

HARASSMENT AND DISCRIMINATION AT WORK POLICY

Section	People & Culture
Contact	People & Culture
Last Review	February 2020
Next Review	February 2023
Approval	SLT 20/04/51
Effective Date	February 2020

Purpose:

The purpose of this policy is to: managerial authority and bullying.

Please see the [Harassment and Discrimination Resolution Procedures](#) for the processes by which complaints can be resolved both informally and formally.

Please see 'Audience' below for who is covered by this policy.

Principles:

Massey University is committed to providing a work environment for its staff which is free from harassment, where staff are treated with dignity and respect. Massey University has a zero tolerance for harassment and considers any form of harassment to be unacceptable. It will take all practical steps to eliminate harassment and is committed to resolving issues of harassment as early as possible.

The Massey University Policy of Staff Conduct sets out the expected standards of conduct of all staff.

Massey University recognises that any form of harassment is likely to be harmful to the recipient's emotional and physical health. Harassment can damage working conditions and relationships and may substantially impact on a person's ability to perform by undermining their confidence, concentration and motivation. The University will implement measures to prevent harassment and promote a positive working environment and mana-enhancing behaviours.

Massey University will treat complaints of harassment seriously. There are a number of options for dealing with complaints which may include informal steps, early intervention, formal complaints, dispute resolution and mediation. Formal complaints will be investigated fairly and sensitively.

Any member of staff found to have harassed another member of staff, a student, a contractor or a visitor may be subject to the disciplinary provisions set out in their employment agreement. For those staff covered by the Massey University Collective or Individual Employment Agreements, Part 10 refers.

University Managers are expected to monitor the work environments they manage and to take action to ensure the work environment is free from harassment. Managers are expected to treat alleged instances of harassment seriously and to take appropriate action and/or seek advice as soon as practicable. Formal complaints must be addressed immediately. Managers are expected to promote positive working environments and provide information to staff on what harassment is/is not and how to deal with it.

This policy applies to behaviours exhibited on-campus and off-campus, including work and social functions held outside of working hours, that arise from a workplace relationship or where staff represent Massey University. It applies whether the behaviour is in person or through digital mediums or social media. It also applies to staff who may be on secondment or otherwise temporarily located with another organisation either in New Zealand or overseas.

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Discrimination may arise from official statements, actions, omissions, decisions or policies as well as from informal or personal statements or conduct. It may also be indirect, that is it may have the effect of treating someone differently on a prohibited ground, even if the discrimination is not explicit.

Affirmative actions or policies of the University to assist or advance persons as defined under the Human Rights Act 1993 are not considered to be discriminatory.

ii. Sexual Harassment:

Sexual Harassment may occur irrespective of the recipient's gender.

x It is unwanted attention of a sexually orientated nature.

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- x Constant humiliation;
- x Belittling remarks either to the recipient or behind their back;
- x Unjustified threats of dismissal or other disciplinary procedures; and
- x Punishment imposed without reasonable justification.

Covert bullying can include acts such as:

- x Deliberately overloading someone with work and imposing impossible deadlines;
- x Sabotaging someone's work by withholding information that is required to fulfil tasks;
- x Hiding documents or equipment;
- x Constantly changing targets or work guidelines;
- x Preventing someone from receiving necessary resources and training;
- x Isolating or ignoring an employee on a consistent basis; and
- x Changes in the duties or responsibilities of a member of staff to their detriment, without reasonable justification.

vi. What Harassment Is Not:

The following are examples of behaviours that are **not** considered to be harassment or bullying:

- x Friendly banter, light-hearted exchanges, mutually acceptable jokes and compliments;
- x Friendships, sexual or otherwise, where both people consent to the relationship;
- x Assertive expressing of opinions that are different from others';
- x Words or actions that are directed at the advancement of knowledge; add to critical debate; or which serve as a pedagogical framework and which are not targeted at individuals';
- x Free and frank discussion about issues or concerns in the workplace, without personal insults;
- x Legitimate criticisms made to a staff member about their behaviour or work performance (not expressed in a hostile, harassing manner);
- x Issuing of reasonable instructions in line with delegated authority and expecting them to be carried out;
- x Warning or disciplining a member of staff in line with University policy;
- x Insisting on satisfactory standards of performance in terms of quality, safety and team cooperation; and
- x Giving negative feedback, including in a performance appraisal, and requiring justified performance improvement.

vi. Other Inappropriate Behaviour

Please refer to Massey University Staff Code of Conduct for matters related to other inappropriate behaviour

Advice, Information and Support:

As an employee you can access the following for personal support to discuss any issues or concerns you have, to seek advice on resolving the issues or concerns you have or to discuss how to make a complaint:

- x Friend or family member
- x A senior colleague
- x Your manager
- x A Human Resources Advisor
- x A Health and Safety Advisor
- x A union representative www.teu.ac.nz; www.epmu.org.nz; www.psa.org.nz; www.tiasa.org.nz

- x Employee Assistance Programme (EAP) 0800 327 669
- x A Health Professional
- x Massey University Harassment Contact Network
- x Massey University Disputes Advisor

- x [Massey University Mediation Service](#)

External agencies such as the Equal Employment Opportunities Trust www.eeotrust.org.nz, or the Human Rights Commission www.hrc.co.nz. [WorksafeNZ www.worksafe.govt.nz](http://www.worksafe.govt.nz)

As a manager, you can seek advice from the following:

- x Massey University Disputes Advisor
- x Massey University Mediation Service
- x Human Resources Advisor
- x Health and Safety Advisor

Additionally, courses are available through the development programme and managers are also referred to the Managers Handbook and Checklist for Harassment Prevention.

Malicious Allegations or Complaints:

The potential consequences for someone accused of harassment are severe. Therefore an allegation or complaint of

Under Health and Safety at Work Act 2015 Massey University has a primary duty of care to ensure that as far as reasonably practicable, the health and safety of workers and of others persons is not put at risk from work carried out by Massey University (Section 36). Massey University also has a duty to eliminate risks to the health and safety so far as is reasonably practicable, and if is not able to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable (Section 30).

The Human Rights Act 1993 prohibits Massey University from discriminating against any employee, job applicant or ntgre 1