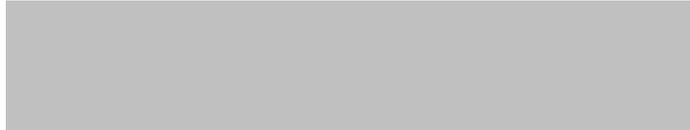


OC250897

17 October 2025



Tēnā koe 

I refer to your email dated 25 September 2025 where you requested information relating to internal staff complaints made to Human Resources between 30 June 2021 and 31 August 2025 under the Official Information Act 1982 (the Act).

I have responded to your questions as below:

1. Total Complaints & Monthly Breakdown

Please provide:

- **The total number of internal staff complaints raised with HR (including, but not limited to, complaints relating to bullying, harassment, discrimination, cultural safety, or psychologically unsafe environments)**
- **A monthly breakdown of these complaints over the requested period, to allow identification of trends**

The table outlines the number of complaints formally raised with HR between 2021 and 2025. Due to the relatively small number of staff complaints, the information has been broken down as below:

Year	# Number of Complaints
2021	1
2022	1
2023	1
2024	2
2025	1

2. Resolution Pathways

For the complaints identified above, please advise:

a. How many were formally investigated

b. How many were informally closed, redirected, or deemed “resolved without investigation”

c. How many were withdrawn by the complainant

• If recorded, please include any noted reasons for withdrawal (e.g. staff exit, concern about reprisal, mediation)

d. The outcome of each complaint, recorded in aggregated form, e.g.:

- No action taken**
- Informal resolution**
- Escalated to formal action or investigation**
- Referred to external mediator**
- Staff resignation or exit**
- Disciplinary action**

e. How many complaints remained open or unresolved for longer than 6 months, and how many remained unresolved after 12 months

f. Of the complaints that were closed informally or not investigated, how many were closed with no documented follow-up action or engagement with the complainant?

None of the cases listed above were formally investigated.

One case was resolved without investigation, the remaining five were informally closed.

One case remained open or unresolved for longer than six months.

The remaining parts of this question (c, d and f) are withheld under section 9(2)(a) of the Act to protect the privacy of the staff members and section 9(2)(ba)(i) of the Act to protect information which is subject to an obligation of confidence.

3. Time to Resolution

• The average and median time taken to resolve or close complaints, measured from the date of receipt to final resolution or closure

• If feasible, a comparison between complaints that were formally investigated and those informally closed or redirected

The average time taken to resolve these complaints was two months.

4. Complaint Characteristics

If recorded, please provide an aggregated breakdown of complaints by:

• Business group / Directorate

• Ethnicity of the complainant (e.g. Māori, Pākehā, Pacific, Asian)

• Nature or category of complaint (e.g. bullying, harassment, discrimination, cultural safety concerns, unsafe workplace)

• Whether the complaint involved the conduct of a manager or team leader

• Whether the complainant exited the Ministry within 12 months of the complaint being made

Nature and Category of complaint is tabled below:

Type of Incident	# Number of Complaints
Workplace bullying	3
Workplace bullying/psychologically unsafe	1
Cultural Safety	2
Total Incidents	6

The remaining parts of this question are withheld under section 9(2)(a) of the Act to protect individuals' privacy and section 9(2)(ba)(i) of the Act to protect information which is subject to an obligation of confidence.

5. Multiple Complaints & Repeat Concerns

If recorded, please advise:

- Whether any individuals (particularly those in managerial or leadership positions) were the subject of more than one complaint during the period***
- An anonymised count of such repeat instances (e.g., "3 managers were subject to 2 or more complaints each between 2021–2025")***

No manager was subject to more than one complaint within this timeframe.

6. Reporting to Senior Leadership

Please provide any internal guidance, policy, or documented practice that sets out:

- When and how complaints about managers or team leaders are required to be reported to:***
- the relevant General Manager***
- the Chief Executive***
- the People & Culture Governance Group, Audit & Risk Committee, or other internal forums***
- Whether the Ministry has a threshold or risk rating system to determine which complaints are escalated to senior leadership***
- Whether complaints involving repeat allegations or staff exits are flagged or tracked at a leadership or governance level***

Please find enclosed copies of:

- Ministry of Transport - Code of conduct
- The Public Service Commission - Standards of Integrity & Conduct
- Ministry of Transport - Bullying, Harassment and Discrimination Policy
- Ministry of Transport - Employment Investigations Guidelines
- Ministry of Transport - Health, Safety and Wellbeing System Guide
- Ministry of Transport - Employee Resolutions Pathways Guidelines
- Ministry of Transport - Sexual Harassment Policy

Complaints are dealt and managed on a case-by-case basis in line with relevant policy, employment agreements and guidance.

7. Manager–Manager Complaint Dynamics

Please advise:

- **How complaints made about managers by other managers (e.g. inter-leader bullying, conflict, or misuse of process) are managed**
- **Whether there are internal rules or protections in place to ensure such complaints are independently investigated, and not handled by close peers or reporting lines (e.g. a GM and their direct reports)**

The policies are designed to ensure that complaints are independently investigated and not handled by close peers or reporting lines.

8. Transparency of Investigations & Risk Tracking

• Whether the Ministry maintains any risk register, dashboard, or tracking tool that monitors:

- **The volume and category of internal HR complaints**
- **The number of unresolved or repeat complaints involving the same individuals**
- **Complaints with themes of psychological harm, cultural safety, or retaliation**
- **If such a register or tool exists, please provide:**
- **A high-level description of its structure and oversight**
- **Which teams or leadership roles have access to it**

The Ministry maintains a register which is only accessible by the People & Capability team. It records the date the issue or concern were raised, the name and position information of the individual who raised it, as well as relevant background information relating to the issue or concern

9. Escalation Frameworks

Please provide:

- **Any internal HR policies, guidance documents, or decision-making frameworks that outline how complaints are assessed and escalated to:**
- **Senior leadership**
- **The Chief Executive**
- **Internal governance or assurance forums**
- **Any specific criteria or thresholds used to determine when a complaint should be:**
- **Formally investigated**
- **Escalated to an external mediator**
- **Reported to internal audit or external bodies**

As noted in response to question six, the Ministry's internal policies are enclosed with this response.

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry's website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

A handwritten signature in purple ink, appearing to be 'SW', with a long horizontal stroke extending to the right.

Suzanne Williams
Manager, People and Capability

The way
we work

Te Āhua o Tā
Mātau Mahi



Ministry of **Transport**
TE MANATU WAKA

OUR CODE OF CONDUCT

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982





[Link to video of Peter Mersi's introduction to the Code of Conduct.](#)

A message from the Ministry to you

The way
we work

Te Āhua o Tā
Mātau Mahi

Nau mai ki Te Manatū Waka.

Kei Roto Mātau. He Māia. He Mahi Ngātahi.

We're Bold. We're Invested. We're Collaborative.

Welcome to our Code of Conduct, which represents our commitment to do the right thing both individually and as an organisation. Transport is essential for the lives of every New Zealander – it allows us to access economic and social opportunities within New Zealand and to connect globally.

Our purpose as a Ministry is **'he whakamana i a Aotearoa kia momoho'**, **'enabling New Zealanders to flourish'**. To achieve our purpose, we need an effective, healthy and safe transport system, with strong links to the rest of the world. We can only fulfil this role with the trust of our colleagues, stakeholders and communities. This means everything we do must be of high quality and integrity.

This is where our Code of Conduct comes in. In a nutshell, the Code helps provide guidance on our culture and our ways of working. We want to be the kind of place where everyone enjoys coming to work, is supported to do their best and feels a sense of responsibility to do the right thing.

We all know that it's people that make a workplace successful. We want everyone to be treated fairly, with dignity and for individual contributions to be recognised. We pursue equality of opportunity and inclusion for everyone. We don't accept any form of discrimination, harassment or bullying and we work from a basis of trust and value collaborative working to achieve great outcomes.

The Code of Conduct is wide in its scope and covers these areas and many more. I encourage you to become familiar with it and I am very happy to discuss any of the content with you if you have questions or comments.

Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.



Peter Mersi,
Chief Executive



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The Ministry's Code of Conduct is at the centre of everything we do. It illustrates our culture and provides guidance for a common way of working that helps us make the right decisions in our daily work and actions.

Everyone is responsible for our Code. It extends to anyone who works for or represents the Ministry, and includes our managers, employees, casual workers, contractors, consultants, temporary staff and third parties. The Code also applies to what we do outside of working hours where your actions may have an impact on the Ministry's reputation or damage trust and confidence.

The Code provides general guidance and outlines the minimum expectations of the behaviour expected of us. It doesn't address every situation that may arise and instead the Ministry has policies and procedures with more detailed guidance and information. Familiarise yourself with these and the Code and you will be well on your way to living our Code. If you find yourself in a situation outside these frameworks, remember to do what's right, ask for help and speak up about any concerns you may have.

Aligned closely to the Te Kawa Mataaho | Public Service Commission (PSC) Standards of Integrity and Conduct, the Ministry's code is underpinned by 4 key principles:

Treat people fairly and with respect
Me manaaki, me whakaaro nui ki te tangata



Act with integrity, honesty, impartiality and transparency
Me ngākau tapataphi, pono, tōkeke, ngākau tuwhera hoki

Operate safely, responsibly and professionally
Kia haumaruru te Mahi, kia haepapa, kia ngaio



Protect our reputation, property and information
Tiakina tō tātau mana, ā tātau rawa, mōhiohio hoki

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About our Code

The way
we work

Te Āhua o Tā
Mātau Mahi

Please read the Code and refer to it often. It's your guide for doing what's right. Live it. Pass it on. Respect it and make sure it is respected around you. All Ministry people must acknowledge that they've read, understood and agree to abide by our Code. Any breaches to our Code are taken seriously and will be investigated.

The principles in detail:

Treat people fairly and with respect Me manaaki, me whakaaro nui ki te tangata

We treat people fairly, with dignity and recognise their merit. We will not accept any form of discrimination, bullying or harassment.



Act with integrity, honesty, impartiality and transparency Me ngākau tapataphi, pono, tōkeke, ngākau tuwhera hoki

Our integrity, honesty, impartiality and transparency creates the trust we need to ensure we can achieve the best outcomes for the Government, our stakeholders and New Zealanders.



Operate safely, responsibly and professionally Kia haumaruru te Mahi, kia haepapa, kia ngaio

We operate our organisation with discipline and excellence to ensure integrity, resilience and effectiveness. We produce work we can be proud of. We care for and protect the health, wellbeing, safety and security of our employees, stakeholders and the communities in which we operate.



Protect our reputation, property and information Tiakina tō tātau mana, ā tātau rawa, mōhiohio hoki

We protect and safeguard our brand, property, information, intellectual property and finances. We respect and protect the privacy and confidentiality of our colleagues, stakeholders and the public.



OFFICIAL INFORMATION ACT 1982

The Ministry's success starts with each one of us

The way
we work

Te Āhua o Tā
Mātau Mahi

Our reputation is defined by trust, integrity, and the quality and impact of our work. We trust our people to do what is best for the Ministry. We believe that people thrive on being trusted and on being able to make a difference. So we foster freedom and empowerment wherever we can.

Our Code of Conduct ("our Code") is at the centre of everything we do. It illustrates our culture and provides guidance for a common way of working that helps us to make the right decisions in our daily work and actions.

The Ministry's culture is supported by a framework of internal and external expectations and requirements. Our Code describes our collective and individual responsibilities for maintaining high standards of integrity, behaviour and conduct at work.

Most days, this will come naturally because we try hard to provide an environment where the right thing to do is obvious. But sometimes the choice may not be easy, or the best options aren't obvious.

We may find that the decisions or actions of others are at odds with what we feel is right or we observe things that could be in direct breach of our Code, our policies or the law. In these situations, our Code will help guide you to reach out to people who are ready to help.

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We want to be the kind of place where everyone enjoys coming to work, is supported to do their best and feels a sense of responsibility to do the right thing

Ko te koronga kia noho hei wāhi e hikaka ana te tangata ki te haere mai ki te mahi, e tautokona ana rātau kia tino eke ngā mahi, ā, he wairua tōkeke ki te whai i te mahi tika

We are all responsible for our Code

The way
we work

Te Āhua o Tā
Mātau Mahi

Our Code extends to anyone who works for or represents the Ministry, and includes our managers, employees, casual workers, contractors, consultants, temporary staff and third parties.

Our Code also applies to what we do outside of working hours where your actions may have an impact on the Ministry's reputation or damage trust and confidence.

Our people leaders have an important lead role in ensuring the people they are responsible for understand and uphold our Code. This includes:

- ▶ Demonstrating behaviour that is consistent with our Code and promoting the expected standards of behaviour and integrity set out in the Code and in other policies and procedures, providing employees with education on these when needed.

- ▶ Creating an inclusive environment where people feel comfortable in raising concerns and "speaking up";
- ▶ Recognising good behaviour, performance and achievements, and taking action to address behaviours inconsistent with our Code, and
- ▶ Responding in a timely manner to the legitimate concerns and questions about our Code and the behaviours it promotes, and any possible breach of our Code.

No matter what job you
do or where you do it,
remember you are
the Ministry.

Ahakoia he aha tō mahi,
kei hea koe e mahi ana,
kia maumahara ko koe
te Manatū

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The way
we work

Te Āhua o Tā
Mātau Mahi

LIVING OUR CODE

We encourage an environment
where people speak up

He wāhi e whakatenatenahia
ana te tangata ki te kōrero

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Living our Code

The way
we work

Te Āhua o Tā
Mātau Mahi

Our Code provides general guidance and the minimum expectations of the behaviour expected of us. It's not meant to address and anticipate every situation that might arise. Instead, it gives us a basis for making good decisions and encourages us to speak up if we have concerns.

The Ministry has policies and procedures with more detailed requirements and guidance. This Code aims to provide a framework for these policies and standards so that it is easier to understand the rationale behind them. We ask that you remain informed of Ministry policy and beyond this, use common sense and good judgement.

The amount of information may seem overwhelming, but in any situation, just remember the following three things and you'll be well on your way to living our Code.



**Decide
and do
what's right**



**Ask
for help**



**Speak up
about your
concerns**

OFFICIAL INFORMATION ACT 1982

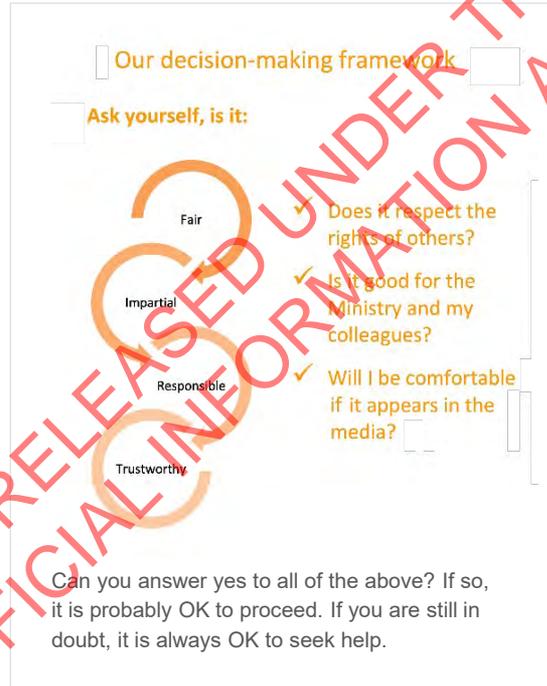


Decide and do what's right

The single most important thing expected of us is to “do what’s right”. If we use this as a compass, we will find it easier to make the right decisions and take the best courses of action.

If you're ever in a situation where you are not sure about a course of action, use the decision-making framework to guide you in your thinking. Our framework is based on the four standards from [PSC's Standards of Integrity and Conduct](#); being fair, impartial, responsible and trustworthy. If you can answer “yes” to all the questions, it is probably safe to move forward. A “no” or “not sure” to any of these should cause you to stop and seek help.

We want employees to be great independent decision makers, and to only have to consult their manager when they are unsure of the right decision. The leader's job at every level is to set clear context so that others have the right information to make good decisions.



Ask for help

If you need help in making a decision or working through a problem, take advantage of the broad capabilities, resources and expertise within the Ministry. In most cases, your manager will be your first point for assistance.

You can also reach out to **another manager** or **senior leader**. If you have questions on specific policies or procedures you can speak directly with the relevant team.



Speak up about your concerns

Speaking up is crucial to our culture and long-term results. Speaking up when something isn't right demonstrates our integrity and that we have the courage to do the right thing.

We rely on our people to support and enforce our Code. If you are uncertain or uneasy about a course of action or a decision, you think there is a breach of our Code, or you think an activity or behaviour could lead to a breach, it is your responsibility to speak up. The emphasis will be on correcting behaviour where it's needed.

We value open and honest communication. Each of us, no matter what our level or role, is empowered to speak up when dealing with behaviour or facing a situation that doesn't seem right. Each of us has a responsibility to report and express our concerns, and to do so fairly, honestly and professionally.

You are encouraged to discuss any issues or potential issues with your manager. If it is not appropriate to speak with your manager, there are other ways you can speak up.

Report it to another manager or Deputy Chief Executive (DCE). If you feel you cannot approach your own manager, or you have already shared your concern and feel it's not being addressed appropriately, you can discuss it with another manager or a DCE.

Report it to Human Resources. If it's not appropriate to discuss the issue with your manager, you can discuss it with your HR Business Partner or the HR Manager.

Protected Disclosures/Whistleblowing. In some cases, a breach of our Code or evidence of illegal activity may also be serious wrongdoing under the [Protected Disclosures Act 2000](#) (also referred to as the 'Whistleblowers' Act'). In such cases, you can use the Ministry's [Protected Disclosures policy](#) to report the incident or action, and receive the protections of the Act (e.g. protecting your identity).

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(CONTINUED)

Confidentiality & Anonymity

We know it takes courage to come forward and share your concerns. Sometimes people worry about speaking up because they think it may cause trouble for them.

Questions and concerns related to the Code will be held in as much confidence as possible. Information will be shared only with those individuals who are required to investigate and adjudicate the matter including the accused.

Managers will keep matters related to your concern confidential within the bounds of the Code. If someone approaches you, only discuss the details of their question or inquiry with those individuals required to provide input, response or investigate the matter.

Managers and investigators will take every precaution to ensure the identity of those involved is released only to those individuals related to the matter itself.

No Retaliation

The Ministry will not tolerate anyone creating problems for people who speak up in good faith. Retaliation against employees who exercise this duty is a breach of the Code itself, and could lead to disciplinary action.

No action will be taken against you if you report genuine concerns, even if proven not to result in a breach.

If you make a report or express a concern related to the Code, and you feel you have been treated unfairly or your concern has not been taken seriously, report the matter immediately to a more senior person.

Any accusations that prove to be slanderous or disingenuous may result in disciplinary action.

If someone approaches you, only discuss the details of their question or inquiry with those individuals required to provide input, response or investigate the matter.

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The way
we work

Te Āhua o Tā
Mātau Mahi

**OUR COMMITMENT
AS PUBLIC SERVANTS**

We're agile, nimble
and produce work
we are proud of

He kakama, he tere,
ka ngākau whakahī
mātau mō ā mātau mahi

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PSC's standards of integrity and conduct

The way
we work

Te Āhua o Tā
Mātau Mahi



Te Kawa Mataaho
Public Service Commission

Our commitment as public servants

The Public Service Commission '[Standards of Integrity & Conduct](#)' provide the basis for ongoing trust in the integrity of the State Services and reflect the commitments we make as public servants to our stakeholders, customers, colleagues and the New Zealand public.

Every public servant has a part to play in acting with integrity to maintain New Zealanders' confidence in the State Services. All people working in State Services, including Ministry people are expected to work to the standards set by the Public Service Commission (PSC).

How do the Standards fit with our Code?

You will no doubt notice some cross over and commonality of our Code with the PSC standards. This is deliberate. Our Code extends on the PSC standards where necessary and provides further information and context for how things work and what's expected within the Ministry context.

All Ministry people are expected to work to the expectations and standards as outlined in our Code and the PSC Standards of Integrity and Conduct.

It is very unlikely that you would encounter a situation where our Code would conflict with expectations under the PSC Standards of Integrity and Conduct. However, if you are ever unsure about a course of action please speak with your manager.

Maintaining Political Neutrality

Persons working in the State services are required to act in the course of their duties in a politically neutral manner. Being a public servant means that your

ability to comment on, or participate in, political activities may be limited. It imposes an absolute obligation not to bring our political interests into our work. It also implies that there is a variable tolerance for political involvement in that we must maintain in our non-working lives the level of political neutrality that is appropriate for the responsibilities we have.

You are entitled to your own political views and can be a member of a political party. However, you must ensure that your activities and contribution to any public discussion are consistent with the need to maintain a politically neutral public service, irrespective of what your personal views may be. For most public servants, participating in party politics is not likely to affect the confidence of the Government and the ability to work with future governments. However, those of us in senior positions or those who work directly with Ministers may be required to have a very low level of involvement. By contrast, if we are unconnected with policy development or are not in a senior role, we will usually be free to be politically active.

If you are involved in political activities, it must be in your own time and with your own resources. Never represent the Ministry or leave the impression that the views you express are the views of the Ministry. Don't use Ministry resources such as time, property, material, funds, equipment (including email or other IT resources) or branding for political donations or activities. To avoid any misconceptions or misunderstanding, we would encourage you to advise your manager when engaging in an activity that could be construed as conflicting with your obligations of political neutrality.

As always, it is a matter of judgement. Whether it is a political party involvement or taking on a role in a community campaign group, a union or a professional organisation, we must be careful to keep politics out of our job, and our job out of politics.

If you find that your personal views or beliefs on an issue are in conflict with government policy to the extent that you are unable to perform your duties in a politically neutral way, raise this with your manager immediately.

- ① More information on the standards can be found in the 'Understanding the Code of Conduct – guidance for state servants' available from the Public Service Commission website: www.publicservice.govt.nz.



The way
we work

Te Āhua o Tā
Mātau Mahi

THE FOUR PRINCIPLES



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OFFICIAL INFORMATION ACT 1982

Treat people fairly and with respect

Me manaaki, me whakaaro nui ki te tangata

We treat people fairly, with dignity and recognise their merit. We will not accept discrimination, bullying or harassment.



What this means for you:

- ▶ treat co-workers, stakeholders and members of the public with courtesy and respect, be appropriate in your relationships with them, and recognise that others have the right to hold views and beliefs which may differ from your own.
- ▶ treat people fairly and with dignity.
- ▶ ensure your actions are non-threatening and considerate of individual differences.
- ▶ ensure your conduct reflects our commitment to a workplace that is diverse and inclusive and free from bullying, harassment and other forms of inappropriate behaviour.
- ▶ treat co-workers workspace, personal belongings and common areas with care and respect.
- ▶ engage in and maintain a professional, cooperative and collaborative approach to working relationships.
- ▶ act fairly and reasonably, by carrying out work with integrity, objectivity and to the best of your ability.

OFFICIAL INFORMATION ACT 1982

Operate safely, responsibly and professionally

Kia haumarū te Mahi, kia haepapa, kia ngaio

We operate our organisation with discipline and excellence to ensure integrity, resilience and effectiveness. We produce work we can be proud of.

We care for and protect the health, wellbeing, safety and security of our employees, stakeholders and the communities in which we operate.

What this means for you:

- ▶ work within and comply with all applicable domestic and international laws and regulations, appropriate standards and principles.
 - ▶ observe safe work practices; follow Ministry and legislative security, health and safety requirements and comply with relevant and reasonable directives.
 - ▶ take all practicable steps to ensure your own health and safety at work and that the action or inaction does not cause harm to any other person.
 - ▶ carry out duties in an efficient, conscientious and competent manner and maintain specified standards of performance.
 - ▶ act in a professional manner at all times that is appropriate to our workplace and accept personal responsibility and accountability for your actions.
- ▶ exercise your best professional and ethical judgement to make decisions without bias and using the information available to you.
 - ▶ maintain and develop knowledge and understanding of your area of expertise and/or professional field.
 - ▶ refrain from actions (such as the misuse of drugs or alcohol) and behaviour that might impair work performance or endanger others.
 - ▶ make decisions appropriate to your role and in accordance with our delegations framework.
 - ▶ keep yourself informed of and perform duties in accordance with Ministry policies and procedures.
 - ▶ report any breaches of our Code and the law.



OFFICIAL INFORMATION ACT 1982

Act with integrity, honesty, impartiality and transparency

Me ngākau tapataphi, pono, tōkeke, ngākau tuwhera hoki



Our integrity, honesty, impartiality and transparency creates the trust we need to ensure we can achieve the best outcomes for the Government, our stakeholders and New Zealanders.

What this means for you:

- ▶ be open with the Ministry and disclose any commitments, commercial activities, investments, personal relationships or other personal interests that might cause actual or perceived conflicts of interest.
- ▶ be careful and responsible about accepting any form of gift and hospitality not from the Ministry. Only accept anything offered if specifically permitted by Ministry policy. Never solicit gifts, hospitality or favours. Review the [Sensitive Expenditure policy](#) for further guidance.
- ▶ act with integrity, transparency, honesty and objectivity in all aspects of your employment, business dealings and relationships.
- ▶ use business resources, information and facilities responsibly and ethically for business purposes in the best interest of the Ministry, and not for personal gain.
- ▶ communicate honestly, responsibly and with transparency with all parties within the bounds of confidentiality.
- ▶ refrain from communication with the media or representing yourself as spokesperson for the Ministry, unless authorised to do so.
- ▶ ensure your personal beliefs and individual comments (in any forum, including social media) do not compromise the Ministry or your ability to perform your duties (e.g. stating or implying your personal view on an issue is the Ministry's view).
- ▶ never share or disclose confidential information about the Ministry to unauthorised third parties.
- ▶ ensure your behaviour maintains Ministerial and public confidence in the impartiality of advice given and actions taken.
- ▶ manage your personal and workplace relationships appropriately so they do not adversely affect the way you do your work.
- ▶ avoid any behaviour or conduct, work or non-work related, that may impact your ability to perform your duties or that may bring the Ministry into disrepute.
- ▶ be present for work as required and be absent only with genuine reason following discussion with your manager.
- ▶ disclose any convictions, charges or pending charges (not covered by the [Criminal Records \(Clean Slate\) Act 2004](#)).

Protect our reputation, property and information

Tiakina tō tātau mana, ā tātau rawa, mōhiohio hoki

We protect and safeguard our brand, property, information, intellectual property and finances. We respect and protect the privacy and confidentiality of our colleagues, stakeholders and the public.

What this means for you:

- ▶ spend Ministry money responsibly to ensure best use of public funds, and ensure that you incur no liability on the part of the Ministry without proper authorisation.
- ▶ take all reasonable steps to safeguard the Ministry's funds and resources against fraud, theft and unauthorised use.
- ▶ take reasonable precautions to safeguard the Ministry's reputation, information and intellectual property, and do not share with persons unauthorised.
- ▶ be discreet with and only use knowledge and information gained for legitimate business purpose and for the purpose for which it has been gained.
- ▶ maintain appropriate records and documentation.
- ▶ secure, protect and respectfully use the Ministry's property, equipment, facilities, tools and assets.
- ▶ only access, collect and use information that you need and are authorised to see for legitimate business reasons.
- ▶ respect and take all reasonable steps to protect privacy and confidentiality of personal information for colleagues, stakeholders and the public.



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The way
we work

Te Āhua o Tā
Mātau Mahi

PLAYING YOUR PART

We work from
a basis of trust

He pono te kaupapa
o ā mātau mahi

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Playing your part

Agreement to Abide by Our Code

All Ministry people must acknowledge that they've read, understood and agreed to abide by our Code.

All new employees, contractors and temporary workers are required to **sign a Certificate of Acknowledgement** prior to commencement of employment. All current Ministry people will be required to sign a Certificate of Acknowledgement each time the Code is redistributed.

If there is any section of the Code that you do not understand, ask your manager or the Human Resources team for clarification. Ensure that you understand the Code before you sign the Certificate of Acknowledgement.

Breaches of Our Code

Our Code represents our commitment to do the right thing, including respecting the rights of others. As a Ministry person, you agree to uphold this commitment. Not upholding this commitment could put yourself, your colleagues and the Ministry at risk.

The Ministry takes all reports of breaches of our Code seriously.

Any potential breach of our Code or the [Public Service Commission Standards of Integrity and Conduct](#) will be investigated thoroughly, either by a manager, Human Resources or a third-party investigator. It is each employee's responsibility and obligation to cooperate fully, promptly and truthfully with any such investigation.

Our general philosophy of addressing risk focuses on open reporting, process improvement and prevention measures, rather than on blame or punitive action. However, when it is determined that an employee has breached our Code, the Ministry will impose an action suited to the severity of the breach.

If you breach the standards set out in our Code or the [Public Service Commissioner's Standards of Integrity and Conduct](#) and if the Ministry considers your conduct unacceptable, it is possible that disciplinary action will be taken, which may include termination of employment for serious breaches.

The decision will be made by management based on the nature of the breach. When an employee is determined to have made a breach, this will be noted in the employee's personal record.

In considering any breach of our Code we will be fair, impartial and prompt, in line with relevant employment legislation. Breaches of law may also result in civil or criminal penalties.

Criminal Offences

Criminal offending by employees will be treated very seriously. Offences against the law which involve a breach of trust or that may discredit the Ministry, may be seen as a breach of the Code, and could affect your fitness for continued employment. Each case will be looked at according to the facts.

You must inform your manager immediately of any charges laid against you, and any conviction you receive.

Amendments to Our Code

Our Code may be reviewed periodically to determine whether revisions are required due to changes in law, regulation, or changes in our business or the business environment, or for clarification. The Ministry may interpret, modify or rescind some of all of the Code provisions, as well as related policies and standards. Any substantive amendment to our Code or our policies will be approved through our policy review process.

OFFICIAL INFORMATION ACT 1982

The way
we work

Te Āhua o Tā
Mātau Mahi



Ministry of Transport
TE MANATU WAKA

OUR CODE OF CONDUCT

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Refer to it.
Live it.
Pass it on.
Respect it.



STANDARDS OF INTEGRITY & CONDUCT

A code of conduct issued by the State Services Commissioner
under the State Sector Act 1988, section 57



WE MUST BE FAIR, IMPARTIAL, RESPONSIBLE & TRUSTWORTHY

The State Services is made up of many organisations with powers to carry out the work of New Zealand's democratically elected governments.

Whether we work in a department or in a Crown entity, we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do.

We must comply with the standards of integrity and conduct set out in this code. As part of complying with this code, our organisations must maintain policies and procedures that are consistent with it.

For further information see www.ssc.govt.nz/code



FAIR

We must:

- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand and all its people.

IMPARTIAL

We must:

- maintain the political neutrality required to enable us to work with current and future governments
- carry out the functions of our organisation, unaffected by our personal beliefs
- support our organisation to provide robust and unbiased advice
- respect the authority of the government of the day.

RESPONSIBLE

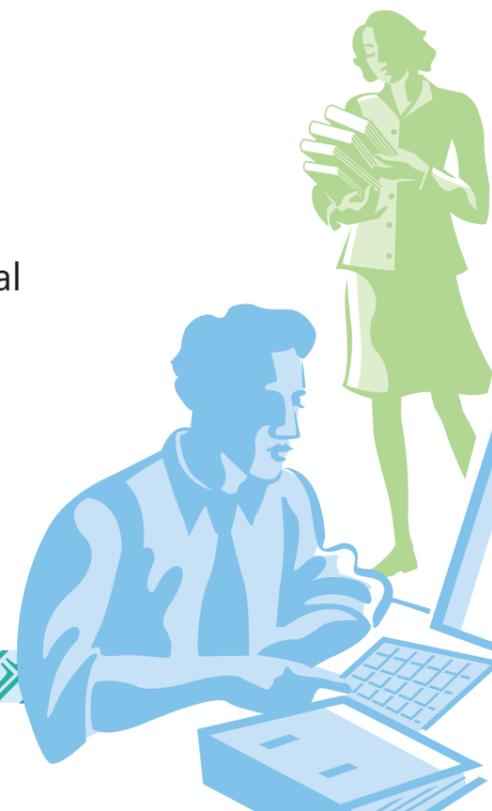
We must:

- act lawfully and objectively
- use our organisation's resources carefully and only for intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation.

TRUSTWORTHY

We must:

- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence
- avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services.



Bullying, Harassment and Discrimination Policy

Purpose

The Ministry of Transport | Te Manatū Waka (the Ministry) is committed to being a safe and inclusive workplace where any form of bullying, harassment or discrimination is unacceptable.

Our policy will enable us to foster a safe and inclusive culture through our outlined principles, behavioural expectations, and mitigation/intervention processes for raising, addressing, and resolving concerns and/or instances about negative behaviours.

This policy should be read in conjunction with the guidance **Employee Resolution Pathways**. Specific information about sexual harassment is found in our Sexual Harassment policy which is in our policy hub.

Scope

This policy applies to all prospective and current employees of Te Manatū Waka, inclusive of temporary employees, consultants, and contractors.

Our policy also covers negative behaviours that may occur during facilitated and/or hosted work events (such as a conference or training), outside the workplace and standard business hours if it is in the context of the employment relationship or affects the workplace.

Policy statement

The Ministry of Transport | Te Manatū Waka acknowledges that any form of bullying, harassment or discrimination can be detrimental to both the health and wellbeing of the affected individual, others in the workplace and to organisational performance and productivity.

Principles

We are all responsible for ensuring our workplace is safe and inclusive.

Everyone has the right to be treated fairly, and with dignity and respect in the workplace.

The Ministry is committed to fostering and promoting a culture that celebrates differences, challenges prejudice, and ensures fairness.

To have supported intervention tools and pathways to resolution that treat all with fairness, dignity, and respect.

Leaders will take all reasonable steps to ensure the work environment for which they are responsible for is free from bullying, harassment and/ or discrimination.

The Ministry will ensure the principles of natural justice are applied and all parties are supported through any process. Formal complaints will be investigated fairly and sensitively.

Definitions

Bullying is any repeated unreasonable behaviour that is directed towards a person, or group of people, that can lead to physical or psychological harm. This includes cyberbullying. It is considered a workplace hazard that affects employee health, wellbeing, and business productivity.

Discrimination can occur when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their sex, colour, religious belief, race, marital status, ethnic or national origins, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability.

Harassment is unreasonable or unwelcome conduct that is offensive, humiliating or intimidating to any other person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance or their work and study environment. It includes gender-based, racial, and sexual harassment. Under the Harassment Act 1997, serious harassment is a criminal offence.

Further information, expansion and definitions are provided in **Appendix 1 Definitions**.

Our Policy

All staff at the Ministry have a responsibility in keeping our workplace safe and to uphold positive workplace behaviours. This includes:

- Demonstrating positive and inclusive behaviours
- Not engaging in any action that may be considered bullying, harassment or discrimination.
- Discourage any form of harassment, bullying or
- Reporting instances of inappropriate behaviours to a manager, senior leader, HR or union representative
- Being aware of and following the Ministry's relevant policies and guidelines
- Supporting others to follow the Ministry's guidance.

Leaders are additionally responsible for:

- Actively promoting a positive, safe and inclusive workplace culture.
- Making it safe for people to speak up by developing trust in relationships and treating people with respect and sensitivity.
- Identifying factors that contribute to inappropriate behaviours and taking reasonable steps to control these.
- Being well informed about the Ministry's policies and options for resolution.
- Calling out inappropriate behaviours early. Taking appropriate actions when made aware of bullying, harassment, or discriminatory behaviour.

Further information about roles and responsibilities can be found in our **Employee Resolution Pathways guidance**.

Any action or inaction, communication or behaviour that could be reasonably interpreted as bullying, harassment and/ or discrimination will be managed under this policy and related guidelines and will be taken seriously.

If you report or experience bullying, harassment and/ or discrimination we will take all reasonable steps to act quickly, provide support and ensure you feel safe in the workplace while appropriate actions are taken.

We encourage everyone to report instances of bullying, harassment, discrimination, or inappropriate behaviour as they occur. It is important to raise this as the Ministry can only act when informed.

Further information, including our process, can be found in the **Employee Resolution Pathways guidance**.

There are options available for dealing with bullying, harassment and discrimination which may include informal steps (early intervention), formal complaints and mediation. The Ministry will ensure the principles of natural justice are applied and all parties are supported through the process. Formal complaints will be investigated fairly and sensitively.

We recognise speaking up against bullying, harassment or discrimination can be confronting. Everyone should be encouraged and feel safe to speak up and will be treated with dignity and respect and supported through the process.

If you report or experience bullying, harassment and/ or discrimination we will take all reasonable steps to act quickly, provide support and ensure you feel safe in the workplace while appropriate actions are taken.

If an employee is found to have bullied, discriminated against or harassed another employee, client, service provider or any other person with whom there is a business connection with the Ministry this could lead to disciplinary action.

Confidentiality

Generally, disclosed information will be shared only on a need-to-know basis with those who have a role in dealing with the situation under this policy or who have a role in dealing with urgent concerns regarding the safety or welfare of individuals, or as required by natural justice.

In some instances, there is an obligation to pass information on, such as when there is perceived to be significant risk to the safety of the person making the disclosure or to the safety of others.

Where a situation finds that a significant risk(s) is identified, our Ministry may decide to initiate a formal investigation even if the disclosing party has not directly sought this. This will be determined by the relevant SLT member in consultation with the HR Manager.

Resolution

Employees who are subject to our witness bullying, harassment and discrimination are encouraged to look at our **Employee Resolution Pathways guidance** to figure out what pathway may best support them to resolution. Employees can have a support person to help them navigate their options.

Our support

Speaking up about instances of bullying, harassment, discrimination, or related inappropriate behaviour is difficult, and potentially traumatic. We acknowledge that often these behaviours are unreported, as victims may be unsure of what is considered 'workplace bullying, harassment or discrimination and what to do when they experience it.

If you feel unsure about what has occurred, we encourage you to still speak to someone. We support you to have safe and confidential discussions with the appropriate person, even if you do not wish to make a formalised complaint. As outlined in our confidentiality section of this policy the exception to this is perceived to be significant risk to the safety of the person making the disclosure or to the safety of others. We are legally obliged to follow the appropriate course of action.

Those concerned for the immediate safety of themselves or others or to report a criminal matter should contact New Zealand Police by calling 111.

Union delegates are available to members who would prefer to seek support from a party unaffiliated with the Ministry.

We encourage you to use our Employee Assistance Programme (EAP). They are a professional, independent, and confidential service. EAP Services professionals are all qualified, registered and highly experienced specialists.

You can contact EAP to arrange help and support at a time that suits you by calling 0800 327 669 or visiting their website www.eapservices.co.nz.

At its discretion, the Ministry may also be able to provide additional support. Options may include time away from work, flexible arrangements or other agreed support. We will discuss on a case-by-case basis what will best support all involved.

Non-Compliance with policy

Where an allegation of bullying, harassment, discrimination, or related inappropriate behaviour is substantiated a disciplinary process will follow. The Ministry will take effective and appropriate remedial action against the responsible individual(s), which may include disciplinary action up to and including termination of employment or engagement.

Workers who are found to condone unacceptable behaviour may also be subject to disciplinary action, ranging from a warning through to the termination of employment or engagement for serious breaches.

Appropriate action will be taken when other people (e.g. external to the Ministry) commit or condone unacceptable behaviour.

False Accusations, Vexatious or Frivolous Claims

It is important that all complaints of unacceptable behaviour are based on truth and fact. Allegations of unacceptable behaviour such as bullying, discrimination, harassment and victimisation are serious matters. Unsubstantiated intentional false allegations will be viewed seriously and may result in disciplinary action.

Monitoring and review

The Ministry will use the following mechanisms to help identify any bullying, harassment, and discrimination in our workplace, whether people are reporting incidences, and to help us improve our practices.

- Exit interviews
- Reported statistics, e.g. complaints, EAP usage, turnover and absenteeism
- Employee surveys
- Union feedback
- Regular 1:1 discussion between workers and managers
- Discussions within relevant committees and groups, e.g. Wellbeing, Health & Safety Committee, Diversity and Inclusion groups and Employee Led Networks.

Associated Guidance and Policies

This policy is intended to be read in conjunction with guidance in relation to Bullying, Harassment and Discrimination and broader Ministry Human Resources (HR) advice.

- a. Code of Conduct

- b. Sexual Harassment policy
- c. Disciplinary policy
- d. Protected Disclosures Policy
- e. Employee Resolution Pathways

Relevant legislation:

- a. Employment Relations Act 2000
- b. Public Service Act 2020
- c. Human Rights Act 1993
- d. Harassment Act 1997
- e. State Sector Act 1988– Standards of Integrity and Conduct
- f. Protected Disclosures Act 2020
- g. Crimes Act 1961
- h. The Harmful Digital Communications Act 2015

Owner	Approved by	Date Approved	Next Review Date
Manager Human Resources	Deputy Chief Executive Corporate Services	May 2024	May 2026

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Appendix 1: The Ministry of Transport | Te Manatū Waka

Definitions

Bullying is any repeated unreasonable behaviour that is directed towards a person, or group of people, which can lead to physical or psychological harm. This includes cyberbullying. It is considered a workplace hazard that affects employee health, wellbeing, and business productivity.

Complainant is the person who makes the complaint.

Cyberbullying is the use of electronic communication to bully, harass or frighten a person, typically by sending messages of an intimidating, embarrassing or threatening nature.

Below are **two categories of bullying behaviour**, attacks that are direct and personal, or indirect and task related. These categories help define generalised behaviours someone may experience when being bullied however, they are a full comprehensive representation of bullying but assist in determining bullying behaviours.

Direct bullying is behaviour that hurts, harms, or humiliates and is overt, obvious, and apparent to anyone witnessing it. The actions and words are easy to identify, the identity of the person bullying is usually known, and the acts are focused toward the person being bullied – they know about the bullying as it is happening.

Indirect bullying is behaviour that hurts, harms, or humiliates, which is often covert, subtle, and not always immediately acknowledged as bullying. The words and actions can be harder to identify, can be done anonymously and discreetly, and the target might not find out about the bullying until long after it has happened.

Bullying isn't reasonable management action taken by managers or supervisors to direct and control the way work is carried out. It is

not considered to be bullying if the action is taken in a reasonable and lawful way.

Discrimination can occur when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their sex, colour, religious belief, race, marital status, ethnic or national origins, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability.

Discrimination in employment can occur in a person's employment where Te Manatū Waka, or a representative of Te Manatū Waka, by reason of any of the prohibited grounds of discrimination, or involvement in the activities of a union:

(a) Refuses or omits to employ an applicant for work that they are qualified for;

(b) Refuses or omits to offer or afford to that staff the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion, and transfer as are made available for other staff of the same or substantially similar qualifications, experience, or skills employed in the same or substantially similar circumstances; or

(c) Dismisses that staff or subjects that staff to any detriment, in circumstances in which other staff employed by that employer on work of that description are not or would not be dismissed or subjected to such detriment; or

(d) Retires the staff or requires or causes the staff to retire or resign. Directly or indirectly and can be unlawful when relating to particular legislative requirement.

Indirect discrimination occurs when there is any conduct, practice, requirement, or condition that is not apparently discriminatory but has the effect of treating a person or group of persons differently on one of the prohibited grounds of discrimination in a situation where such treatment would be unlawful under the Human Rights Act.

Unlawful discrimination can occur when one person is treated less favourably than someone else is treated, or would be treated, in the same or similar circumstances, because that person has a particular attribute, such as sex, colour, religious belief, race, marital status, ethnic or national origin, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability that is specifically listed in Human Rights legislation.

Exceptions may apply, including as set out in the Human Rights Act 1993, New Zealand Bill of Rights Act 1990, Employment Relations Act 2000, or relevant case law. For example, measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of unlawful discrimination, do not constitute discrimination.

Employee refers to an individual employed by the Ministry on a full time, part time or casual basis.

Environment means both physical environments at MOT and online platforms including internet, intranet, and social media.

Harassment is unreasonable or unwelcome conduct that is offensive, humiliating or intimidating to any other person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance or their work and study environment. It includes gender-based, racial, and sexual harassment. Under the Harassment Act 1997, serious harassment is a criminal offence.

Gender based harassment describes a wide range of behaviour based on gender stereotypes, sexual orientation, or gender identity. Such behaviour includes verbal, physical, visual, or digital actions which demean, belittle, or threaten a person. It does

not necessarily suggest sexual interest or intent; it is often about making a person feel unwelcome, uncomfortable, inferior, or vulnerable.

Racial harassment is the use of language, or visual material or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; is hurtful or offensive; and is either repeated or serious enough to have a detrimental effect on a person in one of the areas specified by the Human Rights Act 1993, e.g. the provision of education, accommodation and employment.

Sexual harassment is unwelcome conduct of a sexual nature that could be offensive, humiliating or intimidating to any other person and is either repeated, or of such a significant nature, that it has a detrimental effect on the person, their performance or their work and study environment. This includes a request for sexual activity of any sort that contains an implied or overt promise of preferential treatment or overt threat of detrimental treatment. It is unlawful to sexually harass another person even if there was no intention to harass the person.

Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, or threatening a person.

Unwelcome means behaviours that are not solicited or invited and are regarded by the recipient as undesirable or offensive at the time.

Victimisation occurs if someone suffers detrimental treatment because they have made, or propose to make, in good faith, an allegation of harassment, or appear as a support, or a witness, or provide information about such an allegation. Victimisation is defined in the Human Rights Act 1993. For the purposes of this policy, victimisation also includes unjustifiably treating a person (or threatening to treat a person) less favourably than they otherwise would have been as a result of, an allegation of bullying, harassment

or discrimination (this extends to giving evidence or information in an investigation).

Violence of any kind towards another person, whether oral (abuse, threats, shouting, swearing) or physical (stalking, throwing objects, hitting, damage to property) can be illegal and subject to charges under the criminal law.

Respondent the person who the complaint is made against.

Mediation is a mutually agreed process that involves a trained and impartial mediator sitting with all parties concerned to try to get an agreement and a way forward.

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Employment Investigations Guidelines

Purpose

These guidelines outline:

- The guiding principles that must be applied to any employment investigation process undertaken at Te Manatū Waka (the Ministry)
- What is required for an investigation to be substantively and procedurally fair
- Applies to all permanent, fixed term and casual staff at the Ministry.

We have trust and confidence in all our people to work, act and perform consistently with the Ministry's values, policies, and processes at all times. We also have trust and confidence that our people understand that, at times our roles at the Ministry and as public servants, can be negatively impacted by how we act and how we behave, in our private lives.

Wherever possible, it is encouraged that our people engage with Human Resources to assist and provide advice and support to resolve any behavioural and potential conduct issues as promptly and as informally as possible. However, we acknowledge that there will be times when informal action is not appropriate, and that formal disciplinary process will need to progress. Employees have rights and obligations when they are being investigated for alleged misconduct. A formal process will generally require an investigation.

These guidelines are to be read in conjunction with Te Manatū Waka's Disciplinary Policy.

Principles

Good faith

All parties involved in investigations and disciplinary matters must comply with the duty of good faith during this process. In particular, the parties must be responsive, co-operative, communicative and uphold confidentiality of all details and proceedings to the parties involved.

Fairness

Any action taken must be an action that a fair and reasonable employer could take in the circumstances and be procedurally sound following the principles of natural justice.

Promptness

Any actions relating to investigations of misconduct conduct/wrongdoing or serious misconduct/wrongdoing will be taken as soon as is reasonably practicable after the Ministry becomes aware of the matter of concern.

Initiating an employment investigation

An employment investigation may be initiated from a number of starting points. For example, the Ministry may receive a specific complaint, a manager may have observed a behaviour that they consider is a potential breach of the Code of Conduct, a person may have witnessed and reported what they consider might be a breach of the Code of Conduct, an audit or review may identify impropriety etc.

Some preliminary enquiries may be necessary before a formal employment investigation is initiated.

Complainants

Where one of our people has made a complaint of misconduct/wrongdoing or serious misconduct/wrongdoing, they can expect their complaint to be taken seriously and actioned promptly. Their complaint will be treated as confidential as possible. A complainant should know that an employee being investigated has a right to know who the complainant is and what they have alleged. They will be told how the complaint will be investigated and by whom. In some cases, they will be consulted on this to check if there is any perceived conflict of interest between the parties. A complainant may choose to have union or legal representation, but this will be at their own cost (unless the Ministry agrees otherwise).

If appropriate, the complainant will be told how the complaint will be investigated and by whom. They will be updated on progress periodically and advised of the outcome of the investigation process, to the extent practicable being mindful of competing privacy obligations.

The complainant is entitled to support throughout the process and, if necessary, arrangements will be put in place to ensure their continued health and safety.

The complainant must also be mindful of the importance of maintaining the confidentiality and integrity of the investigation process, and of the potential for disciplinary consequences if this does not occur.

In the event there is evidence that a complaint may have been made falsely, maliciously or in bad faith, a complainant may face a separate employment investigation to deal with this.

Respondents

Where one of our employees is alleged to have committed misconduct/wrongdoing or serious misconduct/wrongdoing, they can expect to be informed of the allegations against them promptly. They will be told how the complaint will be investigated and by whom. In some cases, they will be consulted on this to check if there is any perceived conflict of interest between the parties. They will be told who the decision maker will be, how seriously the alleged behaviour is viewed by the Ministry, and the potential outcomes of an investigation in the event disciplinary investigation or action is possible.

They have a right to seek support from their union and/or legal representation or support person but this will be at their own cost (unless the Ministry agrees otherwise). They have the right to know the identity of the complainant and any witnesses (unless the matter concerns serious wrongdoing and the complaint is made as a protected disclosure requiring anonymity is required as a result).

The matter will be treated as confidentially as practicable in the circumstances.

The respondent will be provided with all relevant information that is gathered. They will be provided with a full opportunity to respond to the information that is gathered, and to the allegations, before conclusions are reached. They can access support throughout the process and will be consulted on any arrangements that the Ministry may consider necessary to ensure continued health and safety while the process is underway.

The respondent must be mindful of the importance of maintaining the confidentiality and integrity of the investigation process, and of the potential for disciplinary consequences if this does not occur.

Witnesses

Where you are asked to take part in an investigation process because you may have information that is relevant to an allegation or complaint of misconduct/wrongdoing or serious misconduct/wrongdoing, you will be informed, at a high level, of why and how you have been identified as holding relevant information and how the information you provide will be used, and who it will be provided to. You will be provided with the opportunity of confirming the accuracy of the information you provide before it is provided to others or relied on in reaching conclusions.

You will be treated with respect and dignity throughout the process. You can seek support from your union or legal representation or support person, but this will generally be at your own cost (unless the Ministry agrees otherwise).

You need to be mindful of the importance of maintaining the confidentiality and integrity of the investigation process, and of the potential for disciplinary consequences if this does not occur.

Investigators

In appointing someone (either internally or externally to Te Manatū Waka) to investigate a complaint or allegation of misconduct/wrongdoing or serious misconduct/wrongdoing the Ministry will ensure they are:

- appropriately qualified or sufficiently experienced to undertake the investigation; and
- appropriately independent from the allegation(s) and the parties involved.

The investigator is expected to:

- observe natural justice and ensure that the investigation process is fair and robust for all parties (including witnesses).
- keep the principal parties updated as to progress.
- provide findings in respect of each allegation that link to the evidence gathered, and which deal appropriately and logically with credibility, evidential weight and competing information or evidence.
- follow any terms of reference that may be produced in particular instances,
- maintain confidentiality to the extent practicable in the circumstances,

- if the findings are disciplinary in nature, the investigation will be handed over to Human Resources in order for an employee disciplinary process to commence.

Process

In general terms the process will involve:

- Setting out the allegations of misconduct/wrongdoing or serious misconduct/wrongdoing.
- Appointing a decision maker who may also be the investigator or alternatively a separate investigator may be appointed.
- The investigator and Ministry will agree a Terms of Reference for the investigation.
- Advising the respondent of the proposed investigator and considering any reasonable grounds the respondent may raise why the proposed investigator would not be suitable (for example the proposed investigator has a conflict of interest, has a previous relationship with the respondent etc.)
- An initial fact-finding meeting with the complainant and any relevant parties to determine the grounds of the complaint.
- An initial meeting with the respondent.
- An investigation by the investigator to gather information (which satisfies the requirements of this policy).
- The respondent will be given the opportunity to review and respond to information gathered through interviews during the investigation before a final report is produced.
- The production of a preliminary report which the complainant and respondent can review before a final report is produced.
- Meeting/s with the decision maker. Through these meetings, the decision maker will test anything they consider necessary and hear directly from the respondent on the matters they are considering.
- The final report is provided to the decision maker.
- The manager forwards a record of the investigation, report, decision, and details of any disciplinary action taken to HR for retention on the confidential files.
- All records of investigations are kept on a separate confidential file in HR. The only documentation relating to a complaint that would be filed on a personal file is any letters or notes relating to a sanction as a result of a disciplinary process.

- In addition:

If...	Then...
<ul style="list-style-type: none"> • The complaint is substantiated and there is disciplinary action... 	<ul style="list-style-type: none"> • Keep disciplinary records on the respondent's file, but not on the complainant's file. A separate investigation file is maintained in HR.
<ul style="list-style-type: none"> • The complaint is not substantiated... 	<ul style="list-style-type: none"> • No records are kept on either the complainant's or respondent's file. A separate investigation file is maintained in HR.
<ul style="list-style-type: none"> • The complaint is found to be false, vexatious or malicious and disciplinary action is taken against the complainant... 	<ul style="list-style-type: none"> • Keep records on the complainant's file, but not on the respondent's file. A separate investigation file is maintained in HR.

Suspension

Suspension from employment will only be used in serious situations where the continued presence of an individual in the workplace would hinder our investigation into potential serious misconduct or would pose a risk to their own health and safety or that of others.

Suspension will be on full pay in circumstances where the suspension prevents the employee from working. A decision on whether suspension is appropriate or not, will be made by a nominated person with delegated authority. Often this will be the person appointed as the decision maker in relation to the investigation, but this will not always be the case.

Where suspension is contemplated, the individual concerned will be given the opportunity to comment on the proposal, and to seek legal advice, before a decision is made. They may also be given a short period of special leave to prepare their comment.

Employee Assistance Programme

EAP options are available for employees who seek support during any part of the investigation process.

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Useful links

[Anti-bullying, Harassment & Discrimination Policy](#)

[Disciplinary Policy](#)

[Te Manatū Waka Code of Conduct](#)

[Public Service Commission Code of Conduct](#)

[Public Service Act 2020](#)

[Employment Relations Act 2000](#)

[Te Manatū Waka Policies & Guidelines](#)

Decisions relating to disciplinary outcomes are made in accordance with our [Delegations Framework](#).

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Appendix One: Guidelines for responding to and managing misconduct/wrongdoing or serious misconduct/wrongdoing

Self-care and Support

It's important to look after yourself and don't ignore your stress levels. These situations can have a detrimental impact to health and wellbeing, and can escalate if left unmanaged. It is normally better to seek help rather than just hope it will get better on its own.

Speak to someone you trust or contact the Employee Assistance Programme (EAP). EAP provide independent, confidential counselling and can independently help you test your situation.

The Ministry will also take appropriate steps when concerns are raised to ensure that all those involved are supported. Support options could include providing access to EAP, time off from work, arrangements to separate the complainant and the respondent whilst an investigation or resolution process is underway or other arrangements as agreed.

Keep a Record

Make a note of the interaction(s). Even if you choose to do nothing at first, it is important to record details such as:

- the date, the time, the place and who was present
- what was said (word for word if possible)
- how you felt
- how you responded
- what other people said and did

A detailed record will provide evidence, may reveal behaviour patterns, may help clarify the issue and its effects on your work and may help others decide what to do. If you take the matter further you will need to be able to describe the behaviour, its instances and how it affects you.

Options – deciding how to respond

There are several options available to you, starting with self-help and moving to informal intervention or a formal complaint if this doesn't work or for more serious situations.

When working through the options to address the conduct or unacceptable behaviour consider:

- trying an informal approach first, unless it is serious
- talking to a friend or trusted colleague or seeking confidential advice from your manager, union representative or HR
- test your thinking with your support person and help prepare for a conversation with your manager / trusted person / support person.
- what you want the outcome to be
- the relationship and role between you and the other person
- the other person's intent
- whether you may have contributed to the situation
- the consequences of each approach

Appendix Two: Making a Formal Complaint

This form can be used to make a formal complaint about any misconduct/serious misconduct. Record the details of the complaint below and provide this to the appropriate person (e.g., your manager, HR, or a senior manager).

This information will be provided to the respondent(s).

Incident (repeat table as needed)

Name:
When did it happen? (Date and time) Time: Date:
Where did it occur?
Who was present?
What was said and who said what? (word for word if possible)
How did you respond?
Who witnessed this incident?
How did this incident make you feel?
How has this incident affected your work?
Have you taken any actions? If so, what?
As a result of this complaint, what do you want to happen?
Why do you think it is bullying/harassment/discrimination? It's unreasonable because: It's repeated because: It's endangered my health or safety because:

Health, Safety and Wellbeing System Guide

Purpose and scope

This guide outlines the Ministry's systematic approach for managing health, safety and wellbeing risks and our commitment to fostering wellbeing at work. This guide should be read alongside the Health, Safety and Wellbeing Policy Statement and Strategy 2018/2020.

The Ministry is committed to providing a safe and healthy working environment that protects people from harm and promotes wellbeing.

This policy applies to anyone undertaking work for the Ministry, including employees and contractors. The Ministry also has health, safety and wellbeing responsibilities to ensure others in the workplace such as visitors are protected from harm.

Harm includes, work-related injuries and health conditions, both physical and psychological.

Associated procedures and guides provide more detail about managing health, safety and wellbeing.

Our Commitment and Values

We recognise that health, safety and wellbeing is our first priority and is integral to everything we do.

- We are **invested** to the health, safety and wellbeing of our workers and others.
- We work **collaboratively** to manage risks and promote wellbeing.
- We **boldly** call out unsafe practices and behaviours and create opportunities for people to thrive.

A healthy and safe workplace where people thrive

Introduction to the Ministry's Health, Safety and Wellbeing System

The Ministry manages health, safety and wellbeing through our health, safety and wellbeing system.

The system has the following elements:

- **Leadership**
- **Risk Management**
- **Engagement & Worker Participation**
- **Wellbeing**

Our system is lead and governed by our Senior Leadership Team (SLT), supported by Human Resources (HR) and delivered through the collaborative efforts of managers and workers. The Health, Safety and Wellbeing Committee (HS&W Committee) help to facilitate the ongoing engagement and participation of workers. Our system is underpinned by a process of continuous improvement

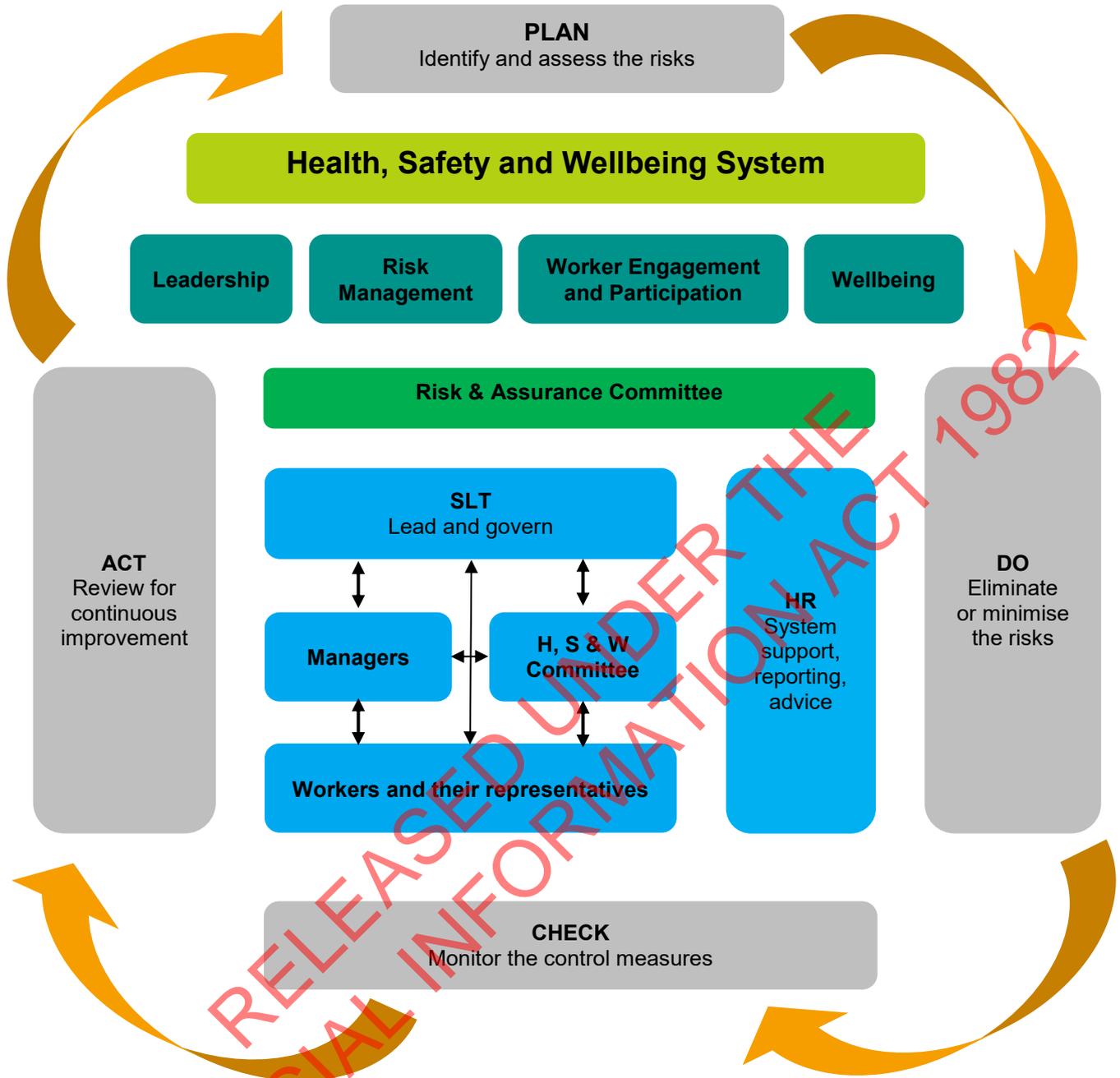


Diagram 1: Ministry of Transport's Health, Safety and Wellbeing System

Leadership

Leaders have a significant influence on health, safety and wellbeing by setting the direction, allocating resources, demonstrating commitment and leading continuous improvement.

All leaders at the Ministry are accountable for leading, planning, reviewing and improving health, safety and wellbeing so that it is part of everything we do.

SLT as “Officers” under the Health, Safety at Work Act, 2015, govern health and safety at the Ministry. They have a duty of diligence to ensure the Ministry complies with health, safety and wellbeing obligations.

Further details on leadership responsibilities are outlined in the responsibility section.

Risk management

The Ministry is responsible for taking steps so far as reasonably practicable to eliminate or minimise risks in the workplace to ensure the health, safety and wellbeing of workers.

Health, safety and wellbeing risks arise when workers become exposed to hazards.

A **hazard** is anything that can cause harm (illness or injury), including a person’s behaviour.

Risks are the potential outcomes of hazards and are determined by considering the likelihood and potential consequence of uncontrolled hazards.

The Ministry has a systematic approach for managing risks built around a continuous improvement approach (depicted and described below).

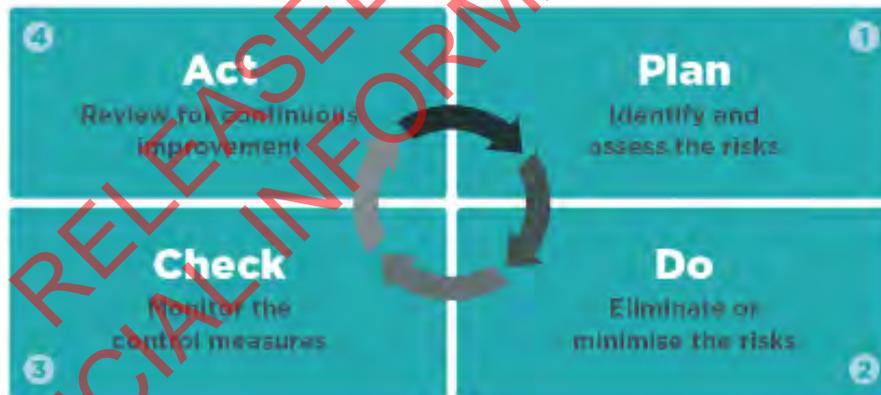


Diagram 2: The Continuous Improvement Cycle for Managing Workplace risks
(Source: WorkSafe)

Our approach to risk management is proportionate. We will do what is reasonable, what is practical and what we are able to do to **eliminate** or when this is not possible, **minimise** risks. This involves balancing the level of risk and how much influence and control we have in preventing it. Our focus will be on managing significant risks first.

Further Information on managing risks is found in the [Health and Safety Risk Management Procedure and Guide \(under development\)](#).

Risk management roles and responsibilities

The HS&W Committee, supported by HR will facilitate the systematic management of risk across the Ministry.

However, everyone is expected to play a role in managing risks on the job by:

- being actively involved in identifying hazards and risks
- understanding common hazards and risks at work and the controls in place to manage these
- promptly reporting hazards and risks
- identifying ways to eliminate or minimise risks.

Managers have a duty to manage health, safety and wellbeing risks for their teams. This includes identifying, controlling and monitoring risks as part of day-to-day work and when introducing new working arrangements, significant projects or equipment.

Business Support and/or Digital and Knowledge will conduct risk assessments when introducing new or modified equipment.

HR will maintain a risk register and provide information and advice to facilitate the systematic process of risk management.

SLT govern risk management and health and safety performance to ensure our safety and wellbeing system effectively controls risks.

Information, supervision and training

The Ministry will provide any information, training, instruction, and supervision that is needed to protect all people in the workplace from any work-related risks to their health, safety and wellbeing.

Managers are responsible for ensuring that the workers, and others for whom they are responsible have the knowledge, skills, awareness, and instructions that they need to protect their own health and safety and that of other people.

This includes ensuring that all workers who report to them complete a health, safety and wellbeing induction.

Anyone hosting a visitor at the Ministry must provide emergency information and supervision to ensure their health, safety and wellbeing. Hosts must comply with host responsibility guidelines.

HR will ensure that the Ministry stays up-to-date with health, safety and wellbeing information and guidance and will ensure relevant information is communicated. HR will co-ordinate Health, Safety and wellbeing training.

Accidents & Incidents

An **accident** – is an event at work that causes any person to be harmed. Accident refers to an event itself rather than to the cause of the event producing the loss. While accidents are usually sudden, gradual process injuries and health conditions can also result from workplace hazards and must be reported.

A **near miss incident** is an event at work that might have caused any person to be harmed. For simplicity we refer to both accidents and “near miss” incidents as “incidents” in this guide.

All incidents must be immediately reported to a manager and recorded in writing through the Ministry’s incident recording system as soon as possible (within 24 hours). The incident may be reported by a person involved or someone who witnessed the incident.

Reporting health, safety and wellbeing incidents, even when no one is hurt, is an essential part of our continuous improvement approach to health and safety. Incident reporting helps us to identify and manage risk, raise awareness and continuously learn and improve to avoid future harm.

For this reason, the Ministry will treat health, safety and wellbeing incident reports primarily as part of a “learning” culture. Self-reporting will only lead to disciplinary or other action, following appropriate process, where individual actions are reckless, or part of a pattern of repeated risky behaviours that the individual has failed to address over time.

Some health, safety and wellbeing incidents may also fall under the definition of a security incident. In such cases, the incident report will be shared with relevant parties in accordance with the Security Incident Reporting Procedure.

Notifiable events – including death and certain serious injuries, illnesses or incidents, must be reported to the Deputy Chief Executive, Corporate Services immediately. A manager will report the event (in consultation with HR) to WorkSafe New Zealand as soon as possible after the event.

Notifiable injury or illness – this is personal injury or illness caused at or by work that is beyond a first aid level of treatment and includes specific categories, for example:

- injury or illness requiring immediate treatment as an in-patient in a hospital
- serious head injury, serious eye injury, serious burn, amputation, spinal injury or results in the loss of a bodily function
- serious infection attributable to carrying out work.

Notifiable incidents – include any unplanned or uncontrolled incident that exposes workers or another person to an imminent serious risk to their health, safety and wellbeing. Examples include: exposure to electrical shocks; fires; explosions; the fall or release from height of any object; the collapse or partial collapse of a structure; or any unexpected escape of gas or steam.

Incident Investigation – all incidents, will be investigated to ensure lessons are learned and appropriate actions are taken to support workers and control risks. Investigations will be tailored to the potential severity of the incident and specialist advice may be sought as required.

See the [Incident Investigation and Return to Work Procedures \(Under Development\)](#) for further information.

Performance Monitoring and Reporting

The Ministry will systematically review health, safety and wellbeing performance and the effectiveness of our system and implement actions for continuous improvement.

HR will provide reports and information, including incident data and trends to the HS&W Committee and SLT for ongoing monitoring, discussion and planning. Health, safety and wellbeing information and reporting will be published on Discover.

SLT will provide quarterly updates to the Risk and Assurance Committee.

The HS&W Committee and SLT will formally review the risk register and the performance of the Ministry's Health, Safety and Wellbeing system at least annually and following a significant incident. This information will inform ongoing planning and improvements.

The Ministry will involve workers in this process and will communicate lessons learned and updated plans.

Engagement and worker participation

Worker engagement and participation in health and safety has a significant influence on health, safety and wellbeing outcomes.

Engagement is how the Ministry involves our workers in health, safety and wellbeing matters and decisions.

Participation practices are the on-going ways for workers to raise health, safety and wellbeing concerns, be part of making decisions that affect work health, safety and wellbeing, and offer suggestions for improving health, safety and wellbeing.

The Ministry will facilitate participation and engagement in the following ways:

- communicating information and decisions
- providing training and resources
- seeking feedback
- providing opportunities for workers to contribute to decision-making
- supporting and resourcing a health, safety and wellbeing committee.

We expect managers and workers to engage in ongoing dialogue about health, safety and wellbeing matters as part of what we do.

We encourage workers to raise issues, provide feedback and offer suggestions to their managers. Workers may also raise issues with a Health, Safety and Wellbeing Representative (HS&W Rep), a Union Delegate, HR, another manager or a member of SLT.

HS&W Reps are workers elected by the members of their work group to represent them on health, safety and wellbeing matters.

HS&W Reps who have completed prescribed training have certain powers under the HSAW Act, 2015. Further details about the role of HS&W Reps at the Ministry can be found in the [HS&W Committee Terms of Reference](#).

The Health, Safety and Wellbeing Committee

The role of the HS&W Committee is to bring workers and managers together to consider health, safety and wellbeing matters. The HS&W Committee will monitor the Ministry's performance, make recommendations for action, and promote health, safety and wellbeing.

Further details about the HS&W Committee are outlined in the [Health, Safety and Wellbeing Committee Terms of Reference](#).

Wellbeing

Workplace wellbeing is a broad concept that relates to all aspects of working life, including the quality and safety of the physical environment, how people feel about their work, their working environment, the climate at work and how work is organised. (International Labour Organisation).

At the Ministry we recognise that good work is good for wellbeing and wellbeing is good for work.

We strive to promote wellbeing by creating healthy work and a healthy work environment. Healthy work is stimulating, enjoyable and rewarding and contains genuine challenges and balance. We don't expect work to meet all of these requirements all of the time, but overall we expect our work and working conditions to enhance wellbeing.

We recognise that people bring their whole selves to work and support initiatives that enhance wellbeing in life and work.

Responsibilities

Health, safety and wellbeing is in everyone's best interests and everyone has a part to play. The Health and Safety at Work Act, 2015 sets out clear responsibilities for businesses, senior leaders, workers and other people in the workplace in relation to managing health, safety and wellbeing risks and protecting people from harm. Further details can be found in [Table 1](#).

The Ministry

The Ministry as an entity is considered a "Person Conducting a Business or Undertaking" (PCUB) under the Health and Safety at Work Act, 2015 and is responsible for ensuring the health, safety and wellbeing of workers and others at risk from any work we carry out.

Workers

The Health and Safety at Work Act, 2015 defines workers as an individual who carries out work for a PCUB (in our case the Ministry). The definition is broad and includes employees (including managers), contractors, subcontractors, volunteers and people gaining work experience. Under the Act, workers and others in the workplace (such as visitors) have their own health, safety and wellbeing duty to take reasonable care to keep themselves and others healthy and safe when carrying out work.

Senior Leadership Team

The Chief Executive and SLT lead and govern health, safety and wellbeing at the Ministry. As leaders, they set the vision and direction for health, safety and wellbeing.

As “Officers” under the Health and Safety at Work Act, 2015, SLT has a duty of diligence to ensure the ministry complies with its health and safety obligations.

Everyone working at the Ministry is expected to:

- take reasonable care for the health, safety and wellbeing of self and others
- understand and comply with our policies and procedures
- raise concerns, and report incidents, hazards and risks
- share knowledge about health, safety and wellbeing
- actively participate in our health, safety and wellbeing management system and make health, safety and wellbeing part of everything we do.

In addition **managers (including SLT)** will:

- lead, plan, review and improve health, safety and wellbeing so that it is part of everything we do
- be accountable for the delivery of health, safety and wellbeing policies, plans and procedures in their team/s
- enable workers to participate in the continuous improvement of health, safety and wellbeing.

In addition, **SLT** will:

- set the health, safety and wellbeing vision
- ensure our health, safety and wellbeing management system effectively controls risks
- ensure emergency and evacuation procedures are in place and implemented
- ensure compliance with legal requirements
- be accountable for health, safety and wellbeing at the Ministry.

Health, Safety and Wellbeing Representatives and Committee

Details of the responsibilities of HS&W Reps and HS&W Committee are outlined in the [Health, Safety and Wellbeing Committee Terms of Reference](#).

Human Resources

HR will provide technical advice and co-ordination to support the development, monitoring and continuous improvement of the safety and wellbeing system.

HR will:

- support the development and maintenance of the health, safety and wellbeing system
- work with the HS&W Committee to develop health, safety and wellbeing strategies, plans and initiatives

- keep up-to-date with health, safety and wellbeing knowledge and developments and share this information with the SLT and HS&W Committee
- advise SLT on health, safety and wellbeing legislation and requirements
- advise and support managers to deliver their health, safety and wellbeing responsibilities
- ensure accurate and timely reporting
- oversee accident/incident investigations and the escalation of these to SLT and WorkSafe NZ as appropriate
- co-ordinate health, safety and wellbeing training
- support the HS&W Comm

Business Support

- work with HR and managers to monitor and coordinate reported hazards
- oversee management and maintenance of our facilities
- purchase ergonomic equipment as required
- manage and maintain emergency equipment and processes – including first aid kits, civil defence supplies, co-ordinating evacuation chair and floor wardens training.

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Table 1: Health, safety and wellbeing responsibilities at the Ministry

SLT will:	Managers will:	Workers (Employees and Contractors) will:	Others will:
<ul style="list-style-type: none"> • Set the health, safety and wellbeing vision and strategy. • Lead, plan, review and improve health, safety and wellbeing. • Acquire and keep up-to-date about work safety and wellbeing matters. • Understand hazards and risks associated with our work. • Ensure resources and processes are in place to eliminate or minimise risks to health and safety. • Ensure information about incidents, hazards, and risks is received, considered, and responded to in a timely way. • Monitor and review our performance in health, safety and wellbeing and verifying that our health, safety and wellbeing management systems are functioning effectively. • Ensure compliance with all relevant legal requirements. • Ensure people leaders work with workers to embed health, safety and wellbeing into our activities. 	<ul style="list-style-type: none"> • Lead, plan, review and improve health, safety and wellbeing. • Implement safety and wellbeing policies, plans and procedures in their team/s. • Ensure all workers and contractors are familiar with the Ministry’s health, safety and wellbeing policy and procedures and receive appropriate health, safety and wellbeing training, including induction. • Identify, monitor and review risks/hazards and ensure these are appropriately controlled (eliminated or minimised). • Inform workers of risks, controls and emergency procedures and ensure appropriate training and supervision is provided. • Ensure work methods do not place people at harm. • Demonstrate a commitment to health, safety and wellbeing and embedding health, safety and wellbeing into our activities. 	<ul style="list-style-type: none"> • Understand and comply with health, safety and wellbeing policies and procedures and follow any reasonable instructions. • Ensure their own and others health, safety and wellbeing in the workplace. • Look out for each other. • Actively participate in the health, safety and wellbeing management system and make health, safety and wellbeing part of everything we do. • Understand risks/hazards and controls relevant to the work undertaken and take all reasonably practicable steps to eliminate or minimise risks. • Share knowledge about health, safety and wellbeing. • Promptly and accurately report any health, safety and wellbeing concerns to their manager or HS&W Rep including: <ul style="list-style-type: none"> – any injury, pain or discomfort, or stress concerns – potential hazards/risks 	<ul style="list-style-type: none"> • Ensure their own health, safety and wellbeing in the workplace. • Act in a way that does not adversely affect the health, safety and wellbeing of others. • Follow instructions given to them by the Ministry contractors engaged by the Ministry or building owners. <hr/> <p>Health, Safety and Wellbeing Reps will:</p> <ul style="list-style-type: none"> • Represent workers on health, safety and wellbeing matters. • Make recommendations on health, safety and wellbeing. • Identify risks and investigate complaints • Monitor the health, safety and wellbeing system, outcomes and initiatives. • Give feedback to SLT about the meeting of health, safety and wellbeing duties.

SLT will:	Managers will:	Workers (Employees and Contractors) will:	Others will:
<ul style="list-style-type: none"> • Enable workers to participate in continuous improvement of health, safety and wellbeing. • Ensure emergency and evacuation procedures are in place and implemented. 	<ul style="list-style-type: none"> • Communicate and consult with people about health, safety and wellbeing and ensure people have a reasonable opportunity for effective participation in health, safety and wellbeing matters. • Ensure all emergency management requirements are in place for the team/group. • Ensure workplace accidents and incidents are promptly reported and recorded accurately. • Implement measures to rehabilitate employees who suffer a workplace illness or injury. • Ensure HS&W Reps are given reasonable opportunity to perform their duties. 	<ul style="list-style-type: none"> – accidents, incidents or near misses that could have caused injury – unsafe work practices and behaviours. 	<ul style="list-style-type: none"> • Promote healthy work and behaviours that enhance wellbeing. <p>Further details are found in the HS&W Committee Terms of Reference.</p>

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Related procedures and guides (many of these are drafts and will be updated overtime)

The Ministry has many standards, guidelines, strategies and policies that relate to health, safety and wellbeing responsibilities and practices.

These include:

Leadership

- The Health, Safety and Wellbeing Policy Statement
- Health, Safety and Wellbeing Strategy 2018-2020

Worker participation

- Health, Safety and Wellbeing Committee Terms of Reference
- Health, Safety and Wellbeing Representative Role Statement

Managing risks

- Health and Safety Risk Management Procedure and Guide
- Risk Register
- Hazard/Risk Reporting Form
- Site Safety Checklist
- Accident and Incident Procedure and Guide
- Incident Report Form
- Standard Investigation Report Form
- Workplace Bullying, Harassment & Discrimination Prevention Procedure & Guide

Information and training

- Health, Safety and Security Induction Guides
- Visitor Management Procedures

Working safely guidelines

- Preventing Pain and Discomfort Guideline
- Work Setup Guidelines
- Working out of the office and at home

Wellbeing

- Wellbeing Guideline

Emergency planning and evacuation

- Emergency Procedures
- Westpac House Evacuation Procedures
- Emergency Equipment
- Personal Preparedness

Employee Resolutions Pathways Guidelines

Purpose

The Ministry of Transport | Te Manatū Waka (the Ministry) is committed to being a safe, equitable and inclusive workplace. We promote a culture that seeks to uphold the mana (standing) of individuals and value our differences. We challenge prejudice and have no tolerance for any form of bullying, harassment, discrimination, or unreasonable behaviour.

This guidance enables employees to raise concerns in any circumstance and through any channel they feel most comfortable with. Through this ability to speak up, employees can access resolution pathways that work best for the situation.

Further, our guidance brings together our collective approach to resolution pathways across multiple policies. Enabling clear, consistent, and fair principles and approaches across all pathways.

This guidance will relay our responsibilities and detail the resolution pathways and the process this may entail.

Scope

This policy applies to all employees of Te Manatū Waka, inclusive of temporary employees, and consultants and contractors.

Our policy also covers negative behaviours that may occur during social events, facilitated and/or hosted work events (such as a conference or training) outside the workplace and standard business hours if it is in the context of the employment relationship or affects the workplace.

Principles

We are all responsible for ensuring our workplace is safe and inclusive.

Everyone has the right to be treated fairly, and with dignity and respect in the workplace.

Te Manatū Waka is committed to fostering and promoting a culture that celebrates differences, challenges prejudice, and ensures fairness.

To have supported intervention tools and pathways to resolution that treat all with fairness, dignity, and respect.

Leaders will take all reasonable steps to ensure the work environment for which they are responsible is free from bullying, harassment, sexual harassment and/ or discrimination.

Te Manatū Waka will ensure the principles of natural justice are applied and all parties are supported fairly through any process. Formal complaints will be investigated fairly and sensitively.

Our guidance and internal complaints resolution process are designed to be accessible, understandable and in plain language.

Processes are conducted without undue delay and dealt with at the lowest appropriate level of intervention.

Roles and responsibilities

The section below expands on our roles and responsibilities in relation to bullying, harassment, discrimination, sexual harassment, or unreasonable behaviour at Te Manatū Waka.

Our Ministry

Responsibilities:

- Actively enables a safe, fair, and equitable workplace that employees feel is pleasant, rewarding and positively challenging.
- Has systems, policies, processes, and people in place to support employee resolution pathways including access to an external confidential support system (i.e. EAP).
- Set expectations and ensure employees have access to information and resources they need to better understand appropriate and inappropriate behaviours.
- Treat complaints seriously, listen without judgment and act as quickly as possible.

Our leaders

Responsibilities:

- Our leaders must take all reasonable steps to ensure that they foster a work environment for staff is free from negative behaviours.
- Be role models of our expected standards.
- Intervene early by being active bystanders who call out and appropriately deal with unacceptable behaviour.
- Treat complaints seriously, listening without judgement and acting as quickly as possible.

Everyone

Responsibilities:

- Treat others fairly and with respect.
- Understand behavioural expectations and do not engage in negative behaviours.
- Have the courage to speak up and respectfully raise concerns about any behaviours of others.
- Keep an eye out for other people, providing support when seeing a person being isolated or experiencing inappropriate behaviours.

Human Resources (HR)

Responsibilities:

- Advise, support and train employees and managers on options, processes, and avenues for support.
- Maintain policies, processes, guides, and information on preventing unacceptable behaviour and how we manage it, if it occurs.
- Provide appropriate support and assistance for managers to challenge, address and appropriately manage unacceptable behaviour.

Channels and entry points

It is important you feel comfortable with who you disclose issues and complaints. You may choose to seek support or advice from these areas. Noting some may be able to provide more support depending on your situation.

These people are:

- Your manager
- Another manager or leader you trust
- Human Resources

- MBIE (for mediation)
- The Human Rights Commission (about discrimination, racial or sexual harassment)
- A trusted person (i.e. a member of an employee network, whanau, friend or colleague)
- Union representative

Confidentiality

Generally, disclosed information will be shared only on a need-to-know basis with those who have a role in dealing with the situation under this policy or who have a role in dealing with urgent concerns regarding the safety or welfare of individuals, or as required by natural justice.

In some instances, there is an obligation to pass information on, such as when there is perceived to be significant risk to the safety of the person making the disclosure or to the safety of others. Where practicable, the owner of this information will be notified.

Where a situation finds that significant risk is identified, our Ministry may initiate a formal investigation even if the disclosing party has not directly sought this. This will be determined by the relevant DCE in consultation with the HR Manager.

Witnessing unacceptable behaviours

Being an active bystander is an important detection and prevention method for negative behaviours.

Speaking up may look like this:

- **Check-in with the person.** Make sure what you think you heard or saw is accurate, raise your concerns about the actions you witnessed, and ask the person who it was directed at about the situation. You could also check with anyone else who saw the behaviour. Doing nothing enables these types of actions to continue or get worse.
- **Act early.** Ensure you or the other person/people are safe and know where to go for support.
- **Discuss** with the person why you think that the behaviour you witnessed was unacceptable and what you saw. This may help them feel supported to approach the person to discuss or take other steps
- **Inform.** Tell them about our policies, procedures, and guidance, encourage them to read these and think through what happened.
- **If safe to do so, 'speak up'**. Raise your concerns directly with the person who demonstrated the unacceptable behaviour if you are comfortable and feel safe to do so.
- **Demonstrate support.** For example, if someone is being deliberately excluded, you could try including or inviting them. If the person is constantly being shut down from getting their point across, you could make a point of saying, "Hey, Aroha just started to say something, can we go back so I can hear what she was trying to say?"

If you witness something you believe may or may not be unacceptable it is always helpful to seek advice and/or guidance as to whether the actions/behaviour may or may not meet the standard of being unacceptable. An assessment will need to be made before any informal and/or formal options are taken.

Reminder, it is important that if you believe that a crime may have been committed, make a complaint to the police.

Negative behaviours can happen anywhere. If you have concerns about harmful digital communications, you may also seek support and assistance from Netsafe (www.netsafe.org.nz).

Keep a Record

It may be useful to make a note of any interaction(s). Even if you choose to do nothing at first, it is useful to record details such as:

- The date, the time, the place and who was present
- What was said (word for word if possible)
- How you felt
- How you responded
- What other people said and did

Detailed notes may provide evidence, reveal behaviour patterns, help clarify the issue, its effects and may help others decide what to do. If you take the matter further you will need to be able to describe the behaviour, its instances and how it affects you.

Determine the behaviour

It can be hard to determine what behaviours you or others may have experienced. It is, however, the first step.

Before speaking to someone you may find it helpful to look at WorkSafe NZ which provides comprehensive online resources that may help you determine the alleged behaviour you have experienced and provide advice and guidance.

If you believe it is a crime, call the New Zealand Police (111 or 105).

Some other things you may consider when you are determining behaviours:

- If safe, could you have an informal discussion with a friend or trusted colleague?
- Use the [tool to test – is this unacceptable behaviour?](#) to test your thinking and to help prepare for a conversation with your manager / trusted person / support person.
- What you want the outcome to be.
- The relationship and role between you and the other person.
- The other person's intent.
- Whether you may have contributed to the situation.
- Accept that perceptions may need to be negotiated.

When you feel you've been able to identify the behaviours, we encourage you to discuss them with your manager in the first instance. If they aren't aware, it can be more difficult for them to support you. However, we acknowledge this is not an option for everyone. If your manager is not the most comfortable option for you, you can explore other channels to report to (outlined in this document).

If you feel safe to do so, you must make someone in our organisation aware, to keep a record if nothing else. We understand that you may not want the person you are raising concerns about to know your concerns or feelings. We respect this decision and will support you as best as possible if this is what you want. It is important to note that when you choose this option, we are limited in our ability to resolve the situation.

In some instances, there is an obligation to pass information on, such as when there is perceived to be a significant risk to the safety of the person making the disclosure or to the safety of others.

To address the determined behaviour, there are several pathways available to you. Starting with self-help and moving to informal intervention, onwards to a formal complaint if informal doesn't work or for more serious situations.

Option 1: Self resolution and supported resolution

Sometimes the lowest level of intervention can be the most effective. In many cases, telling the person concerned that their behaviour is causing distress, explaining why it is unwelcome and asking for it to stop will be sufficient. Often, the person is not aware that their behaviour is causing distress, and they will stop immediately once told. This may resolve the behaviour quickly and in a low-key manner.

Note: If a manager observes inappropriate behaviour, they can act without a complaint made.

Self-help actions could be:

- Talk to the person directly about the behaviour, and ask them to stop, with a support person if necessary. (do not approach someone directly about the behaviour if you do not feel safe to do so).
- Writing a letter on a 'private and confidential' basis to the person, setting out the behaviour you experienced, the impact it had on you and asking them to stop.
- Talking to someone you trust gives you an objective view about how to address the behaviour with the person that is concerning you.

Resolution may involve:

- Verbal or written apology or agreement on how you both agree to behave towards one another in future.

If you are uncomfortable with this approach or if this approach does not resolve the issue, then you would be encouraged to contact a trusted person to help take the matter further. The Ministry can only address the problem behaviour once they are made aware of it.

Benefits of this approach:

- Allows you an opportunity to see their viewpoint
- Takes control of the process and resolves the problem in a low-key way
- Allows the person an opportunity to correct their behaviour
- May resolve the issue quickly

Keep in mind:

- Keep to the facts of the incident, and keep your language neutral.
- Use appropriate language and be respectful, you are trying to influence behaviour change.
- As outlined above, maintain a record in case you need to refer to it. If this approach does not resolve the matter and you are not satisfied with the outcome, you may choose to explore our other options.

Option 2: Informal resolution

Another option is for you to ask someone else to informally raise your concerns on your behalf. This person could be your manager, leader, trusted person, union representative or Human Resources.

The person speaking on your behalf will:

- Ask what happened and what is needed to resolve the situation;
- Listen impartially
- Clarify facts
- Discuss possible options for resolution with the complainant (you) and, if appropriate, the respondent (whether the respondent is involved will depend on the preferences of the person making the complaint)
- If the complainant (and if appropriate the respondent) agrees to try a resolution option, document the situation and outcome. Ideally, the outcome will include consideration of how to monitor the situation to ensure the problem doesn't reoccur.

If it is determined that there is agreement on what happened and what will resolve the situation, the person speaking on your behalf may advise that the issue be resolved between the people concerned.

Where appropriate, mediation or a facilitated conversation to discuss the complaint may be an appropriate option if mutually agreed. However, this approach may not always be appropriate, particularly if a significant power imbalance or allegations of serious misconduct have been made.

Option 3: Formal resolution

Formal complaints can be made to the complainant's manager (or their one-up), any trusted leader (including SLT) in our Ministry or Human Resources.

The complaint will need to be written and provide the following information:

- Specific incidents or examples of the behaviour causing concern;
- Location, date and time of occurrence(s)
- Any relevant context e.g., why the incident may have occurred and details of any pattern of repeating behaviour
- Names of any potential witnesses
- Any documented information that supports the complaint (e.g. notes from any relevant meetings, email correspondence)
- (if possible) how you may want the complaint resolved

The complaint should be detailed enough to enable the respondent to be informed of their conduct and enable them to respond to the complaint(s) if it is formally investigated. A decision as to whether to proceed to a formal investigation will be made by the appropriate manager in consultation with Human Resources.

The formal investigation process is outlined further in the **investigations section** of this document.

Benefits of this approach

- This can be the most appropriate option for complaints of a serious nature particularly when objective evidence appears to support the complaint. It can lead to disciplinary action against the respondent, including dismissal in cases of serious misconduct where the behaviour complained of is proven through investigation.
- Where an informal resolution has been attempted but not successful.
- Where a pattern of complaints has arisen, sometimes an investigation is required to understand the underlying issue.

Keep in mind

- Following any investigation, the Ministry is responsible for deciding how to respond if the complaint is upheld, including whether disciplinary action may be appropriate and conducting the disciplinary process if necessary.
- Natural justice means respondents are treated fairly, and decisions are made using fair processes. It may or may not involve disciplinary action dependent on findings from the investigation.
- As the complainant, you will not be aware of any disciplinary action taken, as it would be confidential to that person. Human Resources can explain further why this is confidential so you can understand and feel as comfortable as possible with this approach.

Mediation

Mediation is where an independent person (in-house or external) called a mediator helps resolve an employment relationship problem in a semi-formal and confidential environment. Mediation may be used as part of informal or formal approaches. It can be used early in the situation or at other times (e.g. after a formal complaint has been investigated). Both parties must agree to participate for it to go ahead.

Mediation must create a safe and constructive environment. If there are genuine safety concerns, parties should inform the mediator before the mediation begins.

This [mediation workbook](#) is a great resource to explore what mediation may look like.

Investigations

For an investigation to remain fair and respectful, be mindful of the importance of maintaining the confidentiality and integrity of the investigation process and the potential for disciplinary action if this confidentiality is broken. You will be treated with respect and dignity throughout any process.

You may decide you would like to have union or legal representation. This will be at your own cost (unless the Ministry agrees otherwise).

False complaints are never okay. Where false or malicious complaints or allegations are made, a separate employment investigation may take place to deal with this.

You will be supported throughout any process and where necessary, arrangements made to ensure your continued health and safety.

Initiating an employment investigation

An employment investigation may be initiated from several starting points. For example:

- The Ministry may receive a specific complaint,
- A manager may have observed behaviour that they consider is a potential breach of the Code of Conduct,
- A person may have witnessed and reported what they consider might be a breach of the Code of Conduct,
- An audit or review may identify impropriety etc.

Some preliminary enquiries may be necessary before a formal employment investigation is initiated.

Respondents

The employee who has allegations against them, leading to an investigation, has the right to know who the complainant is, what has been alleged and severity.

The respondent will be told how the complaint will be investigated, who by, as well as potential outcomes. They will be updated on progress periodically and advised of the outcome of the investigation process, to the extent practicable, bearing in mind privacy obligations.

Respondents have the right to know the complainant's identity and any witnesses. An exception is if a complaint is made as a protected disclosure requiring anonymity because of serious wrongdoing.

Witnesses

Witnesses are other people who saw the act or behaviour and/or have direct knowledge or experience of the act or behaviour that has been said to have happened.

A witness will be informed, at a high level, of why and how they have been identified as holding relevant information, how information provided will be used, and who it will be provided to. Importantly, witnesses are not anonymous but the information they give will be confidential to the investigation (fair process).

Witnesses are provided the opportunity to confirm the accuracy of the information provided before being seen by others or relied on in reaching conclusions.

Investigators

In appointing someone (either internally or externally to Te Manatū Waka) to investigate a complaint or allegation the Ministry will ensure this person is:

- Appropriately qualified or sufficiently experienced to undertake the investigation; and
- Appropriately independent from the allegation(s) and the parties involved.

An investigator will:

- Observe natural justice and ensure that the investigation process is fair and robust for all parties (including witnesses).
- Keep all parties updated as to progress.
- Provide findings in respect of each allegation that link to the evidence gathered, and which deal appropriately and logically with credibility, evidential weight and competing information or evidence.
- Follow any terms of reference that may be produced.
- Maintain confidentiality to the extent practicable in the circumstances.
- To make recommendations but they are not a decision maker.

Both parties can exercise a right to object to the proposed investigator if there is a perceived conflict of interest.

Suspensions

Suspensions are outlined in our disciplinary policy and employment agreements (both IEA and Collective).

Process

An investigation is not a scripted event, and it needs to be sufficiently flexible to deal with the circumstances fairly and adequately. We have attempted to set out our general approach below but will always consider the specifics and variables.

In general terms, the process will involve:

1. Detailing and setting out the allegations or complaint.
2. Appointing a decision maker.
3. Appointing an investigator.
4. If appropriate, the investigator and Ministry will agree on a Terms of Reference for the investigation.
5. Advising the respondent of the proposed investigator and decision maker and considering any reasonable grounds the respondent may raise as to why the proposed people would not be suitable.
6. Investigator commences fact-finding meetings with relevant parties.
7. Investigator gathers, consolidates, and considers information (which satisfies the requirements of this policy). Consideration will also be given as to whether anything else is required.
8. The production of a preliminary report which the complainant and respondent can review before a final report.
9. The final report is provided to the decision maker.
10. The decision maker forwards a record of the investigation, report, decision, and details of any disciplinary action taken to HR for retention of the appropriate confidential files.

Outcomes of the investigation

- Communicate findings and decisions to relevant parties, in line with confidentiality.
- Whether or not the respondent is subject to disciplinary action as a result of a substantiated complaint.

Self care and support

Your wellbeing is important. We acknowledge negative and unreasonable behaviour can have a detrimental impact on health and wellbeing.

We encourage you to use the Ministry’s Employee Assistance Programme (EAP). They are a professional, independent, and confidential service and can assist you not only with bullying, harassment, discrimination, or unreasonable behaviour but also with any personal or work-related difficulties. The EAP Services professionals are all qualified, registered and highly experienced specialists.

You can contact EAP to arrange help and support at a time that suits you by calling 0800 327 669 or visiting their website www.eapservices.co.nz.

The Ministry, at its discretion, may also be able to provide additional support. This may include time away from work, flexible arrangements or other agreed support. We will discuss on a case-by-case basis what will best support all involved.

Our records

If...	Then...
The complaint is substantiated and there is disciplinary action...	Keep disciplinary records on the respondent’s file, but not on the complainant’s file. A separate investigation file is maintained in HR.
The complaint is not substantiated..	No records are kept on either the complainant’s or respondent’s file. A separate investigation file is maintained in HR.
The complaint is found to be false, vexatious, or malicious and disciplinary action is taken against the complainant...	Keep records on the complainant’s file, but not on the respondent’s file. A separate investigation file is maintained in HR.

Associated Policies

This guidance intended to be read in conjunction with policy in relation to Bullying, Harassment and Discrimination and broader Ministry Human Resources (HR) advice.

- Code of Conduct
- Bullying, discrimination and harrassment policy
- Sexual Harassment policy
- Disciplinary policy
- Protected Disclosures Policy
- Grievance and Dispute Resolution procedures

Relevant legislation:

- Employment Relations Act (2000)

- b. Public Service Act (2020)
- c. Human Rights Act (1993)
- d. Harassment Act (1997)
- e. Public Sector Act (1988) – Standards of Integrity and Conduct
- f. Protected Disclosures Act (2000)
- g. Crimes Act (1961)
- h. The Harmful Digital Communications Act (2015)

Owner	Approved by	Date Approved	Next Review Date
Manager Human Resources	Deputy Chief Executive Corporate Services	June 2024	June 2027

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Alleged behaviour occurs

Complainant speaks with trusted person

Complainant considers options

Self

Complainant feels safe enough to attempt to self resolve – may speak to trusted person prior to this

Successful

End process

Consider options

Informal

Complainants Manager, support person or HR speaks with respondent on behalf

Respondent admits and takes responsibility of behaviour

Further investigation not needed and complainant feels satisfied with outcome

End process

Consider options

Formal

A formal complaint is made using the template and possible assistance from support person

Complaint is provided to leader or HR

Options considered by leader in consultation with HR on next steps – whether formal or informal

Formal investigation, as appropriate

Complaint substantiated

Appropriate action taken

Complainant informed of outcome and is satisfied

End of process

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Sexual Harassment Policy

Purpose

This policy defines sexual harassment and sets out principles and expectations for mitigating and responding to instances of sexual harassment.

Our policy will enable us to foster a safe and inclusive culture through our outlined principles, behavioural expectations, and mitigation/intervention processes for raising, addressing, and resolving concerns and/or instances about negative behaviours.

This policy should be read in conjunction with the guidance on **Employee Resolution Pathways**.

Scope

This policy applies to all prospective and current employees of Te Manatū Waka, inclusive of temporary employees, consultants, and contractors.

Our policy also covers negative behaviours that may occur during facilitated and/or hosted work events (such as a conference or training), outside the workplace and standard business hours if it is in the context of the employment relationship or affects the workplace.

Policy statement

Sexual harassment harms workers. It can happen at any time and at all levels of the organisation. It is unlawful and not tolerated at The Ministry of Transport | Te Manatū Waka (the Ministry).

Principles

Everyone has a role in preventing sexual harassment.

Our Ministry has no tolerance for sexual harassment and is committed to providing a workplace where all employees are free from instances of sexual harassment.

We have supported intervention tools and pathways to resolution that treat all with fairness, dignity, and respect.

We protect the safety and wellbeing of our staff disclosing or complaining about sexual harassment.

Safe active bystander interventions are encouraged.

We have support in place that acknowledges the importance of appropriate support for staff who have experienced sexual harassment, as well as active bystanders.

Definitions

Sexual harassment is unwelcome conduct of a sexual nature that could be offensive, humiliating or intimidating to any other person and is either repeated or of such a significant nature, that it has a detrimental effect on the person, their performance or their work and study environment. This includes a request for sexual activity of any sort that contains an implied or overt promise of preferential treatment or overt threat of detrimental treatment. It is unlawful to sexually harass another person even if there was no intention to harass the person.

Examples of sexual harassment at work may include:

- Offensive sexual remarks or jokes
- Implied or actual threats of being overlooked for work opportunities or promotion if a worker were to deny a superior's advances
- Unwelcome touching, patting, or pinching by a leader, colleague, or external party
- Being regularly harassed for a date by a colleague
- Being stalked by a colleague
- Sexually offensive images at work, including screensavers of a sexual nature
- Intrusive questions about an employee's sex life

Further information, expansion and definitions are in **Appendix 1 Definitions**.

Our Policy

Our Ministry has no tolerance for sexual harassment, and we are committed to providing a workplace where all employees are free from instances of sexual harassment.

When instances of sexual harassment are raised our Ministry will:

- Treat all matters seriously.
- Make sure complaints are taken seriously, and fairly and impartially investigated, and the alleged harasser has an opportunity to explain.
- Make sure investigations are completed in a timely manner.
- Support and where necessary, protect all the people involved (including both sides of the complaint, support people and witnesses) from victimisation (e.g. being punished, bullied, intimidated).
- Find appropriate remedies and consequences for confirmed sexual harassment as well as false reports.
- Communicate the process, timelines and outcomes.
- Ensure confidentiality.
- Keep good documentation.
- Consult with specialist external advisors as required.
- Carefully consider response options for the specific circumstance.

Seeking Advice and Support

If an employee believes that they have been subject or witness to sexual harassment at work or if sexual harassment is believed to have occurred, they are encouraged to speak to a trusted person (i.e. a friend or a Union delegate) about what happened. In doing so, this person may help encourage the employee to take appropriate action.

Even if you do not know what you saw or experienced constitutes sexual harassment, we encourage you to still speak to someone.

We have different options of who you can speak to in our ministry and externally. This is outlined in our **Employee Resolution Pathways guidance**.

Reporting

We will investigate all reported instances of sexual harassment.

Those concerned for the immediate safety of themselves or others, should contact New Zealand Police by calling 111.

To report any instance of sexual harassment, employees can make a written or verbal report (note, verbal reports will need to be confirmed in writing in the process). This can be through any of the reporting channels outlined in our **Employee Resolution Pathways guidance**.

It is important that our Ministry can act fast and look after employee wellbeing. Once notified, the Ministry will apply the **Employee Resolution Pathways guidance** to ensure the issue is acted on promptly and fairly.

Alternatively, reports of sexual harassment can be made to outside agencies. Employees may decide to first seek help from an outside organisation (e.g. the Police for physical assaults and criminal harassment).

Employees could also decide to raise a personal grievance under the Employment Relations Act 2000 with the Ministry first and then the Employment Relations Authority or submit a complaint under the Human Rights Act 1993 with the Human Rights Commission.

Note: As the Employment Relations Act is only relevant for employer/employee relationship problems, independent contractors should direct their complaints to the Human Rights Commission.

Further information, including our process, can be found in the **Employee Resolution Pathways guidance**.

Confidentiality

Generally, disclosed information will be shared only on a need-to-know basis with those who have a role in dealing with the situation under this policy or who have a role in dealing with urgent concerns regarding the safety or welfare of individuals, or as required by natural justice.

In some instances, there is an obligation to pass information on, such as when there is perceived to be significant risk to the safety of the person making the disclosure or to the safety of others.

Where a situation finds that significant risk is identified, our Ministry may decide to initiate a formal investigation even if the disclosing party has not directly sought this. This will be determined by the Head of Human Resources.

Resolution

Employees who are subject to our witness to sexual harassment are encouraged to look at our **Employee Resolution Pathways guidance** to figure out what pathway may best support them to resolution. Employees can have a support person to help them navigate their options.

Our roles and responsibilities

Everyone has a role in preventing sexual harassment.

The Ministry of Transport | Te Manatū Waka will:

- Not tolerate sexual harassment.
- Mitigate the risks from sexual harassment so far as is reasonably practicable. If the risks can't be eliminated, they will be minimised so far as is reasonably practicable.
- Establish a work culture that is fair and free of sexual harassment.
- Encourage positive leadership styles and invest in our managers to achieve this.
- Focus on behaviour rather than people, and aim to promote harmonious relationships across the company.
- Make sure employees have a range of ways to report and address sexual harassment informally, formally or anonymously.

- Make sure processes and systems for reporting and responding to sexual harassment are fit-for purpose and regularly reviewed.
- Make sure employees know how to report sexual harassment, what support, protection and advice is available, and their rights to representation.
- Provide a supportive environment to those who believe they have been sexually harassed and the alleged harasser.
- Make sure this policy (and related policies and/or guidance) is visible to all employees, contractors and visitors to the workplace.

Managers will:

- Intervene early to call out and deal with any unreasonable behaviour before it escalates.
- Take prompt action in response to any report of sexual harassment.
- Seek advice from both the complainant and respondent as to how they wish to deal with the situation (with support and guidance from HR).
- Provide a supportive environment to those who believe they have been sexually harassed and those accused.
- Treat all parties fairly while allegations are dealt with.
- Record and investigate complaints impartially and in line with the Ministry's policies and processes.

Employees will:

- Behave in a manner that does not sexually harass others.
- Build a common understanding about what sexual harassment is.
- Challenge inappropriate behaviour if they feel safe and comfortable to do so.
- Tell their managers or a trusted person if they experience or see any sexual harassment – if the manager is the alleged harasser, then advise a member of the HR team, the Union, another manager, or a senior leader.
- Follow the Ministry's processes when reporting sexual harassment.
- Keep an eye out for other people – providing support when seeing a person being subjected to negative behaviours, being isolated or experiencing reprisals from speaking up about negative behaviours.

Our support

Speaking up about instances of sexual harassment is difficult, and potentially traumatic. We acknowledge that often sexual harassment goes unreported, as victims may be unsure of what is considered 'workplace sexual harassment' and what to do when they experience it.

If you feel unsure about what has occurred, we encourage you to still speak to someone. We support you to have safe and confidential discussions with the appropriate person, even if you do not wish to make a formalised complaint. As outlined in our confidentiality section of this policy the exception to this is perceived to be significant risk to the safety of the person making the disclosure or to the safety of others. We are legally obliged to follow the appropriate course of action.

Union delegates are available to members who would prefer to seek support from a party unaffiliated with the Ministry.

Those concerned for the immediate safety of themselves or others or to report a criminal matter, should contact New Zealand Police by calling 111.

We encourage you to use the Ministry's Employee Assistance Programme (EAP). They are a professional, independent, and confidential service. EAP Services professionals are all qualified, registered and highly experienced specialists.

You can contact EAP to arrange help and support at a time that suits you by calling 0800 327 669 or visit their website www.eapservices.co.nz.

At its discretion, the Ministry may also be able to provide additional support. Options may include time away from work, flexible arrangements or other agreed support. We will discuss on a case-by-case basis what will best support all involved.

Non-Compliance with policy

Where an allegation of sexual harassment or related inappropriate behaviour is substantiated, a disciplinary process will follow. The Ministry will take effective and appropriate remedial action against the responsible individual(s), which may include disciplinary action up to and including termination of employment or engagement.

Employees who are found to condone unacceptable behaviour may also be subject to disciplinary action, ranging from a warning through to the termination of employment or engagement for serious breaches.

Appropriate action will be taken when other people (e.g. external to the Ministry) commit or condone unacceptable behaviour.

False Accusations, Vexatious or Frivolous Claims

It is important that all complaints of sexual harassment are based on truth and fact. Allegations of sexual harassment are serious matters. Unsubstantiated intentional false allegations will be viewed seriously and may result in disciplinary action.

Monitoring and review

The Ministry will use the following mechanisms to help identify any sexual harassment in our workplace, whether people are reporting incidences, and to help us improve our practices.

- Exit interviews
- Reported statistics, e.g. complaints, EAP usage, turnover and absenteeism
- Employee surveys
- Union feedback
- Regular 1:1 discussion between workers and managers
- Discussions within relevant committees and groups, e.g. Wellbeing, Health & Safety Committee, Diversity and Inclusion groups and Employee Led Networks.

Associated Guidance and Policies

This policy is intended to be read in conjunction with guidance in relation to Bullying, Harassment and Discrimination and broader Ministry Human Resources (HR) advice.

- a. Code of Conduct
- b. Bullying, Harassment and Discrimination policy
- c. Disciplinary policy
- d. Protected Disclosures policy
- e. Employee Resolution Pathways

Relevant legislation:

- a. Employment Relations Act 2000
- b. Public Service Act 2020
- c. Human Rights Act 1993
- d. Harassment Act 1997
- e. State Sector Act 1988 – Standards of Integrity and Conduct
- f. Protected Disclosures Act 2020
- g. Crimes Act 1961
- h. The Harmful Digital Communications Act 2015

Owner	Approved by	Date Approved	Next Review Date
Manager Human Resources	Deputy Chief Executive Corporate Services	May 2024	May 2026

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Appendix 1: The Ministry of Transport | Te Manatū Waka

Definitions

Complainant is the person who makes the complaint.

Employee refers to an individual employed by Te Manatū Waka on a full time, part time or casual basis.

Environment means both physical environments at MoT and online platforms including internet, intranet, and social media.

Harassment is unreasonable or unwelcome conduct that is offensive, humiliating or intimidating to any other person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance or their work and study environment. It includes gender-based, racial, and sexual harassment. Under the Harassment Act 1997, serious harassment is a criminal offence.

Mediation is a mutually agreed process that involves a trained and impartial mediator sitting with all parties concerned to try to get an agreement and a way forward.

Respondent the person who the complaint is made against.

Sexual harassment is unwelcome conduct of a sexual nature that could be offensive, humiliating or intimidating to any other person and is either repeated, or of such a significant nature, that it has a detrimental effect on the person, their performance or their work and study environment. This includes a request for sexual activity of any sort that contains an implied or overt promise

of preferential treatment or overt threat of detrimental treatment. It is unlawful to sexually harass another person even if there was no intention to harass the person.

Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, or threatening a person.

Unwelcome means behaviours that are not solicited or invited and are regarded by the recipient as undesirable or offensive at the time.

Victimisation occurs if someone suffers detrimental treatment because they have made, or propose to make, in good faith, an allegation of harassment, or appear as a support, or a witness, or provide information about such an allegation. Victimisation is defined in the Human Rights Act 1993. For the purposes of this policy, victimisation also includes unjustifiably treating a person (or threatening to treat a person) less favourably than they otherwise would have been as a result of, an allegation of bullying, harassment or discrimination (this extends to giving evidence or information in an investigation).

Violence of any kind towards another person, whether oral (abuse, threats, shouting, swearing) or physical (stalking, throwing objects, hitting, damage to property) can be illegal and subject to charges under the criminal law.