

Human Resources: workplace bullying
Proactive Release: 18 December 2019

02 December 2019

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 24 October 2019. You requested the following information:

1. **The number of bullying, harassment or other complaints laid by staff**
 - a. *The outcomes of the complaints*
 - b. *How many were taken to mediation*
 - c. *What was the outcome of mediation*
2. **Any anonymous information regarding the nature of the complaints**
3. **How many times was bullying or harassment stated as a reason for leaving the DHB in exit interviews?**

*Radio NZ requests the above information for **the last 5 financial years** and for the information to be provided in a fully searchable excel document. Could all data be in whatever format, or time period you record it.*

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), as well as regional and supra-regional specialist services (Burns, Plastics and Orthopaedics).

We are conscious of the public interest in workplace bullying and harassment, in the health care context, but are also mindful of the need to balance that with the privacy and the natural justice environment which we work to create for all of our employees. We note that this topic is a recurring request under the Act, and advise you that we have proactively released on our website several similar responses in the last year. These are available at:

- https://countiesmanukau.health.nz/about-us/official-information-act-requests/publicly-released-oias/?Keywords=&FromDate=&ToDate=&Category=12&action_doOIASearch=Search

We are committed to providing a healthy and safe working environment, and an organisational culture based on our shared values. CM Health has a set of organisation values, summarised as “Kindness, Excellence, Working Together, and Valuing Everyone” which define acceptable behaviour. These values are outlined in position descriptions, and every profession has a code of conduct and standards.

CM Health has robust Bullying and Harassment policy, guidelines, tools and support for employees and managers in the workplace. We are clear that any form of harassment and bullying is unacceptable in the workplace. We strive to ensure that the best practice policies, procedures and processes are in place for all our employees, and to maintain proper standards of integrity and conduct at all times.

We suggest caution in using the raw data provided below to compare different organisations, as there will be difference in the size of the workforce, the reporting systems and the mechanisms for reporting. This data may vary from previously released details, given that investigations can take some time to substantiate complaints and achieve resolution.

With regard to your specific questions:

1. The number of bullying, harassment or other complaints laid by staff

- a. *The outcomes of the complaints*
- b. *How many were taken to mediation*
- c. *What was the outcome of mediation*

Question 1)

You have confirmed for us that your focus is on complaints of bullying/ harassment, not ‘other’ complaints made by staff about employment matters etc. **Table 1** provides the most recent tally of total number of formal employee complaints related to bullying and/or harassment investigated by CM Health between 2015 and 2019, and their outcomes.

a) Please note this data in table 1 includes a wide spectrum of complaint severity, and allegations under the broad heading of bullying and includes the case where investigation resulted in *no further action*, or an informal discussion, as well as cases of formal resolutions.

Actions taken by DHB	Count of Employee
2015	9
Manager discussion	4
<i>No further action</i>	2
Other	2
Resignation	1
2016	11
Dismissal	1
First written warning	1
Manager discussion	4
<i>No further action</i>	3
Resignation	1
Verbal warning	1
2017	25
Final written warning	1
First written warning	2
Informal discussion	2

Actions taken by DHB	Count of Employee
Manager discussion	7
Negotiated Exit	1
<i>No further action</i>	4
Other	5
Settlement	1
Verbal warning	2
2018	22
Final written warning	1
Informal discussion	6
Manager discussion	5
<i>No further action</i>	7
Other	2
Resignation	1
2019	21
Expectation letter	4
First written warning	3
Information action	3
<i>No further action</i>	8
Settlement	1
Other	2
Grand Total	88

Table 1

A review of the 2019 data has identified that some of the cases recorded in the 2019 total as bullying and harassment are more akin to inappropriate/ unprofessional behaviour. However, the investigation outcomes are noted as part of this response. To ensure the integrity of the data, the consistent data capture and categorisation in our systems continues to be a key focus.

b) Any allegations of bullying and/or harassment that are brought to our attention are investigated, and addressed - in line with our standard processes and procedures. Where appropriate, a restorative process through a facilitated discussion and/or mediation may be undertaken, as one way of resolving issues.

c) We believe it is not appropriate, given the small number of cases per year, to further detail the circumstances of each case, including more details as to the extent or outcomes of formal mediation. These matters are personal, and we choose to maintain the confidentiality, safety and privacy of all involved. We are declining this element of the request under section 9(2)(a) of the Act – *to protect the privacy of natural persons*.

Question 2)

For the reasons already outlined, we do not believe the public interest in making available more specific information (even anonymised) about the nature of individual cases, outweighs the affected individual's right to privacy, nor do we wish to deter employees raising confidential matters with us to be addressed. We believe these privacy interests, along with those interests served by maintaining the flow of information which is confidential, and the sanctity and integrity of confidence in the employment relationship, are sufficient to override any public interest in release of this detail.

We are declining this element of the request under sections 9(2)(a) and 9(2) (ba)(i) of the Act – *to protect the privacy of natural persons, and to protect information which is subject to an obligation of confidentiality, where release may prejudice supply of similar information in future.*

Question 3)

We do not have a mandate to require employees to disclose their reasons for leaving the organisation. In addition, there is not currently a specific ‘coding’ provided in employee exit documentation that would identify cases of bullying/ harassment. The information on employees’ reasons for leaving our organisation, which we current capture at resignation in exit documentation, includes the following categories –

- Ill Health
- Job Dissatisfaction
- Job in private health service, Job in public health system, Job outside of health system
- Left district
- Personal
- Retirement
- To further education
- To go overseas
- Transfer to another hospital
- Unpaid Work

Face-to-face ‘exit interviews’ can be conducted with either a human resources manager or a line manager, at an employee’s request, and are not mandatory. These are frequently used as an opportunity for a confidential discussion.

We are declining this element of the request under section 18 (g) – *the information is not held by Counties Manukau Health, and we do not believe it is held by another agency.*

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