personal life; and/or
- h. criminal behaviours such as indecent exposure, sexual assault, stalking or obscene communication.

6 Bullying

6.1 Bullying is defined as repeated and unreasonable behaviour directed towards a worker that creates a risk to health and safety. Repeated behaviour is persistent and can involve a range of actions over time. Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating or threatening a person and can include by way of cyberbullying.

6.2 A single incident of unreasonable behaviour is not usually considered workplace bullying. Ask yourself if the behaviour is unreasonable, repeated and health endangering. To be classified as bullying it usually needs all three aspects.

6.3 The College has the fundamental right to direct, monitor and control how work is done. Directions, performance management and disciplinary action are not bullying where the action is fair and reasonable in the circumstances.

6.4 Reasonable management action includes (but is not limited to):

- a. allocating work;
- b. enforcing policies;
- c. setting reasonable performance goals and deadlines;

- d. giving constructive feedback on performance;
- e. advising of unsatisfactory performance or conduct; and/or
- f. undertaking a fair and reasonable disciplinary and or performance management process.

6.5 Further information to assist you in determining whether you are being bullied can be found at <http://www.business.govt.nz/worksafe/information-guidance/all-guidance-items/bullying-guidelines/flowchart-am-i-being-bullied>.

6.6 Appendix One to this Bullying and Harassment Policy provides a table of examples of behaviours that may constitute bullying.

7 Victimisation

7.1 Victimisation means subjecting or threatening to subject someone to a detriment because they propose to, have, or are believed to have, under this Bullying and Harassment Policy, equal opportunity legislation or health and safety legislation:

- a. asserted their rights under this Bullying and Harassment Policy or the relevant legislation;
- b. alleged that another person has breached this Bullying and Harassment Policy or the relevant legislation; or
- c. making a complaint or raising an issue or assisting another person to make a complaint or raise an issue.

7.2 A 'detriment' in employment includes demotion, dismissal, transfer, suspension, loss of a benefit, being ostracised from work or work-related social functions or being the subject of gossip or innuendo.

7.3 The College does not permit retaliation against a person just because they propose to, have, or are believed to have made a complaint of unacceptable behaviour under this Bullying and Harassment Policy, equal opportunity legislation or health and safety legislation.

8 Dealing with discrimination, harassment, bullying or victimisation

What if someone complains about my behaviour?

8.1 If a person raises a complaint directly with you about your behaviour, you should appreciate that they are letting you know that they find your behaviour unacceptable. They are giving you an opportunity to change your behaviour, and possibly prevent a formal complaint from being made against you.

8.2 If someone does raise a complaint with you about your behaviour, you should consider monitoring and changing your behaviour, and you should not victimise the person making the complaint.

8.3 Where a formal complaint is made against you:

- a. you may be suspended (in appropriate circumstances), for all or part of the investigation in relation to the complaint; and

- b. you will be given a full and fair opportunity to respond to the complaint before an outcome is reached.

Have you been subjected to discrimination, harassment, bullying or victimisation?

- 8.4 If you believe that you are experiencing unacceptable behaviour in the workplace, you should:
- a. tell the person that that you view their behaviour as unacceptable and that it must stop. Otherwise, they may interpret your silence as consent. However, if you do not feel comfortable raising your concerns directly with the person concerned, this will not mean that you lose your right to object; and
 - b. report the behaviour or incident to your supervisor or manager. You should tell your supervisor or manager if you have been subjected to unacceptable behaviour even if you do not want to make a formal complaint so that the supervisor or manager can attempt to resolve the issue informally and ensure that the behaviour does not continue in the future.

How will the College respond to your complaint?

- 8.5 If you make a complaint of discrimination, harassment, bullying and/or victimisation in the workplace, the College will take your complaint seriously. The complaint will be investigated and, if proven, appropriate disciplinary action, up to, and including termination of employment/contract may be taken against the offender.
- 8.6 You will not be victimised or treated unfairly for making a complaint provided it is made in good faith. However, complaints that are vexatious or malicious may result in disciplinary action, up to, and including termination of employment/contract.

9 Variation

- 9.1 The College reserves the right to vary this policy from time to time.

APPENDIX ONE: BULLYING BEHAVIOURS

Personal attacks (direct)	Task-related attacks (indirect)
Belittling remarks – undermining integrity – lies being told – sense of judgement questioned – opinions marginalised	Giving unachievable tasks – impossible deadlines – unmanageable workloads – overloading – ‘setting up to fail’
Ignoring – excluding – silent treatment – isolating	Meaningless tasks – unpleasant jobs – belittling a person’s ability – undermining
Attacking a person’s beliefs, attitude, lifestyle or appearance – gender references – accusations of being mentally disturbed	Withholding or concealing information – information goes missing – failing to return calls or pass on messages
Ridiculing – insulting – teasing – jokes – ‘funny surprises’ – sarcasm	Undervaluing contribution – no credit where it’s due – taking credit for work that’s not their own
Shouted or yelled at	Constant criticism of work
Threats of violence	Underwork – working below competence – removing responsibility – demotion
Insulting comments about private life	Unreasonable or inappropriate monitoring
Physical attacks	Offensive sanctions – e.g. denying leave
Public humiliation	Excluding – isolating – ignoring views
Persistent and/or public criticism	Changing goalposts or targets
Using obscene or offensive language, gestures, material	Not giving enough training or resources
Ganging up – colleagues/clients encouraged to criticise you or spy on you – witch hunt – dirty tricks campaign – singled out	Reducing opportunities for expression – interrupting when speaking
Intimidation – acting in a condescending manner	Sabotage
Intruding on privacy, e.g. spying, stalking, harassed by calls when on leave or at weekends	Supplying incorrect or unclear information
Unwanted sexual approaches, offers, or physical contact	Making hints or threats about job security
Verbal abuse	No support from manager
Inaccurate accusation	Scapegoating
Suggestive glances, gestures, or dirty looks	Denial of opportunity
Tampering with personal effects – theft – destruction of property	Judging wrongly

Personal attacks (direct)	Task-related attacks (indirect)
Encouraged to feel guilty	Forced or unjustified disciplinary hearings
	Lack of role clarity
	Not trusting