



Your Complaint, Your Rights outlines your rights if you want to make a complaint about bullying, harassment, or discrimination in your public sector workplace. It supplements the Speaking Up model standards and summarises your rights so they are clear and easy to understand. When your rights are recognised and upheld, it helps reduce the risk of harm during the complaints process.

You have the right to be treated with respect

- ✓ You will be treated with respect and dignity.
- ✓ Your complaint will be taken seriously.

You have the right to be kept safe at work

- ✓ You will have a safe working environment throughout the complaint process.
- ✓ Your organisation will work with you to identify and manage any risks to your safety or welfare in the workplace. This includes risks related to contact with the person or people complained about (the respondent/s) and protection from any reprisals.

You have the right to have your complaint managed with care

- ✓ Your complaint will be managed in an impartial and non-judgmental way, with sensitivity and discretion.
- ✓ Your complaint will be managed with care, by people with the appropriate level of skill or training to handle your

complaint. Where possible, the people managing your complaint will remain the same.

- ✓ Your complaint will be managed in a timely way. Timeliness will depend on the nature of the complaint and the process being followed.

You have the right to effective and regular communication

- ✓ All information given to you must be clear and use language that is easy to understand.
- ✓ You will be kept informed of progress in managing your complaint, at reasonable intervals agreed with you, and generally at least once a month. This will include next steps in the process and their timing, and an update when no progress has been made.

Be aware that progress updates might not include details about the information gathered.

This will depend on nature of the information and the nature and stage of the process.



You have the right to be fully informed about the complaint process

✓ Your organisation will have clear information available to all staff about:

- The available ways to **make** your complaint. Internally, these may include through line management, human resources, union representatives, and directly to the chief executive.
- How to make a protected disclosure as well as external complaint avenues available.
- The available options for **responding** to and managing your complaint. These may be internal options, ranging from facilitated conversations to formal investigations; and external options, such as mediation and MBIE's early resolution service.

✓ You will be provided with a full and clear explanation of:

- How your organisation decides which approach will be taken to manage your complaint, including your role and involvement in that decision. This will include an explanation of the available options and the potential outcomes of each.

- The process your organisation settles on, and intends to follow, in managing your complaint.
- How information about your complaint will be stored and who it will be shared with.

✓ You will receive appropriate and timely information about the outcome of your complaint.

Be aware that it may not be appropriate to share details of the outcome or resolution in every case.

Privacy and confidentiality

Your privacy and confidentiality will be protected, as far as is reasonably possible. The limits of confidentiality will be explained to you.

If you have particular privacy concerns and ask your agency to restrict access to your complaint even further, this may impact:

- the timeliness of your organisation's response (if there are fewer people who can access the information)
- your organisation's ability to make connections between complaints and learn from your case
- your organisation's ability to take appropriate steps or investigate at all (if they are unable to put the concerns to the respondent without identifying you).



You have the right to an appropriate level of support

- ✓ You are entitled to have a support person present at any stage of the complaints process.
- ✓ You will be provided with non-judgmental support from your manager or other suitable person in relation to both your work and your complaint.
- ✓ You will be told about any tailored or standard support that is available to you and how you can access it. This may include being offered counselling or other support services from a suitably qualified person who can meet your identified needs.

Be aware that legal costs will likely be subject to pre-approved caps or other financial limitations.

Be aware funded legal support would not generally cover complaints or grievances about your organisation, its acts or omissions, or management of your complaint.

Legal support

For complaints of serious misconduct, such as sexual harassment, support may include independent legal support paid for by your agency to help you through the complaint process. This will only be provided in limited circumstances at the discretion of your agency. This could include where:

- there is a significant imbalance, between you and the respondent, in seniority, power, resources or influence; or
- the complaint is particularly complex or serious in nature.



Other things you should know

Who is this guide for

Your Complaint, Your Rights is for anyone making a complaint about bullying, harassment or discrimination in their public sector workplace. As this supplements the Speaking Up model standards, “public sector” has the same meaning as set out in those standards.

Your organisation must be fair to all

It is important for you to understand that your organisation must be fair to all, including the respondent. Your organisation must act fairly and impartially when dealing with them, so at the appropriate point the respondent may need to be told about the concerns in sufficient detail to enable a genuine opportunity to respond. This may mean you will be asked to provide further information and asked questions about your experience.

This fairness-to-all requirement is also the reason why there are some restrictions on if and when information can be provided to you. You may also be asked to limit who you share information with beyond your support person and/or legal advisor to protect the integrity of the process and the privacy of the respondent.

Where to find more detailed information

This guide supports your organisation’s policies on:

If you wish to speak to someone in your agency about any of these, you can reach out to:

If you are making a complaint about sexual harassment, there is a list of external places to raise your complaint or seek support on the [Public Service Commission’s website](#).

This guide also reflects the Public Service Commissioner’s model standards about [Speaking Up](#) and [Positive and Safe Workplaces](#).



Raising concerns about how your complaint has been managed

If you feel your rights are not being, or have not been, upheld in the consideration of your complaint, then you can raise the matter through your organisation's internal complaints process in the first instance. The details are here:

The [Ombudsman](#) can consider complaints about a public sector organisation's handling of a complaint or protected disclosure. They can also give confidential guidance about making a protected disclosure under the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#). In limited circumstances, the Public Service Commission may also be able to consider concerns about how your complaint was handled by your workplace.

The [Privacy Commissioner](#) can receive complaints about the way personal information has been handled.