



## **Review of Institutional Sexual Harassment Policies**

*A Resource for Women's Representatives, Other Branch reps, Bargaining Teams, Advocates*

***Tū Kotahi, tū kaha*** *We are strong and unified; we are committed to actions which will leave no-one behind; we create spaces where all people can fully participate, are fairly represented, and that foster good relationships between people.*

***Awhi atu, awhi mai*** *We take actions that seek to improve the lives of the most vulnerable.*

### **Introduction and Background Information to Claim**

Sexual Harassment and gender-based violence is a persistent, serious workplace issue that affects an individual's life and career potential, and the lives of their whanau. It is a reflection of broader gender issues in society and despite significant union, community and legislative efforts, the problem remains deeply entrenched in New Zealand workplaces, as has been recently highlighted in the media.

Union women have been at the forefront of demanding gender equality, and the elimination of gender based violence and discrimination against women is critical to achieving this. Workplace sexual harassment is still disproportionately directed at women, by men. However, it is important to be clear that anyone, of any gender, can be both a perpetrator and a target.

In 2018 the Women's Caucus at TEU Annual Conference proposed that a Model Claim be developed relating to sexual harassment.

TEU National Women's Committee Te Kahurangi Māreikura endorsed such a Claim and developed a Plan of Action to focus on the issue of sexual harassment.

The first step was a Review of tertiary institutional policies and procedures. The development of a Model Claim is one of the next steps in that Plan of Action.

One outcome of the Review was a decision to focus the Bargaining Claim on a Review of Institutional Policies and Procedures.

## Applicability

The Claim can be used by women's representatives, potentially in collaboration with other Branch representatives, to put forward as part of the regular Branch process of determining claims for each bargaining round.

Branch Committees may decide to support this claim as a priority for their Branch negotiations.

Potentially this Claim could be used in discussions with management, for example, at regular HR meetings as a proposed joint piece of work, outside of negotiations.

It will also be useful where an institution initiates a review of their policies and procedures.

## Specific Wording of Claim

That *(Institution Name)* will review current sexual harassment policies, procedures and statements of intent, in collaboration with TEU, Te Hautū Kahurangi, to ensure they are 'fit for purpose in 2020'.

Such a review will encompass but is not limited to:

- the definition of sexual harassment;
- the information provided to staff and students about sexual harassment;
- the accessibility of information and support;
- the process for raising a concern and/or making a complaint;
- the system of 'contact people'
- the training provided to managers, HR personnel and any other staff;
- the monitoring of concerns raised and complaints made;
- the storage of sensitive personal information and who has access to it;
- the process of consultation for new or revised policy

**Note:** *there may be specific points of relevance to the particular institution that can be added to this list.*

## **Best Practice**

The problem of sexual harassment is of such significance that many recommend that there should be standalone policy and procedures to address it.

However, institutions may already have policy and procedures which include sexual harassment within a broader policy addressing harassment and discrimination. In this case, the review could focus on the sexual harassment content within the existing policy.

Where a standalone policy is to be created, it is vital that this improves on the status quo, rather than simply replicating existing procedures and therefore adding more bureaucracy to the process. For example, any existing procedures to address sexual harassment should first be examined to ensure they are robust and fit for purpose, based on the criteria above. And while reputation will always be a key consideration for employers and institutions, it is vital that any such policy or procedures will focus primarily on the rights and wellbeing of individuals affected.

## **Points for Bargaining**

- This is a 'topical' issue – worldwide campaigns and movements have highlighted that problems are wide-spread and policies and processes are in many cases not up to the mark.
- There is huge reputational damage to have incidents at an institution on the front page of newspapers; running hot on social media. An organisation needs to be pro-active.
- Employer has legal responsibility under Health & Safety at Work legislation to ensure elimination of hazard – sexual harassment is a hazard (to well-being, safety)
- Creating a positive workplace culture will benefit all staff as well as have productivity benefits for the organisation
- Importance of retention of safe, healthy workers with institutional knowledge – huge costs of recruitment avoided

## **Benefits to Employers**

- Being seen as a pro-active employer; an employer of choice; recognition for taking a good stance on this issue.
- Avoidance of negative publicity.
- Avoidance of litigation.
- Staff retention, loyalty, and confidence in employer, based on a healthy, safe and equitable workplace culture where equity issues are taken seriously and addressed.

## **Issues to think about**

There may be academic and/or general staff with specialist knowledge, research, experience who can contribute to the institutional review.

## **Settlements, Developments**

VUW policy review undertaken in 2019

Massey University – reviewing Policy and Procedure, Feb 2020

## **Relevant Papers, Information, Resources**

**TEU** – Report of Review of Institutional Sexual Harassment Policies and Procedures

**TEU** - Guide to Reviewing Sexual Harassment Policies and Procedures (under development)

**ILO** - Model Sexual Harassment Policy

**Human Rights Commission** – Help for Sexual Harassment Guide 2019:

<https://www.hrc.co.nz/news/new-guide-making-complaint-about-sexual-harassment-released/>

**Worksafe NZ** – Sexual Harassment – Includes sample policy, Guide for Workers, Guide for Employers <https://worksafe.govt.nz/topic-and-industry/sexual-harassment/>

**TEU** - Member's submission (Clare Moleta, Lizzie Towl) on VUW Policy Review – an excellent submission highlighting many critical issues.

Various media articles on sexual harassment in tertiary institutions

## **Feedback on Model Claim**

TEU National Women's Committee and National Women's Officer would appreciate feedback from any Branch that uses this Model Claim in bargaining, any experiences and recommendations that may be useful to others: [womensofficer@teu.ac.nz](mailto:womensofficer@teu.ac.nz) .