

West Park School staff is committed to creating a positive workplace culture that does not tolerate discrimination, bullying, or harassment in any form (this includes social media, and any other type of cyber bullying, discrimination or harassment). All West Park School staff are entitled to work in an inclusive and safe workplace, where people are valued and treat one another with respect.

These procedures and guidelines set out what discrimination, bullying, and harassment is, our approach to prevention and awareness, and a set of procedures for dealing with these issues if they arise. It applies to all West Park School staff: employees, contractors, relieving teachers, visitors and other stakeholders.

If you are unhappy or uncomfortable due to the behaviour of another person towards you or someone else, and you think there may be discrimination, bullying or harassment going on, these definitions are here to assist you in figuring this out.

Definitions

Discrimination, bullying and harassment can take many forms – the definitions and examples below are only intended to serve as non-exhaustive guidance. This means even if the conduct you are concerned about doesn't neatly fit the definition, and you are still concerned about it, you can continue to follow the processes in this policy.

What is discrimination?

Discrimination refers to any practice that results in a person or groups of people being treated less favourably than another person or group of people on a prohibited ground. Discrimination may be direct or indirect. Discrimination in employment is unlawful and contrary to what we stand for at West Park School.

Examples include:

- Not including an employee in training provided to others in a similar position on the basis that the person will soon go on maternity leave. This is direct discrimination on the basis of pregnancy;
- A practice of providing training only on weekends or after hours that makes attendance difficult for employees with family, religious, or cultural responsibilities. This is indirect discrimination.

Examples do not include:

- Employees in similar positions both being provided training opportunities, but with differing focuses. Training will be dictated by; whole school focuses, responsibilities of the employee, the needs of the students the employee works with.

The following characteristics are prohibited grounds of discrimination under the law and must not influence decision making in the workplace. Any decisions made on the basis of the characteristics below could result in discrimination. This list is also not exhaustive.

National or ethnic origin	Race, colour, identity	Industrial activity (unions)
Age	Status as a parent/carer	Religious or ethical beliefs
Gender and/or Sexual identity	Relationship status	Pregnancy
Irrelevant medical record	Irrelevant criminal record	Sexual orientation
Political opinion	Physical features	Impairment or disability

What is bullying?

Workplace bullying is unreasonable behaviour directed towards a person or people that creates a risk to health and safety, including mental/ emotional health. The behaviour is often persistent (but can be a one-off) and can involve a range of behaviour, including victimising, humiliating, intimidating, or threatening a person.

Some examples include:

- Belittling remarks, undermining integrity, personal criticism, spreading rumours, sense of judgment questioned, or opinions marginalised;
- Setting unachievable tasks, impossible deadlines, unmanageable workloads, overloading, or “setting up to fail”; To the best of our ability the tasks, deadlines and workloads will be communicated in advance to support employees and to allow clear understanding of what is required, why it is required and what support there is to assist in meeting requirements.
- Ignoring, excluding, silent treatment, isolating, acting in a condescending manner;
- Ridiculing, insulting, teasing, inappropriate jokes;
- Shouted or yelled at, acts or threats of violence;
- Direct or indirect threats around job security for non-genuine reasons.

What is harassment?

Harassment usually consists of a pattern of unwelcome behaviour. However, it can consist of just one act. Harassment does not have to be intentionally offensive, humiliating or intimidating.

What is inappropriate use of Social Media?

Inappropriate Social Media use is unreasonable behaviour published on a public social media platform that creates a risk of harm being caused. This can include disparaging comments about the school, colleagues or students and/or the disclosure of confidential information.

What discrimination, bullying and harassment is not

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

- Legitimate feedback to an employee about their behaviour or work performance (expressed in a respectful and professional manner);
- Free and frank discussion about issues or concerns in the workplace, also in a professional manner; - Issuing reasonable instructions in line with delegated authority and expecting them to be carried out;
- Warning or taking disciplinary action against an employee in line with West Park School's Code of Conduct/ legitimate performance management procedures;
- Relationships, sexual or otherwise, where both people consent to the relationship and there is no real or perceived power imbalance in the relationship, or conflict of interest present. These relationships should be disclosed to the Principal or Board Chairperson (even if the information is to be held confidentially) to ensure all relevant considerations are made regarding real or perceived power imbalance, conflicts of interest, or potential unintended bias;
- Insisting on satisfactory standards of performance in terms of quality, safety and team cooperation;
- An expectation that an employee, contribute, to outside of the classroom school activities
- Assertive, yet respectful, expressing of opinions that are different to others;
- One-off or occasional and infrequent instances of genuine forgetfulness, rudeness or tactlessness (this may still need to be addressed however);

- Setting high performance standards.

Prevention

We are committed to having a positive workplace culture that puts prevention at the centre of our discrimination, bullying and harassment procedures and guidelines. Our commitment is to:

- Create safe work environments, free from discrimination, bullying and harassment;
- Expect all staff members to role model appropriate behaviour and enforce these procedures and guidelines (this includes a responsibility to actively consider and look out for potential impacts of indirect discrimination, which are often unintended);
- Ensure that all staff know their rights and responsibilities;
- Be able to promptly handle any such incidents;
- Encourage the reporting of behaviour that breaches the procedures and guidelines.

Prevention is most effective when people have access to the information they need. These procedures and guidelines will be provided at induction, annually in a staff meeting and will be easily accessible on the West Park School shared drive and in the school office so that all West Park School staff know where they can go to get help.

Process

This section will help you decide which action is best to take in addressing potential discrimination, bullying or harassment. The process is guided by these overarching principles:

Principles

Communicate the process and outcomes - All parties will be told what to expect during the process.

Act promptly – Reports (written or verbal) should be dealt with quickly, transparently and fairly.

Treat all matters seriously – All reports will be assessed on their merits and facts.

Support all parties – Treat all parties involved with sensitivity,

Be neutral – Acting impartially towards everyone is important.

Ensure non-victimisation – It's important to ensure that

respect and courtesy. EAP is available to both/all parties and both/all parties should be informed as to what other support is available.

This may necessitate an external facilitator being used to ensure neutrality.

anyone who raises an issue of bullying isn't victimised for doing so. Whoever the complaint is made against should also be protected from victimisation.

Confidentiality

All information will be treated confidentially, to the extent possible, by all parties involved.

Depending on the nature of the complaint, the Principal, Deputy Principal or Chairperson may decide that action needs to be taken, even if the complainant does not wish the matter to be taken further. In these circumstances, absolute confidentiality may not be able to be maintained. However, information will be disclosed only to people who need to know about the complaint and the complainant will be consulted and their views considered seriously.

When a complaint is made the subject of the complaint has the right to natural justice. Due to this the subject will be informed of the details of the complaint against them and afforded the right to respond. Likewise, all details of their response will be shared back to the person making the complaint. As a result of this anonymous complaints cannot be investigated.

Commitments to confidentiality cannot be made, however West Park School does commit to keeping details of any complaint limited to those who need to know and at its sole discretion (while acting reasonably), using or disclosing any material necessary to instigate or defend any legal proceedings, make submissions in relation to any enquiry or complaint, or to refer a matter to the police. Wherever possible the person making the complaint will be informed of who the details has been shared with.

So what choices do I have?

You can make an informal complaint or a formal complaint, or you can refer to external assistance. You can choose which way you want to deal with the situation. You are entitled to a support person throughout whichever process you choose (from inside or outside West Park School)

Informal complaint

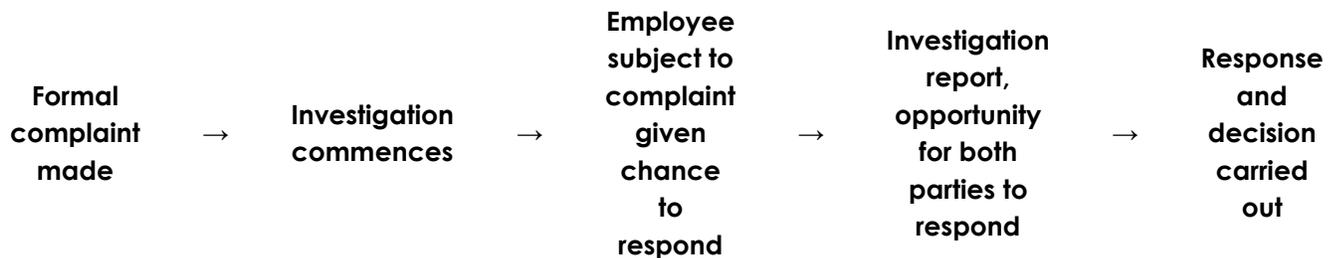
You can approach your Team Leader, Deputy Principal or Principal regarding the matter. You will be asked for a clear description of the behaviour, the issues it is causing for you, and what outcome you are seeking (if you know - you may not have a clear outcome in mind, which is fine). Have a think about these – it may help to write them down, but you don't have to.

If the parties agree, the Team Leader, Deputy Principal or Principal may convene a meeting between the parties to resolve the matter informally. You don't have to agree. It may be appropriate to seek assistance from a mediator to facilitate a resolution to the matter. The Fair Go process may also be used as a guide to how an informal complaint may be resolved.

Alternatively, your Team Leader, Deputy Principal or Principal may address the issue by talking to the subject of the complaint. Every situation is different – the response can be tailored to your case with consultation with you.

Formal complaint

You may choose to make a formal complaint. Similarly, to an informal complaint, you can approach your Team Leader, Deputy Principal or Principal. The matter will then be escalated to the Principal or Chairperson, whichever is most appropriate.



A formal complaint does not need to be in any special form, but it is helpful to include:

- An outline of the event(s);
- When and how it occurred;
- The impact on the employee concerned;
- Action the employee has taken (if any);
- An indication of the desired outcome (if you know).

It may be useful to put this in writing, but you are not required to. The Team Leader, Deputy Principal, Principal or Chairperson will work with the relevant people to investigate. This may be led by an external, independent investigator.

The person who made the complaint will be told what the process is and will be kept informed as appropriate. They will also be provided with an initial timeframe for the investigation and will be informed of any changes to this that occur as a result of the investigation.

The employee subject to the complaint will be given a chance to respond. They will be given the complaint (or a summary) and any supplementary information obtained throughout the investigation. Depending on the seriousness of the allegation, the employee who is the subject of the complaint may, in line with their collective terms and conditions and relevant school procedures and guidelines, be suspended and removed from the workplace while the investigation is undertaken.

During an investigation, it may be necessary to gather information and interview other individuals. Content of any interviews will be documented and verified by the individual supplying the information for the purposes of being included in the investigation and the investigation report.

Both the complainant and the employee subject to the complaint will be provided with a copy of any investigation report and given the opportunity to provide a written response before a decision is made.

At the end of the investigation a decision will be made as to whether the complaint is substantiated or not and what action should be taken. If there has been an incident of serious misconduct (and possibly a criminal offence to be referred to appropriate external authorities), an employment investigation will be undertaken in accordance with the employee's employment agreement and the school's Disciplinary Action procedures and guidelines.

Withdrawal of a formal complaint - At any time during a formal investigation, the person who has raised the complaint can seek to have the matter resolved without going further or have it referred to mediation (informal process).

What if I have observed a colleague being subject to discrimination, bullying or harassment?

It is important that we look out for others at West Park School. If you feel comfortable to do so, you could approach your colleague to see if they are okay and offer them assistance. Alternatively, you can discuss the matter with the relevant Team Leader, or Deputy Principal or Principal.

Consequences

West Park School will take all reasonably practicable steps to prevent a repetition of the conduct. Any employee who is the subject of a complaint may, in line with their relevant collective terms and conditions and relevant school procedures and guidelines, be suspended while an investigation is undertaken. Any employee found to have discriminated, harassed or bullied against another employee, or contractor may face disciplinary action. Every situation is different – the consequences will always be relative to the behaviour.

Other Options

EAP – The Employee Assistance Programme is available to all West Park School staff. They provide professional and confidential support to West Park School staff at no cost to you in instances of discrimination, harassment and bullying. EAP services will provide immediate advice, discuss various options available and assist in remedying the situation. They can be contacted at www.eapservices.co.nz or on 0800 327 669.

Worksafe Toolkit – Worksafe have developed a toolkit aimed at preventing and responding to workplace bullying. It is available at www.worksafe.govt.nz/thetoolshed/tools/bullying-prevention-toolbox/

Friends & Family members – It may be useful to talk to someone you trust about the situation. They may provide support and useful advice.

Human Rights Commission – The HRC provides free legal assistance to those who feel that they have been subject to discrimination. They can be contacted at www.hrc.co.nz

Legislation – Employment Relations Act 2000, Health and Safety at Work Act 2015, Human Rights Act 1992, Harassment Act 1997, Privacy Act 1993.

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