

Human Resources: Staff disciplinary
Proactive Release 25 February 2020

21 January 2020

9(2)(a)

E-mail: 9(2)(a)

Dear 9(2)(a)

Official Information Act (1982) Request

I write in response to your Official Information Act request, dated 13 January 2020. You requested the following information:

Can you please provide the below information, ideally in table format, for each of the past five years 2015-2019?

1. **the number of sexual harassment allegations received,**
2. **the number of sexual harassment allegations which were laid as formal complaints,**
3. **the number of internal investigations into sexual harassment allegations,**
4. **the number of external investigations into sexual harassment allegations,**
 - a. *(in some cases, a single allegation will have both internal and external investigation - it might be helpful to note somewhere if this was the case, to avoid double counting).*
5. **the number of sexual harassment allegations which were upheld / substantiated / proved / found likely to be true,**
6. **the number of mediated settlements resulting from sexual harassment allegations,**
7. **the number of other types of settlements or resolutions resulting from sexual harassment allegations,**
8. **the amount of financial compensation included in those settlements,**
9. **whether those settlements included a confidentiality agreement or non-disclosure agreement?**
 - a. *(note: the standard MBIE mediation under section 149 of the Employment Relations Act includes a confidentiality clause, please state if the settlement was the MBIE settlement)*

As context for this response, Counties Manukau Health (CM Health) provides health and support services to people living in the Counties Manukau region (approx. 569,400 people). Our services are delivered via hospital, outpatient/ ambulatory and community-based models of care. We employ more than 7,500 FTE staff, and see more than 118,000 people in our Emergency Department each year.

You confirmed that the definition of sexual harassment is that in the Employment Relations Act and the Human Rights Act (i.e. workplace sexual harassment is any unwelcome or offensive sexual

behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment), and that you were focused on cases between employees.

In that basis, there have been no cases of sexual harassment allegations raised in the last five years by employees, and therefore the answer to all your subsequent questions is also none, or not applicable.

While there can be employee matters raised that included inappropriate behaviour/ actions of a sexual nature between colleagues, none of these cases have been deemed on investigation to be situation of workplace sexual harassment (i.e. including a 'promise or threat' component, meaning that the power control is absent).

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,



Fepulea'i Margie Apa
Chief Executive Officer
Counties Manukau Health