



## Harassment in the Workplace Policy

<b>Enquires to:</b>	Manager, chairperson
<b>Applies to:</b>	All children, parents, guardians, Kaiako and relievers.
<b>Date Developed:</b>	June 2021
<b>Review Date:</b>	June 2021
<b>Date Approved:</b>	
<b>Next Review Date:</b>	September 2021

*References; EEO and Equity policies, Employment Relations Act 2000, Human Rights Act 1993, LHCCC Complaints procedure. 2008 MOE Regulations, Licensing Criteria for ECE Centres 2008, Labour department website.*

### **Definition:**

General harassment could include any unwanted and unjustified behaviour which another person finds offensive or humiliating and because it is serious or repeated it has a negative effect on the person's employment, job performance or job satisfaction.

Specific protection from other forms of harassment at work isn't included in legislation, but if an employee is subjected to another form of harassment, they may be able to bring a personal grievance, for example, if;

- other forms of harassment are included in workplace policies or employment agreements, or
- the harassment leads to unjustified disadvantage or constructive dismissal.

Other forms of harassment may be bullying if they are repeated.

### **Examples of other forms of harassment:**

- comments or behaviour that express hostility, contempt or ridicule, repeated put-downs for people of an age, body shape, gender identity etc
- a general work atmosphere of repeated jokes, teasing, or 'fun' at someone else's expense because of a characteristic they have.

### **Rationale:**

To ensure there is a mechanism for addressing complaints of harassment in the workplace.

Workplace harassment is unlawful under the Human Rights Act 1993 and Employment Relations Act 2000.

### **Policy:**

No staff member should be made to feel uncomfortable or pressured by actions or language of a sexual or racial nature.

Other harassment in the areas of sexual orientation, age, religion, union involvement, sex, disability, political opinion, marital status, religious or ethical belief, employment status, family status will also be considered serious.

All complaints will be treated seriously and sympathetically. Complaints will be handled in an efficient, confidential, and professional manner. Any complaints made need to be specific. Every complaint must be considered separately and will be dealt with as they arise.

### **Procedure**

Preferably the person subjected to the harassment at Lower Hutt City Childcare and Education Centre should make it clear to the offender that the unwanted behaviour is unacceptable and offensive. When talking to the alleged offender the staff member may wish to have a support person present. The alleged offender should also be advised to have a support person present.

When a personal approach is not possible or if the harassment continues after an approach, a complaint should be made.

All complaints against staff, including the manager or head teacher, should be addressed, in the first instance, to the manager/head teacher or other Board member if appropriate.

All complaints against management/parents may be addressed to the chairperson of the board of trustees or other Board member. Should this be unsuitable another committee member may be approached. The manager needs to be aware of any complaints regarding staff members or parents.

A meeting will be arranged between the concerned parties, the manager, and the chairperson of the Board of Trustees. The complaint will be discussed openly to work through the problem. Minutes will be recorded and signed by all parties present as being a true and correct record of the discussion held. Both the complainant and accused may bring a support person to this meeting.

Should any party or the manager feel that issues have not been resolved within a reasonable time frame, a second meeting will occur with mediation supplied by an independent outside agency.

A more formal investigation, with independent outside specialist help, involving interviewing all parties and witnesses to the matter, may be required if the complaint is very serious and/or can not be resolved in earlier discussions.

If the complaint is against a staff member and is very serious and has found to be substantiated, the procedures in the current employment contract, code of conduct and relevant policies will be followed,

If a serious complaint is laid against a committee member and it has found to be substantiated, their position on the committee will be terminated.

Reporting must also be made to the Teachers council.

Board of Trustees consulted	Yes/No	Kaiako consulted	Yes/No
Parents consulted	Yes/No		
Approved by: _____	Designation: _____	Date: _____	