

Kaupapa-here | Preventing and Responding to Bullying, Discrimination and Harassment Policy

Mō wai me te whānuitanga | Audience and scope

This policy applies to:

- a) All kaimahi of Manukau Institute of Technology (MIT) and Unitec, including those in permanent, fixed-term, and casual roles.
- b) Independent contractors and individuals seconded from other employers to MIT|Unitec. In such cases, matters will be managed in consultation with the individual's primary employer.

This policy covers all bullying, harassment and discriminatory behaviours as defined herein, which may occur:

- a) in the workplace during and/or outside work hours (e.g., at work events, training, conferences, social/professional work-related functions) and/or
- b) In contexts outside the physical workplace, outside work hours, if related to the employment relationship and/or affects or is related to the workplace (e.g., conduct through social media, email, text messaging).

Alleged incidents occurring outside of these parameters will still be taken seriously, with support provided and options to raise complaints made available.

The Policy does not apply to: sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated. However, behaviours can become sexual harassment if consent is withdrawn, and/or the interaction becomes unwelcome or unreciprocated.

Mokamoka whakaaetanga | Approval details

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Policy sponsor (has authority to make minor amendments)	People and Culture	Policy owner	People and Culture
Contact person	People and Culture	Date of next review	January 2027

Ngā whakatikatika | Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	1 January 2026	People and Culture	Initial version

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Kaupapa-here | Bullying, Discrimination and Harassment Policy

1. Pūtake | Purpose

Commitment to a Safe, Respectful and Inclusive Environment

We are committed to providing a healthy and safe environment—one that is grounded in dignity, respect, and the consistent demonstration of our organisational values. These principles guide how we work together and how we treat one another to ensure we have an environment free from these behaviours. We take our legal and ethical responsibilities seriously and expect all individuals across the organisation to do the same.

To support this commitment, we will:

- Ensure fair, accessible, and effective pathways for identifying, managing, and eliminating bullying, harassment, and discrimination.
- Promote a culture where unacceptable behaviour is challenged and addressed.
- Provide appropriate support and resources to those affected.
- Continuously review and improve our practices to uphold a safe and inclusive environment.

2. Ngā Mātāpono | Principles

This policy is grounded in the following principles:

- **Safety and Respect:** We are committed to fostering a safe, healthy, and respectful environment that is free from bullying, harassment, and discrimination.
- **Leadership Accountability:** All management practices and processes—at every level—are consistent and uphold these principles.
- **Prevention through Awareness:** We actively prevent bullying, harassment, and discrimination by ensuring all kaimahi are informed of their rights and responsibilities under this policy.
- **Fair and Timely Response:** We will respond promptly, appropriately and fairly to any complaints that are brought to our attention.
- **Kaimahi Education:** All kaimahi are made aware of MIT|Unitec's commitment to these principles through onboarding and relevant policies and procedures.
- **Privacy is maintained for all relevant parties** and non-victimisation is ensured for any party involved in a complaint.
- **Commitment to Te Tiriti o Waitangi:** All kaimahi are supported to understand and uphold the principles of Te Tiriti o Waitangi in their roles and interactions.
- **Respect for Tāmaki Waka Hourua and Whakapapa:** All kaimahi are expected to uphold and embody the values of Tāmaki Waka Hourua by recognising and honouring our shared whakapapa, and by acting in ways that are respectful, inclusive, and grounded in mutual responsibility.

3. Ngā Haepapa | Responsibilities

Role	Responsibilities
All kaimahi	<ul style="list-style-type: none"> ▪ are responsible for adhering to this policy and are aware of the process for raising concerns and/or complaints ▪ are encouraged to promote and maintain a respectful and inclusive culture, recognising that kaimahi are from diverse backgrounds ▪ know their rights and responsibilities and know where they can seek help, in relation to this and other related policies ▪ complete Wellbeing and Safety training through MIT Unitec onboarding methods ▪ adhere to the kaimahi Code of Conduct, and disclose any conflicts of interest in accordance with the Conflict of Interest and Outside Work policy and procedures
Managers	<ul style="list-style-type: none"> ▪ aware of, and assist in ensuring their team are aware of, and are committed to, this policy and the Handling Kaimahi Complaints guidelines ▪ aware of their obligations under any applicable diversity and inclusion strategy or initiatives ▪ aware of MIT Unitec obligations under the Human Rights Act 1993 ▪ work with the People and Culture team to ensure records capture supports current business processes as well as wider MIT Unitec goals ▪ assist in monitoring their team’s compliance with this policy, to the extent that is possible
People, Culture, Wellbeing and Safety Team	<ul style="list-style-type: none"> ▪ provide tools and support for the monitoring and measurement of kaimahi wellbeing under this policy ▪ provide an education program that supports anti-bullying, harassment and discrimination ▪ ensure that Wellbeing and Safety representatives and Mental Health first aid responders are skilled and capable to support, educate and promote this policy ▪ ensure that MIT Unitec has a team of mental health first aid responders who are confident and capable to support
People and Culture Director	<ul style="list-style-type: none"> ▪ responsible for ensuring that MIT Unitec meets its statutory and accountability obligations concerning this policy ▪ responsible for conducting an annual assessment of this policy, the objectives and progress made toward achieving them
Executive Leadership Team	<ul style="list-style-type: none"> ▪ approves this policy and ensures that MIT Unitec meets its statutory and accountability obligations ▪ responsible for oversight of the effectiveness and application of this policy
MIT Unitec Governance	<ul style="list-style-type: none"> ▪ responsible for oversight of the effectiveness and application of this policy

4. Ngā Tika ā Ture | Statutory rights

This policy does not limit a kaimahi's statutory rights to pursue their complaints through other statutory bodies such as the Human Rights Commission, Privacy Commission or other legal remedies.

A kaimahi may lodge a personal grievance, alleging harassment or sexual harassment in employment, with the Employment Relations Authority under the Employment Relations Act 2000. A personal grievance is an alternative to a complaint to the Human Rights Commission.

A kaimahi may take a complaint of bullying, discrimination or harassment directly to the [Human Rights Commission](#) under the Human Rights Act 1993. A complaint to the Commission is an alternative to a personal grievance under the Employment Relations Act.

Kaimahi who wish to raise a personal grievance related to bullying, discrimination or harassment must do so within 90 days from the date of the alleged incident. Kaimahi who wish to raise a personal grievance related to sexual harassment have up to 12 months from the date of the alleged incident to do so. This timeframe ensures that complainants have adequate time to consider their options and seek support.

5. Ngā Tikanga | Definitions

Other definitions relevant to managing a complaint in line with this policy are provided in the Handling Kaimahi complaints guideline.

Bullying

In the absence of a statutory definition for bullying, this definition is taken from the [WorkSafe NZ guidelines](#). Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers. It can lead to physical or psychological harm.

Repeated behaviour is persistent (occurs more than once) and can involve a range of actions over time.

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

It can occur in person, or through digital communication and social media.

Bullying may also include harassment, discrimination or violence.

Workplace bullying is not:

- One-off or occasional instances of forgetfulness, rudeness or tactlessness.
- Setting high performance standards.
- Constructive feedback and legitimate advice or peer review.
- A manager requiring reasonable verbal or written work instructions to be carried out.
- Warning or disciplining workers in line with our policies.
- A single incident of unreasonable behaviour.
- Differences in opinion or personality clashes that do not escalate into bullying, harassment or violence.

Sexual Harassment

The Human Rights Act 1993 / Employment Relations Act 2000

Sexual Harassment means any form of sexual or gender-oriented attention or behaviour that is unwelcome and which is personally offensive to the recipient.

Unwelcomed means that the behaviour is not solicited or invited or consented to and is regarded by the other person as undesirable or offensive.

Sexual harassment does not require an intention to sexually harass the other person.

Sexual harassment can be subtle, dependent on context and may entail different cultural understandings of what is considered inappropriate behaviour. It can include, but is not limited to:

- the direct or indirect request for sexual intercourse;
- contact (e.g. touching, hugging, encroaching on someone's personal space)
- kissing, staring or leering, stalking, unwanted invitations to go out on dates
- repeated and unwanted advances
- intrusive and sexually suggestive private questions or comments
- sexual gestures, indecent exposure or other form of sexual activity with an implied or overt promise of preferential treatment, detrimental treatment or threat to the present or future employment status of the kaimahi, or governance level participants.

Behaviour may not constitute sexual harassment where the behaviour is genuinely friendly banter, mutually acceptable and accepted jokes, occasional appropriate compliments or behaviour based on mutual attraction and/or genuine consent.

If a consensual relationship exists, each party to the relationship is required to formally disclose the relationship as a potential conflict of interest (refer to the Conflict of Interest and Outside Work policy and procedure).

The **Employment Relations Act 2000** provides that an employee is sexually harassed in that employee's employment if that employee's employer or a representative of that employer —

(a) directly or indirectly makes a request of that employee for sexual intercourse, sexual contact, or other form of sexual activity that contains —

(i) an implied or overt promise of preferential treatment in that employee's employment; or

(ii) an implied or overt threat of detrimental treatment in that employee's employment; or

	<p>(iii) an implied or overt threat about the present or future employment status of that employee; or</p> <p>(b) by —</p> <p>(i) the use of language (whether written or spoken) of a sexual nature; or</p> <p>(ii) the use of visual material of a sexual nature; or</p> <p>(iii) physical behaviour of a sexual nature, —</p> <p>directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee (whether or not that is conveyed to the employer or representative) and that, either by its nature or through repetition, has a detrimental effect on that employee’s employment, job performance, or job satisfaction.</p> <p>The Act provides that an employee is also sexually harassed in that employee’s employment if the unwelcome or offensive request or behaviour is made by a co-employee or by a client or customer of the employer.</p>
<p>Consent</p>	<p>Consent means a person has freely chosen to take part in sexual contact or behaviour. Consent requires ongoing agreement. It can be withdrawn at any time. Where consent is withdrawn or cannot be given, sexual contact or interaction must stop.</p>

Discrimination

As referred to in the Employment Relations Act 2000, and/or the Human Rights Act 1993.

Discrimination occurs when a person is treated unfairly or less favourably than another person in the same or similar circumstances. It is behaviour that excludes or restricts a person or group from opportunities that are available to others. The Employment Relations Act 2000 and the Human Rights Act 1993 offer protection from discrimination on the grounds of:

- sex
- marital status
- religious belief
- ethical belief
- colour
- race
- ethnic or national origins
- disability
- age (16 years or over)
- political opinion
- employment status
- family status
- sexual orientation.

There are some specific employment situations in which exceptions are made and, in these situations, it is not unlawful to make employment-related decisions on the basis of a prohibited ground. For example, a genuine occupational qualification for the position or employment.

Harassment

As referred to in the Employment Relations Act 2000, and/or the Human Rights Act 1993, and/or the Harassment Act 1997.

Harassment is repeated unwanted or unjustified behaviour that is humiliating, offensive or intimidating to a kaimahi and has a detrimental effect on their employment, job satisfaction or performance at work.

Harassment can be spoken, written, visual or physical acts. Examples of harassment can include:

- Hostile or offensive comments.
- Preventing or hindering access to the workplace.
- Persistent following, watching, loitering near or accosting a kaimahi
- Giving offensive material to a kaimahi or leaving it where it will be found by, given to, or brought to their attention.
- Perpetrating and circulating persistent and malicious gossip about a kaimahi.
- Interfering with a kaimahi's property.

Racial Harassment is any behaviour where one party uses language (written or spoken) or visual material, or physical behaviour that directly or indirectly:

- expresses hostility against, or brings into contempt or ridicule, to any person on the ground of the colour, race or ethnic or national origins of that person; and
- is hurtful or offensive to the kaimahi; and
- is either repeated, or of such a significant nature, that it has a detrimental effect on that person's employment, education, job performance, or job satisfaction.

The party doing the harassment does not have to be intending to racially harass for the behaviour to be racial harassment, it depends on how the behaviour impacts on the person affected by the behaviour.

Harassment is not:

- Behaviour based on mutual attraction, including the development of relationships.
- Occasional and appropriate comments on a person's appearance.
- Appropriate performance management and feedback.

Digital Communication and Social Media

[Harmful Digital Communications Act 2015 \(HDCA\)](#) and the [10 Communication](#)

Not all bullying, discrimination or harassment takes place face-to-face. Digital communication includes any form of electronic message, including texts, emails, posts on social media, photos and recordings. Harmful digital communications may include, but is not limited to:

- sending or publishing threatening or offensive material
- spreading damaging rumours
- sending or publishing sensitive personal information, e.g. embarrassing photos or videos

<p>Principles outlined within.</p>	<ul style="list-style-type: none"> • denigrate an individual by reason of a prohibited ground of discrimination. • sending sexually explicit, suggestive, or unwelcome messages, images or videos • sharing or displaying sexually offensive images on digital devices, including screen savers. • making sexual jokes, remarks or gestures in online chats or virtual meetings • publishing intrusive questions about someone’s private or sexual life via digital platforms <p>Breach of the HDCA may be a criminal offence, in particular:</p> <ul style="list-style-type: none"> • failure, without reasonable excuse, to comply with an order made under the HDCA; • causing harm by posting digital communications; and/or • posting intimate visual recordings without consent. <p>An offence may lead to a fine up to \$50,000 for an individual (or \$200,000 for a body corporate), and/or imprisonment for a term not exceeding two years.</p>
<p>Respondent</p>	<p>The person who is alleged to have behaved in a way that constitutes or could be construed as bullying, harassment or discrimination, or any person who has encouraged, aided or abetted such behaviour.</p>
<p>Complainant</p>	<p>The person/s who says that the behaviour has been directed at them.</p>

6. Ngā Hononga ki Tuhinga kē | Links to Other Documents

<p>Ngā Kaupapa-Here e hāngai ana Related policies</p> <p>All Unitec and MIT policies, but specifically:</p> <ul style="list-style-type: none"> • Interim Protected Disclosures Policy • Disciplinary policy • Interim Wellbeing and Safety policy • Interim Media policy • Interim Privacy policy • Codes of Conduct (Unitec and MIT) • Interim Conflict of Interest and Outside Work Policy
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Ngā Tukanga me ngā hātepe | Processes, procedures

- Interim Privacy procedure
- Handling kaimahi complaints guidelines (in development)
- Interim Protected Disclosures Procedures
- Interim Conflict of Interest and Outside Work Procedure

Ture whai take | Relevant legislation

Human Rights Act 1993

Education and training Act 2020

Employment Relations Act 2000

New Zealand Bill of Rights Act 1990

Health and Safety at Work Act 2015

Harassment Act 1997

Harmful Digital Communications Act 2015

Privacy Act 2020

Copies of New Zealand Legislation can be found on the [New Zealand Legislation Website](#).

You can view Unitec's Policies and Procedures on Te Aka ([Unitec policies](#))

You can view MIT's Policies and Procedures on MITNet ([MIT policies](#))

This is not an exhaustive list of policies, procedures and legislation.