



Prevention of Harassment, Bullying and Discrimination Policy

Introduction

Hockey New Zealand (**HNZ**) are committed to providing an environment where all people are treated with dignity, courtesy and respect, where everyone feels comfortable to speak up about behaviour that is unacceptable, and where there is confidence that appropriate action will be taken.

This policy reflects our commitment to providing a work and playing environment that is safe, inclusive and equitable and free from harassment, bullying and discrimination.

For all Athletes this policy should be read in conjunction with the MOU.

Purpose and Scope

The purpose of this policy is to:

- Explain what is and isn't harassment, bullying and discrimination
- Establish clear expectations of behaviours and responsibilities and;
- Outline procedures for dealing with complaints of discrimination, bullying and harassment

This policy applies to Hockey NZ employees, contractors, players, coaches and volunteers of Hockey New Zealand including technical officials and those affiliated with Hockey New Zealand.

This policy also applies to spectators, parents/guardians, and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

Policy

Bullying, harassment and discrimination is not condoned or tolerated at Hockey NZ and any complaint that comes to our attention will be handled appropriately, fairly and promptly. Hockey New Zealand will:

- Provide a safe workplace, free from the stress that discrimination, harassment, and bullying can cause, in line with our statutory obligations.
- Encourage others to speak up if they experience or witness behaviour that they consider could amount to bullying, harassment or discrimination.
- Deal with the types of behaviour outlined in this policy, or behaviour that falls short of our expectations or our values as fairly and as quickly as possible and with respect to the feelings and views of the complainant

Responsibilities of Managers and Coaches

Managers and Coaches have the following responsibilities to:

- understand what harassment, bullying and discrimination is;
- ensure the personnel within their supervision are aware of this Policy and what can comprise harassment;
- model appropriate behaviour at all times;
- listen and seek to fully understand concerns raised;
- intervene in any inappropriate behaviour, and seek to stop it;
- ensure that complainants are not victimised as a result of making a complaint;
- investigate any allegations of harassment of personnel; take reasonably practicable steps to prevent the recurrence of any harassment that has been found to have occurred; and
- make sure their team is aware of support available to them (such as EAP).

Responsibilities of Employees, Contractors and Players

Employees, Contractors and Players are responsible for:

- treating people with fairness and respect;
- not retaliating if an issue is raised and providing support to those who may raise an issue;
- participating openly and honestly in any discussions or investigations taken;
- not trivialising or over-dramatizing incidents;
- being aware of their own conduct and the potential impacts this may have on others
- respecting cultural and social differences among colleagues and customers;

Key Definitions

Please see below the definitions of Harassment (including racial and sexual harassment); Bullying; and Discrimination under this Policy.

Harassment

Harassment is the persistent, unacceptable, verbal or physical behaviour that is unwelcome, offensive, humiliating or intimidating to another person. It may be either repetitive, or of such a significant nature that it has a detrimental effect on the person, their performance or their work or playing environment.

Racial harassment

Racial harassment is language (whether written or spoken), visual material, or physical behaviour that:

- expresses hostility against, or brings into contempt or ridicule, any other person on the grounds of colour, race, or ethnic or national origins of that person;
- is hurtful or offensive to that person (whether or not that is conveyed); and
- is either repeated, or of such a significant nature, that it has a detrimental effect on the person's employment, job performance or job satisfaction.

Racial harassment may include:

- making offensive remarks about a person's race
- mimicking someone's accent or the habits of someone;
- derogatory jokes about a person's race;
- ignoring or isolating a person or group;
- displaying or circulating offensive material;
- excluding a person from workplace activities.

Sexual harassment

Sexual harassment is uninvited, unwelcome or offensive verbal or physical behaviour or conduct of a sexual nature that either by its nature or through repetition has a detrimental effect on a person's employment, job satisfaction, job performance or training/playing performance and negatively impacts the safety and wellbeing of an individual.

It can also be defined as requests (directly or indirectly) for sexual intercourse, sexual contact, or other form of sexual activity that contains an implied or overt promise of preferential or implied or overt threat of detrimental treatment, or an implied or overt threat about present or future employment or playing status.

Sexual harassment can happen to and by someone of any sex. Examples of Sexual harassment (either at work or outside of work) include but are not limited to:

- demands for sexual favours or unwelcome social invitations either direct or implied;
- unwelcome comments or questions about a person's sexuality or sexual activity;
- jokes or innuendos of a sexual nature;
- unwelcome physical contact such as patting, pinching, touching, kissing or hugging;

- offensive or obscene telephone calls, emails, text messages, social media contact;
- persistent and unwelcome social invitations or contact;
- derogatory, provocative or sexually offensive images, pictures, photographs, or screensavers;
- offensive gestures.

Behaviour can be sexual harassment where it is unwelcome, whether or not the person makes it known that they do not like the behaviour.

Sexual harassment is not behaviour that is based on mutual attraction or relationships between consenting parties. However, individuals should be aware of potential conflicts of interest that may arise if they have a personal relationship with another member of Hockey NZ's personnel (please see the Close Relationships Policy for further guidance).

Bullying

Bullying is defined by WorkSafe New Zealand as repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.

Workplace bullying is a significant hazard which includes victimising, humiliating, intimidating, or threatening a person. A single incident of unreasonable behaviour is not considered workplace bullying, but it could be unacceptable behaviour that should not be ignored.

Unreasonable behaviour refers to behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Examples of behaviours that may be associated with bullying are:

- threats and intimidation;
- verbal abuse; shouting and yelling when it is not necessary to be heard, or angry;
- frequent ridiculing, insulting, teasing, jokes, "funny surprises", sarcasm that goes too far and causes a person distress;
- displays of rage, e.g., throwing things;
- spreading gossip/rumours including on social media;
- persistent private and/ or public criticism or humiliation;
- isolating, excluding from coaching, events, messages
- unjustifiably over-working or under-working individuals;
- Constant criticism, nit picking or belittling remarks;
- sending intimidating and/or abusive emails, texts or messages via social media;
- physical violence or threats of harm;

- unreasonable demands or orders giving unachievable tasks, impossible deadlines, unmanageable workloads, overloading, “setting up to fail”;
- undervaluing contribution, no credit when it’s due, taking credit for work that’s not their own;
- unreasonable or inappropriate monitoring;
- inappropriate conduct towards another member of Hockey NZ’s personnel on social media.
- Using unreasonable training or repetitions as a punishment

Bullying is **not**:

- issuing reasonable instructions, in a reasonable way, and expecting them to be carried out;
- setting key performance indicators, standards and deadlines;
- giving honest feedback and requiring justified performance or behaviour improvement;
- justified performance management or disciplinary processes;
- expressing opinions that are different from others
- one-off or occasional instances of forgetfulness, rudeness or tactlessness;
- friendly, occasional banter, light-hearted exchanges, non-sexual mutually acceptable jokes and compliments
- managing absences, illness or injuries;
- investigating genuine concerns or complaints;
- decisions regarding promotion, transfer, appointments and terminations.

Cyber-bullying

Cyber-bullying can be described as unwanted or aggressive behaviour(s), perpetrated through electronic media, that may harm, threaten or demoralise the recipient(s), and can occur beyond work time. Cyber-bullying can take several forms, including harassment, cyberstalking, denigration and exclusion.

Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. The protected grounds of discrimination are set out in the Human Rights Act 2003 and are:

- sex, which includes pregnancy and childbirth;
- marital status;
- religious belief;
- ethical belief, which means the lack of a religious belief;
- colour;
- race;
- ethnic or national origins, which includes nationality or citizenship;

- disability (including physical and intellectual disabilities);
- age;
- political opinion;
- employment status;
- family status; and
- sexual orientation.

Direct discrimination occurs when someone is treated less favourably because they have one of the characteristics listed above.

Indirect discrimination is when a requirement (or rule) that is the same for everyone has an effect or result that is, or is likely to, disadvantage a person because they have one of the characteristics listed above (for example, a rule that employees can only be eligible for promotion if they are more than 175 cm tall would indirectly discriminate against women, whose average height is shorter than men).

Victimisation

Victimisation occurs where a person subjects or threatens to subject another person to detriment because of:

- Making or proposing to make a complaint of discrimination, harassment, bullying, victimisation, or other, inappropriate workplace behaviour (whether against that person or not); or
- Giving information, evidence or acting as a witness in relation to such a complaint.

Examples of victimisation include:

- Being sidelined for training or promotion.
- Being snubbed by co-workers.
- Being pressured to drop the idea of making a complaint

Hockey New Zealand will not tolerate victimisation of any nature and will take all necessary action to protect staff from victimisation.

Guidelines

In considering what might amount to bullying under this Policy, all Hockey NZ personnel and those associated with Hockey New Zealand should be mindful that:

- social or cultural backgrounds may lead people to perceive the same conduct differently;
- some people may accept as reasonable a behaviour that other people find offensive;
- harassment can arise where different values and beliefs are not respected;

- appropriate behaviour is behaviour which respects the rights and sensitivities of all people in the work environment.

Dealing with Harassment, Bullying and Discrimination

There are three main ways of dealing with harassment and bullying available to all personnel. We encourage you to raise concerns early in one of the following ways:

1. Informal Resolution

Raise Concerns Directly:

In the first instance, where appropriate, and if you feel safe to do so, you can make it clear to the person you believe is bullying or harassing you or someone else that their behaviour is unwanted and unacceptable. You could do this in writing or in person (in private). You could take a support person with you, if you wish. This allows the problem to be kept informal and for them to understand the impact of their behaviour and choose to change it.

You may like to approach a contact person as a sounding board (see information on Contact People below) who will explore options with you and assist with ways to approach the person directly, or whether to take a more formal approach. It is not the role of the contact person to approach the person directly on your behalf.

Focus on describing the behaviour you have experienced (or witnessed) and how you feel rather than labelling it "*bullying*" or "*harassment*". Listen to their point of view.

2. Facilitated Discussion

You can seek to have the matter resolved through a facilitated discussion. In that situation, you should approach your manager/coaches, the GM People & Culture, the other personnel's manager or one of the Contact People for assistance. Athletes also have the avenue of the Hockey Players Association (HPA). This process may involve either an internal or external facilitator who is acceptable to both parties.

The facilitator can help guide the discussion to assist both parties to feel heard and to try to find a positive way forward. Both parties can bring a support person to the facilitated discussion.

3. Internal Formal Complaint

If the issue is not resolved by speaking up or facilitation, or the complainant does not wish to take either of these options, you may lodge a formal complaint.

Process:

- The complaint must be made in writing to the People & Culture Representative or to your immediate supervisor/manager/coach/HPA (or to that supervisor/manager/coach's manager, if you prefer).
- The complaint must set out what happened with details of time, date, location and potential witnesses. If you wish, you can advise on how you would like your complaint to be resolved (although this does not extend to expressing any view on whether another member of Hockey NZ's personnel should be disciplined/dismissed or have their contract terminated).
- The complaint will then be assessed fully, promptly and confidentially. Options include recommending an informal process including facilitation.
- If appropriate, an internal or external investigator will be appointed to investigate the complaint. The role of the investigator is to gather the facts, decide what happened and whether this meets the test for harassment. Once the investigator has been appointed, the parties will be advised of the process that will be followed.
- We will also discuss temporary arrangements while any investigation takes place (e.g., a temporary change in reporting lines, working from a different location, suspension, different supervisory management).
- If you make a complaint (or you are notified of a complaint about you) you should not approach any potential witnesses. Instead, you should let the investigator know so that they can talk to witnesses directly.
- The investigation will be handled sensitively and confidentially.

In some circumstances, Hockey NZ may decide that an investigation is necessary even where a formal complaint has not been made.

Other avenues of laying a formal complaint

If your complaint is not resolved satisfactorily or you wish to seek outside assistance you can refer the problem to:

- Hockey NZ's Whistleblower Policy;
- <https://www.era.govt.nz/> (Employment Relations Authority and Mediation services)
- <https://tikatangata.org.nz/> (Human Rights Commission)
- <https://netsafe.org.nz/> (Netsafe)
- <https://www.worksafe.govt.nz/> (WorkSafe New Zealand)

Harassment Contact People / Wellbeing Champions

A Contact Person/**Wellbeing Champion** is a trained Hockey NZ representative who can provide information and assistance on this policy to personnel who feel that they have been harassed, bullied or discriminated against, or to personnel who are the subject of a complaint. This person is a neutral advisor.

Any discussions you have with a Contact Person will be free of judgment and completely confidential (unless there are concerns for your safety or the safety of someone else).

A Contact Person's role is to:

- be available to listen to concerns and complaints about harassment;
- provide information to the complainant on the range of options available;
- work on solutions with the complainant and support them to make a decision;
- refer the complainant to the appropriate individual, professional support, or agency who will be able to assist further if required;
- follow-up with the complainant to ensure that they have the support they need and are satisfied with their decision.

A list of Wellbeing Champions will be provided to you during induction

The Outcome

Hockey NZ personnel found to have harassed another person may be subject to disciplinary action up to and including dismissal or termination of contract. Resolution could also include:

- an apology;
- individual counselling or mentoring for the complainant or respondent; and/or
- transfer to a different position / location if possible.

Whether the complaint is upheld or not, Hockey NZ may provide additional support such as education about harassment issues, or a return to relationship facilitation between the parties (if appropriate) after a formal complaint investigation.

Vexatious or Malicious Complaints

The purpose of the complaint procedure set out in this policy is to provide an avenue to raise genuine complaints in good faith.

If a complaint was vexatious or maliciously made, then disciplinary action against the complainant may be taken. However, just because a complaint is not upheld does not mean that it is vexatious and/or malicious.

Support Available

You can seek support from:

- Your manager
- Your coach
- GM – People & Culture
- Contact Person (Wellbeing Champions)
- Employee EAP (Vitae Counselling Services (0508 664 981))
- Athlete EAP (Instep)

Related Documents

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