



Hockey New Zealand

Discrimination, Harassment and Bullying Policy

Purpose and Scope

Hockey New Zealand believes that the work environment should be free from unlawful discrimination, harassment and bullying. This policy applies to everyone at Hockey New Zealand.

Definitions

Contact Person

For the purposes of this policy the Contact Person is the Chief Executive. The Chief Executive may nominate another person to be a Contact Person to assist in the investigation or handling of a complaint.

Complainant

A person who has made a complaint is referred to in this policy as the Complainant.

Respondent

A person against whom a complaint has been made is referred to in this policy as the Respondent.

Workplace

Workplace includes any place where employees or contractors carry out work for Hockey New Zealand.

Policy Statement

Hockey New Zealand aims to:

- Have a working environment where all people are treated with dignity, courtesy and respect.
- Ensure that our employees know their rights and responsibilities.
- Protect our employees from victimisation or reprisals.

What is discrimination?

Discrimination is treating a person, or a group of people, unfavourably. Discrimination can be either direct or indirect. Direct discrimination is treating someone with a particular attribute less favourably than a person who does not have that attribute. Indirect discrimination is imposing an unreasonable requirement that disadvantages people with a particular attribute.

It is unlawful to discriminate against a person or group of people because of the following attributes and characteristics:

- race, colour, descent, ancestry or national, ethnic or social origin;
- gender, gender identity, sexual orientation, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family or carer's responsibilities, parental status;

- physical features, physical or mental disability or having a carer, assistance animal, or assistance aid;
- age or age group; or
- lawful, religious belief, political belief.

What is harassment?

Hockey New Zealand has a [Sexual Harassment Policy](#) which deals specifically with sexual harassment complaints.

Racial harassment is conduct that is reasonably likely to offend, insult, humiliate or intimidate a person or group of people because of race, colour or ethnic origin.

Disability harassment is harassing a person who has a disability in relation to the disability.

What is bullying?

Bullying is repeated, unreasonable behaviour directed towards a person or group of people, that creates a risk to health and safety. Risks to health and safety include risks to psychological and/or physical health. It can include behaviour that would reasonably be expected to intimidate, victimise, undermine, offend, degrade or humiliate a person.

The following behaviours are examples of conduct that could constitute bullying, if it creates a risk to health and safety:

- physical violence or threats of harm;
- verbal abuse, threats, sarcasm and other forms of demeaning language or communication;
- constant unconstructive criticism and/or nit-picking;
- isolating or ostracising behaviour;
- deliberately excluding someone from workplace activities;
- deliberately withholding information, assistance or equipment that a person needs to adequately perform his/her role;
- sending intimidating and/or abusive emails or text messages;
- social networking postings which are intended to hurt or cause embarrassment to work colleagues;
- overloading a person with work or allowing insufficient time for completion and then criticising the person's work as a result; and
- spreading gossip or rumours.

What is not bullying?

At times a person may feel dissatisfied with their work or aggrieved at how they are being treated. However, feeling undervalued or upset does not mean that a person is being bullied.

At times Hockey New Zealand may take steps to control and direct work and/or provide feedback to staff about their conduct or performance. Exercise of legitimate authority in the workplace in a proper and reasonable way is not bullying. This may include for example:

- allocation of work;
- setting key performance indicators, standards and deadlines;
- expressing differences of opinion;
- constructive feedback, counselling or advice about work behaviour and performance;
- managing absences, illness or injuries;
- investigating any genuine concerns or complaints;
- performance management or disciplinary action;
- decisions regarding promotion, transfer, appointments and terminations; or
- raising a genuine concern or complaint about the conduct of a colleague or manager.

Discrimination, harassment or bullying is unlawful

Any unlawful discrimination, harassment or bullying in the workplace is unacceptable and will not be tolerated. Examples of unlawful harassment, discrimination and bullying can include (but are not limited to):

- verbal abuse or comments that out down or stereotype people;
- derogatory jokes;
- mimicking someone's accent or the habits of someone;
- offensive gestures;
- ignoring or isolating a person or group;
- displaying or circulating offensive material;
- sexual harassment (see *sexual harassment policy*)
- excluding a person from workplace activities; and
- threats of physical assault against someone or damaging or threatening to damage someone's belongings.

How will harassment, discrimination and bullying complaints be handled?

Hockey New Zealand has a Contact Person who will investigate and deal with harassment, discrimination and bullying complaints. You can speak to the Contact Person about harassment discrimination or bullying that you experience or witness.

You can also raise any concerns you may have with the manager directly responsible for your team, or with the HR representative of Hockey New Zealand.

Confidentiality

A conversation between a Complainant and the Contact Person should be confidential. However, there may be certain circumstances in which this type of complaint must be formally notified internally and the identity of the Complainant may have to be disclosed.

What should I do if I experience or witness harassment, discrimination or bullying?

Taking informal action

The aim of informal action is to allow the Respondent to hear that their conduct is causing offence, to acknowledge any behaviour that breaches this policy and for the offending behaviour to cease.

If you feel able to do so, confront the person directly, tell him or her that you do not like their behaviour and ask them to stop. You can do this on your own or you can take a support person with you. If you prefer, you can write to the Respondent to tell them that you find their behaviour unacceptable and ask them to stop.

Alternatively, you may raise the situation with the Contact Person, your manager or the HR representative and request help to resolve the matter. They will discuss different options with you to help you deal with the situation.

Making a formal complaint

Formal procedures are usually appropriate where:

- an informal approach did not resolve the issue or is considered inappropriate by the Complainant;
- the complaint involves serious allegations of misconduct; or
- the allegations are denied and the Complainant wishes to proceed with a formal investigation.

If a formal complaint is made, the Contact Person may conduct the investigation or nominate another person to conduct or assist in the investigation. Steps taken as part of a formal procedure can include the following:

- the Complainant may be interviewed and the complaint recorded in writing;
- the complaint may be conveyed to the Respondent and given the opportunity to respond to the allegations;
- if there is a dispute over facts, other relevant evidence may be gathered and other witnesses may be interviewed;
- a finding may be made as to whether the complaint has substance; and
- a written report may be prepared, documenting the evidence, the finding and the recommended outcome.

Both the Complainant and the Respondent will be invited to have a support person accompany them to interviews or meetings regarding the complaint.

Action taken if a formal complaint is substantiated

If the claim is substantiated, disciplinary action may be appropriate. In determining the appropriate disciplinary action, a number of factors may be considered including the severity of the behaviour, the wishes of the Complainant, the level of regret shown and any previous incidents or warnings for similar behaviour. The range of outcomes could include:

- a formal apology;
- conciliation/mediation conducted by a third party;
- an official warning issued; or
- disciplinary action including termination.

False, frivolous or vexatious 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 complainant is found to have brought a complaint inappropriately, it may result in disciplinary action being taken against the Complainant.

External agencies

If a Complainant is not satisfied with the outcome of an internal process they may be entitled to take the complaint to the Human Rights Commission.

Responsibilities of Hockey New Zealand Managers

Hockey New Zealand managers are expected to model appropriate behaviour and monitor the working environment to ensure that acceptable standards of conduct are observed at all times.

This policy takes account of the following legislation:

- Employment Relations Act 2000
- Harassment Act 1997
- Health and Safety at Work Act 2015
- Human Rights Act 1993
- Privacy Act 1993