

Human Resources : Workplace bullying/ Nursing Levels
Proactive Release : 22 January 2020

07 January 2020

9(2)(a)

Email: 9(2)(a)

Dear 9(2)(a)

Official Information Act (1982) Request

I write in response to your Official Information Act request received by us on 29 November 2019. This was a re-scoped request, following your initial request on 20 November 2019 and your discussion with Auckland DHB on behalf of all DHBs, which resulted in you then requesting the following more specific information:

1. **Reports, meetings, agendas and letters that have been shared between the DHB senior leadership and NZNO on bullying and harassment in the 2018/19 financial year.**
2. **Reports/ minutes/ agendas and letters that have been shared between the DHB senior leadership and NZNO on nurse staffing numbers, including those relating to the Safe Staffing/ Care Capacity Demand Management programme in the 2018/19 financial year.**

You further noted the context for this request is your interest in:

Whether there is a correlation between incidences of bullying/ harassment in a DHB work setting and the staffing levels in that setting, and whether NZNO and DHBs take both into account when acting to address an issue. For example, whether a bullying/ harassment investigation might result in an increase in staffing levels, as a way of improving the work setting, and whether other parts of an investigation might be put on hold in favour of that.

As context for our 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). Our services are delivered via hospital, outpatient/ ambulatory and community-based models of care. We employ more than 7,500 staff, and see more than 118,000 presentations at the Middlemore Hospital Emergency Department each year.

We have considered your request, along with our capacity to respond on these matters, and where required, the public interest in releasing material you are seeking. We refer you to a recent responses to Radio NZ related to bullying/ harassment (11 November 2019 and 02 December

2019), and the points made at that time as to the importance of retaining the confidentiality of individual employment matters.

In regard to your request for reports, meetings, agendas and letters that have been shared between the DHB senior leadership and NZNO on bullying and harassment in the 2018/19 financial year, we further note that CMDHB employs more than 4,100 nursing-related personnel (including Nurse Practitioners, Registered and Enrolled Nurses, Healthcare Assistants and Senior Nurse Managers). A high proportion of them are members of the NZNO.

There is no one repository of correspondence with the NZNO across the entire CM Health organisation.

In some cases, we correspond with unions, including the NZNO (as appropriate) on matters related to an employee complaint or investigation, which may involve alleged bullying / harassment. In some of these cases, the NZNO will be representing an employee participating in these processes. The considerable personal information contained in these types of reports and letters falls squarely within the scope of those grounds described by the Ombudsmen as allowing information to be withheld – privacy/ confidentiality.

- **Sections 9(2)(ba)(i) and (ii)** – protect information which is subject to an obligation of confidence, that may prejudice supply of similar information in the public interest, or would otherwise damage the public interest.

Any wider disclosure of this type of information would be likely to undermine and prejudice the supply of similar information in the future. Disclosures of this type are important sources of information enabling accountability, amongst other things. Everything possible should be done to preserve the sanctity and integrity of these types of disclosure.

Further, the Ombudsmen have also accepted that the privacy interests arising out of any employment situation are likely high. Generally matters between employer and employee are confidential to the employment relationship.

We do not believe there are any other forms of correspondence (reports, meetings, agendas and letters), in the scope of this part of your request. Should you believe there are specific documents that exist and are in scope, please let us know those details, to assist us to refine the search process.

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. 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. However, we accept that there is both local and international research across health institutions that indicate there continues to be workplace bullying reporting in health care services, and under-reporting of incidences. There are likely to be other cases of concern related to employee/ team relationships that are managed informally, at the team level by operational managers rather than escalated.

We note that CM Health has robust organisation policies and guidance for employees and managers available on our intranet, related to identifying and addressing issues of workplace discrimination, bullying and harassment. We have recently responded to other Official Information Act requests on this topic. In 2019, these responses have included copies of the relevant DHB policy and employee guidance, and are now also publicly available on our website.

- <https://countiesmanukau.health.nz/about-us/official-information-act-requests/publicly-released-oias/>

In regard to your request for reports/ minutes/ agendas and letters that have been shared between the DHB senior leadership and NZNO on nurse staffing numbers, including those relating to the Safe Staffing/ Care Capacity Demand Management (CCDM) programme, we are attaching the following documents. The NZNO are partners in this programme of work, along with other nursing unions.

Documents	notes
<p>Appendix 1: Executive Leadership Team Paper: <i>Nursing and Midwifery staffing CCDM Accord Funding.</i> October 2018</p>	
<p>Appendix 2: CCDM Council Meeting Minutes: covering 2018/19</p>	<p>Specific details withheld – <i>individual employee and other participant names.</i> - <i>Under 9(2)(a) – protect privacy of natural persons.</i> We have retained details of role/ organisations represented in these processes.</p>
<p>Appendix 3: Information on CCDM Programme available to all staff at CM Health, via the organisational intranet – ‘Paanui’</p>	<p>Specific details withheld – <i>individual employee and other participant names and contact details.</i> - <i>Under 9(2)(a) – protect privacy of natural persons.</i> We have retained details of role/ organisations represented in these processes.</p>

We note that there is publicly available information in our CMDHB Annual Reports, including details of the total and nursing workforce numbers, and our overall workforce profile. We also provide an annual statement of the activity underway to grow the workforce, both in capacity and capability.

As to your query on whether there is a correlation between incidences of bullying/ harassment in a DHB work setting, and the staffing levels, we note that our focus is on building the resilience and capability of both managers and staff, to work in a constructive and supportive working environment. Where issues are identified, these are considered in the widest manner, to address any contributor factors.

I trust this information satisfactorily answers your query. If, when you have reviewed this information provided, you have more specific questions on this topic, please contact us. Please note that any further request will be treated as a new request under the Act.

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,

A handwritten signature in blue ink, appearing to read 'F. Apa', with a stylized flourish above the name.

Fepulea'i Margie Apa
Chief Executive Officer
Counties Manukau Health