



6 September 2018

[REDACTED]
[REDACTED]

Dear [REDACTED]

Official Information request regarding harassment and bullying

Our Ref: SSC2018/0130

I refer to your official information request received on 9 August 2018 asking questions relating to bullying and harassment in the Public Sector. Your questions are addressed individually below.

I thought it would be useful first to provide the context of the overarching expectations of public servants, and some of the guidance in place.

Treating people (including colleagues and the public) fairly and with respect are fundamental requirements of public servants under the standards of integrity and conduct set by the State Services Commissioner. These are described in the State Services [Code of Conduct](#) (the Code). A [list of the agencies covered by the Code](#) is on our website.

Under the State Sector Act 1988, State Service chief executives are responsible for the operation of their agencies, including for ensuring their staff comply with the requirements of the Code. We expect agencies' policies and processes to be consistent with all the Code's minimum behavioural requirements.

The Code is underpinned by the expectation that chief executives must operate policies that comply with the principle of being "good employer" as defined by [section 56](#) of the State Sector Act. The general principles include expectations such as the fair and proper treatment of employees, the provision of good and safe working conditions for them, and the recognition of their aims, aspirations and employment requirements. It further requires that chief executives ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest.

In addition to these overarching Code requirements, SSC has published a range of guidance for agencies to follow relating to bullying and harassment, and its prevention.

For example, SSC co-developed [Positive Workplace Behaviours](#) Guidance with the Public Service Association (PSA) in 2016 aimed at preventing bullying and harassment, and showing agencies what good looks like in relation to workplace behaviours.

The advice in this guidance is supported by a literature review from Victoria University of Wellington on research relating to behaviours.

Good policies and processes that encourage staff to speak up about possible wrongdoing are vital for maintaining the integrity of our State services. In 2017, we published [Speaking up in the State services](#), model standards to encourage staff to speak up about wrongdoing. They comprise all the key elements for promoting a 'speak up' culture, operating good processes including timely investigations, and keeping people safe from reprisals or other detrimental impacts.

Other guidance on our website includes:

- [Suggested policies and procedures to comply with the Code](#)
- [An integrated policy guide for unwelcome behaviours for State service agencies](#)
- [Policy guidelines on creating positive workplaces free from sexual harassment.](#)

The State Services Commission supports chief executives to create good and safe working conditions and positive workplace behaviours.

1. *Does SSC collect information to ensure Bullying and Harassment in the Public sector to ensure it*
 1. *is reducing across the government sector*
 2. *in alignment with policies on bullying/harassment*

The SSC has measured State servants' perceptions of integrity and conduct (including bullying and harassment) in the past through *Integrity and Conduct Surveys* of State servants. The most recent survey was conducted in 2013. The 2013 findings are [available on the SSC website](#), along with the findings from the two previous surveys in [2007](#) and [2010](#). We are currently considering what future data collection in this and other areas might be needed and be of most value both to SSC and the leadership of agencies.

2. *Whether it is measured against expected targets laid down by SSC of government departments with expectations of a reduction in recorded complaints of harassment/ bullying*

Our objective is for this behaviour to not occur. Setting targets would be inconsistent with this objective. The standards of integrity and conduct require all public servants to treat others fairly and with respect.

3. *Whether it is policy of SSC that complaints of bullying/ harassment be transparently reported in the public arena. If so why/ why not?*

Agencies are not currently required to publicly report complaints of bullying or harassment.

4. *Whether there is regular (monthly/ quarterly/ annually) feedback to government departments/ parliament of expectations against actuals*

No. See the responses above.

5. *Whether policies and expectations on bullying/harassment are updated, if so, how frequently?*

The guidance on positive workplace behaviours described in the introduction was released in April 2016. There is work currently underway to update sexual harassment policy guidelines and develop a model standard for positive workplace behaviours. Reviews of our guidance take place in the context of current best practice and research, as well as the findings of our own investigations and inquiries.

As noted earlier, chief executives are expected to keep their own agencies' policies up to date, and to ensure they provide safe and positive workplaces.

6. *Whether CEOs / managers have performance expectations in relation to harassment and bullying*
7. *Whether it is policy that Managers/CEOs face sanctions for bullying/harassment complaints. If so what are they?*

Chief executives are individually responsible for ensuring their staff comply with the requirements of the Code and are provided with good and safe working environments. Performance expectation information relating to management in agencies is therefore held within those agencies rather than centrally by SSC.

SSC is the employer of chief executives in the Public Service, as set out in [Schedule 1](#) of the State Sector Act. These chief executives are, like their employees, expected to comply with the standards of integrity and conduct for the State Services and model positive workplace behaviours.

Under their expectations framework, chief executives are responsible for stewarding system integrity and capability, and modelling the culture and values that will result in a trusted, respected and high-integrity Public Service. They are expected to meet their obligations under relevant legislation, and to manage their organisations responsibly and effectively with respect to money, other resources and their people.

8. *Whether SSC regularly communicates to government departments on harassment/ bullying issues / provides training opportunities*

Guidelines, policies, model standards and other material as described above is updated periodically, and changes communicated to the sector. The State Services Commissioner includes updates on these in regular communications with chief executives. In addition, the State Services Commissioner has a regular blog, [The Spirit of Service](#), aimed at Public Servants but also publicly available, which frequently covers topics of integrity and conduct. Topics covered in the last year include [trust and confidence in the Public Service](#), [the review of the Protected Disclosures Act](#), and [the importance of speaking up](#).

9. *Whether SCC plans to make changes to expectations of govt departments on Bullying harassment issues in relation to*
 1. *Russell McVeagh/ Margaret Bazely/ NZLS inquiry on Bullying*
 2. *Worksafe information on Bullying/Harassment*
 3. *NZ Police Huamaha, general expressions of bullying*
 4. *NZDF- recruitment*
 5. *any other current media/ internal issues*

Under the Code, SSC expects that bullying and harassment will not occur in agencies, and that agencies will focus on prevention and follow the positive workplace guidance. Regular reviews, updates and supplements to the advice and guidance is provided to the sector to ensure it remains relevant and fit for purpose and that expectations are clear, such as in the examples described above with regard to Positive Workplace Behaviours, Speaking up in the State services and the forthcoming sexual harassment policy guidelines and model standard for positive workplace behaviours.

10. Whether all govt staff have specific clauses in employment agreements in relation to harassment/ bullying or is it in codes of conduct

As described above, the Code applies to all employees of the agencies it covers, supported by any conduct expectations set in individual and collective employment agreements. Agencies often also have their own codes of conduct and internal policies. Information on these, and on specific clauses in employment agreements, is not held centrally by SSC.

11. Whether regular code of conduct upgrades are managed by SSC to ensure consistency in codes of conduct across government departments

As described above, the New Zealand State service is a decentralised system where chief executives are responsible for staff conduct in agencies and updating their internal codes and policies, in the context of, and reinforcing, the overarching Code of Conduct.

12. Any other comments

If you wish to discuss this response with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the State Services Commission's website

Yours sincerely



Stephen Moore
Managing Principal
State Services Commission