

Policy for Sexual Harassment Prevention and Response

1. Purpose

- 1.1 The Labour Party believes in a community and an organisation that is safe for all people and that taking positive action to prevent sexual harassment is imperative.
- 1.2 The Labour Party believes that if sexual harassment does occur, then the Party has a duty to ensure that it is responded to quickly, safely and effectively.
- 1.3 The Labour Party recognises that merely having policy regarding sexual harassment is not enough and as an organisation the Labour Party must ensure that steps are taken to both prevent and deal with instances of sexual harassment by improving awareness, providing training and having robust systems and processes.
- 1.4 Any form of sexual harassment by any person within the Labour Party, including New Zealand Council members, Members of Parliament, Party members, volunteers or staff, and by any person at Labour Party gatherings or events, will not be tolerated.
- 1.5 Sexual harassment experienced by any person at a Labour Party associated event, venue or workplace will be addressed.

2. Awareness and training

- 2.1 The Labour Party has a duty to ensure that all people involved in the Party are aware of the Party's policy regarding sexual harassment and the Party's expectations regarding behaviour.
- 2.2 The Labour Party has a duty to provide adequate training to Members of Parliament, NZ Council members, staff and Welfare Officers, and to extend training opportunities to other members of the Party as time and resources permit. A register will be kept of each person who has received training.

3. Welfare Officers

- 3.1 Each electorate committee is encouraged to have a person who is voluntarily appointed as a Welfare Officer and to inform people in that area of who the person is.
- 3.2 The Party encourages a Welfare Officer to be present at all Party events. A trained Welfare Officer must be present at any event attended by young people where alcohol is served (see the Alcohol Policy).
- 3.3 The purpose of a Welfare Officer is so each area and event has a person who people know they can approach in confidence regarding issues of sexual harassment.

4. What is sexual harassment?

- 4.1 Sexual harassment is unwelcome or offensive sexual behaviour that is repeated or is significant enough to have a harmful effect on an individual. Unwelcome means behaviour that is not solicited or invited and is regarded by the person as undesirable or offensive at the time.
- 4.2 Examples of sexual harassment can be, but are not restricted to:
 - 4.2.1 obscene gestures or jokes;
 - 4.2.2 unwelcome comments about a person's sex life or relationships;
 - 4.2.3 unwelcome comments about a person's sexual orientation or gender identity;
 - 4.2.4 deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history;

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- 4.2.5 threatening to disclose, or disclosing, a person's sexuality or gender identity to others without consent;
- 4.2.6 sexual advances or requests for sexual favours;
- 4.2.7 inappropriate invasion of a person's personal space;
- 4.2.8 uninvited touching, hugging or kissing, or other forms of physical contact;
- 4.2.9 persistent and unwelcome personal contact;
- 4.2.10 displays of sexually offensive material; and
- 4.2.11 sexual assault.

This list is not exhaustive.

- 4.3 Sexual harassment can be a form of discrimination and has the potential for serious consequences for individuals and our organisation. One of the challenges about identifying and dealing with sexual harassment is that the inappropriate behaviours involved can be subtle, context dependent and may include different cultural understandings of what is considered appropriate behaviour.
- 4.4 Sexual harassment can occur in person or online.
- 4.5 People who experience sexual harassment can suffer anxiety, depression, debilitating stress and loss of self-esteem.
- 4.6 Sexual harassment also causes distress and harm for the community and for people who are not directly involved.
- 4.7 Sexual harassment can impact negatively on our organisation, damage its reputation and leave it open to disputes and litigation.

5. Active bystander intervention

- 5.1 The Party encourages and values safe active bystander intervention by Party members to prevent or stop sexual harassment from occurring or continuing.
- 5.2 The steps involved in safe active bystander intervention are:
 - 5.2.1 noticing the situation – paying attention to what is going on nearby;
 - 5.2.2 deciding if it is a problem – considering whether someone might need help, and
 - 5.2.3 checking with people around if unsure;
 - 5.2.4 accepting responsibility to take action – not assuming someone else will do something;
 - 5.2.5 making a plan to step in – indirectly or directly confronting the issue, without being aggressive or putting oneself or others in danger.

6. Support

- 6.1 A member who alleges sexual harassment by a member of the Party, and any person who alleges that sexual harassment took place at a Party gathering or event, is entitled to adequate support from the Party.
 - 6.1.1 Part of the resolution process is ensuring that the Party adequately supports a complainant.
 - 6.1.2 This may include referring the complainant to counselling or to another professional organisation, paid for by the Party, which is able to support them and/or advocate on their behalf.
 - 6.1.3 The Party recognises that young people are particularly vulnerable and specialist advice will be sought to ensure they are properly dealt with.
- 6.2 Party members can support a person who has experienced sexual harassment by:
 - 6.2.1 listening without interrupting;
 - 6.2.2 letting them express how they feel and respecting the words they use in reference to the incident;
 - 6.2.3 acknowledging the person's distress and that it may be difficult for them to discuss it;
 - 6.2.4 letting the person know that the incident they are reporting was not their fault;

- 6.2.5 respecting their decisions;
- 6.2.6 letting them know that the Party takes sexual harassment seriously; and
- 6.2.7 directing them to the available support services and reporting options.

7. Resolution

- 7.1 Different resolution methods can be used to resolve issues that arise.
- 7.2 This can include self-resolution or information resolution.
 - 7.2.1 Self-resolution is telling a person that their behaviour is causing distress, explaining why it is unwelcome and asking for it to stop.
 - 7.2.2 If a person does not feel an issue can be resolved by self-resolution, or a person does not feel comfortable addressing a person about an issue, they can seek guidance from a responsible person within the Party (such as a Welfare Officer or office holder) or from the General Secretary.
 - 7.2.3 Seeking guidance will help identify the conduct, explore options for resolution, determine if issues are able to be resolved and, if necessary, initiate a full investigation.

8. Response

- 8.1 The Labour Party takes complaints or information about sexual harassment seriously. Complaints and reports can be made in various forms including through an online form, in person, by phone or email.
- 8.2 A person reporting a complaint on behalf of a complainant must not identify the complainant without their consent.
- 8.3 Complaints or information regarding cases of potential sexual harassment are recorded so they can be followed up, support provided if necessary, and any appropriate investigation and action taken.
 - 8.3.1 Complaints can be made or information provided to the General Secretary, any person in charge of a meeting or event, an office holder, Welfare Officers or any other person, so support can be provided, and the alleged conduct can be investigated as soon as possible.
 - 8.3.2 If a complaint is made or information provided to a person other than the General Secretary, that person has a duty to report it to the General Secretary or other appropriate person as soon as possible by any method.
- 8.4 Complaints that allege a criminal offence should be reported to the Police or other agency with the prior consent of the complainant.
- 8.5 The Party will not inform the parents of young people aged 15 or over regarding any allegations made by that young person without that person's prior consent.
- 8.6 All information regarding a complaint and a complainant will be kept securely and confidentially unless otherwise agreed by the complainant.
- 8.7 Alleged misconduct will be investigated by the Party and a fair process will be used to determine an outcome. This includes:
 - 8.7.1 principles of natural justice;
 - 8.7.2 transparency and fairness of the procedure;
 - 8.7.3 taking a complaint seriously and acting on it quickly;
 - 8.7.4 maintaining confidentiality;
 - 8.7.5 informing the person alleged to have engaged in misconduct of the allegations against them (the "respondent");
 - 8.7.6 giving the respondent the opportunity to respond to the allegations;
 - 8.7.7 keeping both parties informed about the progress of an investigation;
 - 8.7.8 considering all the evidence carefully before deciding whether there is substance to the complaint;

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- 8.7.9 providing both parties with a copy of the decision and the reasons for the decision; and
- 8.7.10 ensuring any disciplinary action is proportionate to the level of misconduct and in line with sanctions applied in previous cases.

This policy should be read in conjunction with the Labour Party constitution, other policies and employment agreements.

Dates:

Creation: November 2018

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Review:

Appendix 1: Resolution process

