

Bullying & Harassment Policy

1. Purpose

- 1.1 The Labour Party believes in a community and an organisation that is safe and inclusive for all people and that taking positive steps to prevent bullying and harassment is important.
- 1.2 However, merely prohibiting bullying and 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 bullying and harassment.
- 1.3 Any form of bullying and harassment by any person within the Labour Party, including New Zealand Council members, Members of Parliament, Party members, volunteers or staff, or by any person at Labour Party gatherings or events, will not be tolerated.
- 1.4 The Labour Party believes that having a positive organisational culture, having expectations of all people involved with the Party or attending Party events, having a written Bullying & Harassment Policy, Sexual Harassment Policy and Code of Conduct, and having a robust process for dealing with complaints will help prevent instances of bullying and harassment.

2. Bullying

- 2.1 Bullying can be, but is not restricted to:
 - 2.1.1 continually making jokes or demeaning remarks about a person;
 - 2.1.2 threats, intimidation, stand-over tactics and coercion;
 - 2.1.3 verbally abusive, swearing or degrading language or gestures;
 - 2.1.4 shouting, yelling or screaming;
 - 2.1.5 constant humiliation, ridicule and belittling remarks;
 - 2.1.6 abuse of supervisory or managerial authority; and
 - 2.1.7 unjustified threats of disciplinary procedures.
- 2.2 Bullying is not:
 - 2.2.1 differences of opinion;
 - 2.2.2 non-aggressive conflicts;
 - 2.2.3 problems in working relationships;
 - 2.2.4 robust intellectual debate; or
 - 2.2.5 constructive feedback.

The lists above are not exhaustive.

3. Harassment

- 3.1 Harassment can be, but is not restricted to:
 - 3.1.1 unwanted physical contact;
 - 3.1.2 continual offensive comments, including insults, verbal or physical threats;
 - 3.1.3 spreading rumours about a person;
 - 3.1.4 breaching the privacy of a person, for example by disseminating personal information without their consent;
 - 3.1.5 posting offensive comments in public forums about a person;
 - 3.1.6 persistent shouting, insults, threats, disparagement or intimidation;
 - 3.1.7 purposefully isolating a person from normal party business, conversations or events;

- 3.1.8 making offensive remarks about a person based on their sex, gender identity, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status or sexual orientation;¹
 - 3.1.9 deliberately mimicking the way a person speaks, making jokes about their race, calling a person by a racist name, deliberately pronouncing a person's name incorrectly, or deliberately mis-gendering a person;
 - 3.1.10 repeatedly following a person;
 - 3.1.11 persistently contacting or attempting to contact a person by any means; or
 - 3.1.12 interfering with a person's property.
- This list is not exhaustive.*

4. Active bystander intervention

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

5. Support

- 5.1 A member who alleges bullying or harassment by a member of the Party, and any person who alleges that bullying or harassment took place at a Party gathering or event, is entitled to adequate support from the Party.
 - 5.1.1 Part of the completion of the complaint resolution process is ensuring that the Party has adequately supported a complainant.
 - 5.1.2 This may include supporting the complainant to attend counselling or another professional organisation, paid for by the Party, which is able to support them and/or advocate on their behalf.
- 5.2 Party members can support a person who has experienced bullying or harassment by:
 - 5.2.1 listening without interrupting;
 - 5.2.2 letting them express how they feel and respecting the words they use in reference to the incident;
 - 5.2.3 acknowledging the person's distress and that it may be difficult for them to discuss it;
 - 5.2.4 letting the person know that the incident they are reporting was not their fault;
 - 5.2.5 respecting their decisions;
 - 5.2.6 letting them know that the Party takes bullying and harassment seriously; and
 - 5.2.7 directing them to the available support services and reporting options.

¹ cf. s21 Human Rights Act 1993

6. Resolution

- 6.1 Different resolution methods can be used to resolve issues that arise.
- 6.2 This can include self-resolution or information resolution.
 - 6.2.1 Self-resolution is telling a person that their behaviour is causing distress, explaining why it is unwelcome and asking for it to stop.
 - 6.2.2 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 their organisation (such as a Welfare Officer or office holder) or from the General Secretary.
 - 6.2.2.1 Seeking guidance will help identify the conduct, explore options for resolution, determine if issues are able to be resolved and, if necessary, initiate a formal investigation.

7. Response

- 7.1 The Labour Party takes seriously complaints about any matter of conduct. Complaints and reports can be made in various forms including through an online form, in person, by phone or email.
- 7.2 Complaints or relevant information of potential misconduct are recorded so they can be followed up, support provided if necessary, and any appropriate action taken.
 - 7.2.1 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.
 - 7.2.2 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.
- 7.3 Complaints that allege a criminal offence should be reported to the Police or other agency with the prior consent of the complainant.
- 7.4 Where possible, complaints or information should outline:
 - 7.4.1 the identity of the person(s) alleged to have engaged in misconduct;
 - 7.4.2 what happened and relevant details including the time(s), date(s), place(s), what was said and done;
 - 7.4.3 how other persons responded and what impact the alleged behaviour had on them;
 - 7.4.4 whether anyone else witnessed the alleged behaviour.
- 7.5 Alleged misconduct will be investigated by the Party and a fair process will be used to determine an outcome. This includes:
 - 7.5.1 principles of natural justice;
 - 7.5.2 transparency and fairness of the procedure;
 - 7.5.3 taking a complaint seriously and acting on it quickly;
 - 7.5.4 maintaining confidentiality;
 - 7.5.5 informing the person alleged to have engaged in misconduct of the allegations against them (the “respondent”);
 - 7.5.6 giving the respondent the opportunity to respond to the allegations;
 - 7.5.7 keeping both parties informed about the progress of an investigation;

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- 7.5.8 considering all the evidence carefully before deciding whether there is substance to the complaint;
- 7.5.9 providing both parties with a copy of the decision and the reasons for the decision;
- 7.5.10 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:

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Review: