

Anti-Harassment & Bullying Procedure

Purpose and Scope

At New Zealand Kindergartens (NZK) we are committed to putting our learners, with their whānau, at the centre of education. We do this by ensuring the kindergartens across our network are safe, inclusive, and free from bullying.

The purpose of this procedure is to ensure all staff members across the NZK network are treated with courtesy and respect in all facets of their employment. We also hope staff members will refer to this procedure for guidance in the event they become aware of, or experience, bullying in the workplace.

This procedure applies to the Board, General Managers/Chief Executives (GMs/CEs), staff members (whether permanent, fixed, casual or relieving), contractors, whānau, volunteers, students, and other businesses or community organisations that we work with across the NZK network. The procedure applies at our workplace, at work events (such as offsite training) and outside our workplace (when it is related to our work).

Legislation

Under the *Health and Safety at Work Act 2015* NZK has a duty to protect the health and safety of workers, which includes taking reasonable steps to provide a workplace free from bullying. Workplace Bullying behaviour can also be considered a breach of the implied terms of trust and confidence in the employment agreement.

Instances of bullying that are of a racial or sexual nature are unlawful under the *Employment Relations Act 2000* and the *Human Rights Act 1993*, as detailed in the NZK Discrimination and Sexual Harassment procedures.

Key Definitions

Workplace Bullying is repeated, and unreasonable behaviour directed towards a worker or group of workers, that can lead to physical or psychological harm. Bullying can be physical, verbal, psychological or social.

Bullying is not one-off instances of rude or unreasonable behaviour, differences in opinion or personality clashes. Bullying is also not reasonable management action delivered in a reasonable way, such as work directions, disciplinary action, constructive feedback, or the setting of high-performance standards.

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.

Examples of Workplace Bullying

- Belittling remarks
- Exclusion from team meetings or activities
- Consistently taking credit for others work
- Spreading of rumours
- Swearing or yelling
- Withholding information
- Providing unachievable or meaningless tasks

Rights and Obligations

NZK has an obligation to minimise the likelihood of bullying and manage any concerns, complaints, or observations in a procedurally fair and timely manner (as detailed below and in our Grievance Procedure).

All individuals covered under this procedure have an obligation not to bully any person that they work with. This extends to communication through any means, including email, text

messaging and social media. Should you become aware of bullying taking place in the workplace, you have an obligation to take the appropriate steps to address it.

It is important to remember that some people find particular types of behaviour offensive when others do not, and it can be difficult to know whether other people will find your behaviour acceptable. So, it is important to be aware of your surroundings and stop to think how your behaviour may be interpreted or how it may affect those around you.

Dos and Don'ts

If you feel that you are being subjected to bullying behaviour or have witnessed bullying behaviour towards others, we encourage you to take the following steps.

Do...

- ✓ Sense check that what you are experiencing is unreasonable behaviour by talking with a trusted person (such as a HR representative, leader, or someone outside the business).
- ✓ Raise your concern directly with the person if you feel comfortable to do so.
- ✓ Report the concerns to your Head Teacher if you did not get the results you were looking for.
- ✓ If the concern is with your Head Teacher then raise your concern with the GM/CE (if the concern is with the GM/CE, then raise your concern with the Chief Executive of NZK).
- ✓ Refer to our Grievance Procedure for further formal steps to raise a concern of bullying.

Don't...

- x Ignore the behaviour hoping it will go away – resolve these issues quickly to avoid them escalating.
- x Gossip with other staff members rather than addressing the issue proactively - it is important that all parties involved are shown respect and a level of confidentiality is maintained.
- x Make false or misleading claims of bullying – these can be hurtful and damaging to both the individual and the organisation.

Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this procedure, please speak with your GM/CE. You can refer to our Grievance Procedure for guidance on how grievances are handled at NZK.

Procedure Reviews

This procedure may be amended from time to time at the discretion of NZK. Please ensure you regularly review all company procedures, so the content is front of mind in all you do.

Related Procedures, Agreements and Frameworks

Code of Conduct

Discrimination and Equal Opportunity Procedure

Grievance Procedure

Sexual Harassment Procedure

[The Statement of National Education and Learning Priorities \(NELP\)](#)

Kindergarten Teachers Collective Agreement (KTCA)

