

Unwelcome Behaviours



An integrated policy guide for unwelcome behaviours for State service agencies

Introduction

The State Services Commissioner has a statutory mandate to provide guidance on integrity and conduct for the State services. Defining and upholding the highest standards of behaviour in the State services is essential to operating as a good employer and to stewarding a high integrity workforce that maintains the trust of the Government and the public in the State services.

While chief executives are accountable for the conduct and behaviour of staff in their agency, this guide reflects the expectations of behaviour in common to all the State services agencies.

Purpose

This policy and practice guide sets out the State Services Commissioner's expectations of good policy and practice, in relation to unwelcome behaviours in State services workplaces.

The State Services Commissioner expects that agencies will implement good practice that supports the policy. This means actively working towards the highest standards of workplace behaviour and workplace culture while actively preventing bullying, harassment, and discrimination in the agency.

The State services workplaces are diverse and there is no "one size that fits all". Agencies will have different governance arrangements and face varying types of issues. Regardless, there are some common expectations that are set out in this guide as "must-have" elements of policy and practice relating to unwelcome behaviours in every workplace. This is no matter the size of the agency or the nature of the work carried out.

Good policy and good practice is, inherently, a work-in-progress. To be effective, agency policy and practice must be continually reviewed and refreshed, to ensure it remains effective in empowering staff and in serving the workplace.

Supporting good practice and guidance on unwelcome behaviours include:

- ▶ [*The Positive Workplaces Behaviour Guide*](#) – State Services Commission (SSC).
- ▶ [*Bullying - Preventing and Responding to Workplace Bullying*](#) – Best practice guidance from WorkSafe New Zealand (NZ) and the Ministry of Business, Innovation and Employment (MBIE).
- ▶ [*Prevention and Response to Sexual Harassment Policy Guideline*](#) – SSC.

Outcomes

This policy guidance aims to improve understanding of unwelcome behaviours and guide agencies on the elements of high quality and effective behaviours', supported by workplace practice, across the State services.

Monitoring and reporting on the use of agency policy can inform whether policies are working effectively and, if not, what is needed to create better, more effective policy that maintains standards of behaviour while reducing the risks of bullying, harassment and discrimination in the agency.

Ensuring that the policy is integrated into agency practice will enhance the well-being of all staff and reduce the risk of harm.

Every staff member in the State services can expect their agency to provide them with good support and guidance, access to robust reporting and resolution processes and skilled and timely intervention, as is necessary, to resolve any concerns about unwelcome behaviour in a fair manner.

1 There is policy in place

All State service agencies will have sound policy that sets out the agency's expectations for behaviours, and provides guidance to staff on preventing and responding to bullying, harassment, sexual harassment, and discrimination.

2 Elements of good policy

Agencies are expected to adopt the good practice set out in:

- ▶ [Bullying – preventing and responding to workplace bullying](#) - WorkSafe NZ and MBIE
- ▶ [Prevention and Response to Sexual Harassment Policy](#) Guideline – SSC

The expectations to guide agency policy that are common to other unwelcome behaviours (ie other forms of harassment or discrimination), are set out below.

Elements of “must have” agency policy in relation to bullying, harassment and discrimination

The policy must:

- ▶ Describe the agency's aspirations for high integrity behaviours and culture in which staff feel respected, valued and supported to do their best.
- ▶ Apply to all staff who work in the business of the agency.
- ▶ Communicate the high standards of behaviour and professionalism expected in the workplace.
- ▶ Inform what is and what is not unwelcome behaviour taking into account the importance of context.
- ▶ Define discrimination, harassment and sexual harassment in accordance with the Human Rights Act 1993 and the Employment Relations Act 2000.
- ▶ Define what bullying is, as set out in Workplace NZ and MBIE's Preventing and Responding to Workplace Bullying Guidelines.

- ▶ Inform staff about when, how and who to report any concerns of unwelcome or unlawful behaviour.
- ▶ Guide staff about the reporting and resolution processes that are available and how to use these in:
 - ▶ setting out the internal and external, formal and informal, processes to be followed
 - ▶ guiding staff on helping themselves, getting support and keeping themselves safe.
- ▶ identify the role holders in the particular agency who have the responsibility for leading, managing, monitoring, reporting on and reviewing the policy.
- ▶ describe how the policy will be monitored and by whom.
- ▶ describe how the policy will be enforced and the consequences for breaches.

3 Good practice in support of the policy

Elements of “must have” agency practice in relation to bullying, harassment and discrimination

Recruitment, induction and exit

- ▶ Recruitment and selection processes actively seek to employ staff who have State services values, not people who practise unwelcome or unlawful behaviour.
- ▶ Agency recruitment and selection processes can demonstrate the appointment of the person best suited to the role, free of unlawful discrimination based on gender, race, sexual orientation, or religion.
- ▶ The agency administers exit interviews (or surveys), that are kept confidential and anonymous and record staff perceptions of behaviours and what might be done better.

Support for staff

- ▶ All staff concerns are taken seriously and are dealt with sensitively and in a timely way.
- ▶ All instances where concerns have been notified are assessed for the risk of retaliation, with steps immediately taken to prevent or mitigate these risks.
- ▶ Independent and confidential “employee assistance” is available to staff who either have concerns, are the subject of concerns or who may be otherwise affected.
- ▶ Staff are informed promptly as to when they may wish to contact their lawyer or union representative.
- ▶ All behaviour concerns are dealt with promptly and fairly, taking into account the nature of the concern and all relevant circumstances.
- ▶ Management operates a follow-up strategy for all reports.

Communications

- ▶ Staff are encouraged to become familiar with best practice expectations for behaviour.
- ▶ The behaviours' policy is regularly communicated and promoted, at inductions as well as at other times, with positive messaging.

Regular messaging may, for example, be occur via a rolling calendar of communications across the year or in "Integrity" weeks or months.

- ▶ Positive workplace behaviours are integrated into the agency's communications about professionalism, performance and values.

Enforcement

- ▶ Leaders and managers actively demonstrate, communicate and enforce the policy.
- ▶ Adequate resources are applied to operating the policy.

Reporting processes

- ▶ Agencies encourage staff to report genuine concerns of unwelcome or unlawful behaviour, whether or not the staff member wishes to have the matter dealt with informally or formally.
- ▶ The reporting process is easy to access and follow.
- ▶ The reporting process ensures that reports are made to someone who can take action that will address the concern.
- ▶ "Informal" reporting is defined and a clear process is set out that allows appropriate confidentiality.
- ▶ Reports can be tracked with privacy maintained, regardless of whether a report is dealt with formally or informally.
- ▶ There is clear advice about the types of unwelcome behaviour or wrongdoing to be reported and the level of information required.
- ▶ There is clear advice that staff are not protected from the consequences of their own wrongdoing, however immunity may be granted at the discretion of management when a staff member is reporting other, more serious wrongdoing.
- ▶ The process allows concerns to be reported to someone other than the staff member's manager, i.e. there are alternatives to direct line reporting.
- ▶ External reporting processes are explained, with clear advice about making any reports to the media.
- ▶ Confidentiality is explained and maintained as much as possible at all stages of the process.

Investigation processes

- ▶ Incidents or allegations are subject to independent and skilled investigation of complaints by someone either within or outside of the agency (licensed private investigator).
- ▶ The investigations process is robust and conducted in accordance with natural justice and the law.

Monitoring and reporting on use of the policy

- ▶ Human Resources monitors the use of the policy, reports on this and reviews the policies effectiveness.
- ▶ There is regular management-level reporting on the use of the policy through recording and monitoring the:
 - ▶ number and type of concerns of unwelcome behaviours
 - ▶ number of informal and of formal concerns that are notified
 - ▶ timeframe for each matter's investigation, if any, and final resolution
 - ▶ outcome of the complaint or concern.
- ▶ Perceptions of unwelcome behaviours are regularly tested in surveys (ie engagement or other surveys) and are included in the agency's reporting.
- ▶ The aggregate results of staff perceptions of behaviours and what could be done better that are recorded from exit interviews, are reported to management at least annually.

Training

- ▶ The agency ensures managers are skilled in coaching staff on behaviours', in conflict resolution and in communicating positively.
- ▶ Managers are familiar with the agency behaviours policies and can guide staff on their use.
- ▶ Managers maintain up-to-date knowledge about workplace behaviours and best practice.
- ▶ The agency ensures managers understand the benefits to the agency of supporting staff to report unwelcome behaviour and suspected wrongdoing.

Published April 2016

ISBN 978-0-478-43453-8 (Online)

© Crown Copyright



This work is licensed under the Creative Commons Attribution 4.0 International licence. In essence, you are free to copy, distribute and adapt the work, as long as you attribute the work to the Crown and abide by the other licence terms.

To view a copy of this licence, visit <https://creativecommons.org/licenses/by/4.0/>. Please note that no departmental or governmental emblem, logo or Coat of Arms may be used in any way which infringes any provision of the Flags, Emblems, and Names Protection Act 1981. Attribution to the Crown should be in written form and not by reproduction of any such emblem, logo or Coat of Arms.

Internet

This document is available on the State Services Commission's internet site. The URL for this site is www.ssc.govt.nz