



20 MAY 2021

Dear

On 23 March 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

1. *How many complaints of sexual harassment have been made within the Ministry of Social Development within each of the last five years – broken down by year?*
2. *How many complaints of sexual assault have been made within the Ministry of Social Development within each of the last five years – broken down by year?*
3. *How many of these complaints of sexual harassment have been substantiated at Ministry of Social Development, broken down by year.*
4. *How many of these complaints of sexual assault have been substantiated at the Ministry of Social Development, broken down by year.*

On 21 April 2021, the Ministry emailed you to extend the timeframe for responding to your request.

On 13 May 2021, the Ministry emailed you to advise you that it needed more time to respond to your request. You were advised that a response to your request would be provided on or before 21 May 2021.

At the end of 30 April 2021, the Ministry had 9,100 Full Time Equivalent (FTE) or a headcount of 9,240 current employees (permanent and fixed term) who provide income assistance and services to more than one million New Zealanders each year.

The Ministry takes its obligations as an employer to provide a safe and healthy work environment very seriously. As such, the Ministry does not tolerate sexual harassment. All Ministry staff, including managers, are required to read and sign the Code of Conduct, which sets out the Ministry's expectations of all staff to act in a way that is professional and respectful.

Sexual harassment guidelines are also included in the Ministry's Positive Workplace Behaviours policy. Sexual harassment is described as unwelcome or offensive verbal or physical behaviour of a sexual nature that is repeated or is significant enough to have a harmful effect on an individual's employment, job performance or job satisfaction.

Behaviour includes the use of language (written or spoken), visual material, or physical behaviour, and includes requests of a sexual nature to an employee (directly or indirectly) that contain an implied or overt promise of preferential treatment or threat of detrimental treatment.

Examples of sexual harassment may include:

- offensive gestures or verbal comments
- unwanted and deliberate physical contact
- unwelcome comments, questions about an employee's sexual activities, orientation or private life
- sexual propositions or requests for dates, especially after prior refusal
- continued unwelcome social invitations, phone calls or texts from a work colleague or a client
- display of pictures, screensavers or other material of a sexual nature
- sexual behaviour such as leering or staring at an employee's body
- unwelcome sexual or smutty jokes
- offensive email messages or texts
- suggestions for preferential treatment at work in return for sexual favours
- threats or suggestions of a negative impact on an employee's position if favours are not granted.

The Ministry acknowledges that sexual harassment may take many forms, and the above list is not exhaustive.

Employees have a range of ways to raise concerns about inappropriate behaviour. How they do this can depend on the circumstances and how serious the behaviour is.

This can include:

- talking to their manager, another manager or colleague
- reporting into STAR (Security, Threats, Accidents and Risks) – the Ministry's notification system for reporting sensitive events (including sexual harassment) directly through to specialist Human Resource Advisors
- raising concerns directly with the person (for general inappropriate behaviour).

Employees can also seek support from a peer support person or union delegate.

When the Ministry receives a complaint, the nature of the concern is assessed to decide on the most appropriate pathway to address the complaint. Making that assessment may include requesting more information from and/or meeting with the person who made the complaint. We may also consider the person's preferences as to how we approach the complaint. The approach taken can range from formal investigation processes (which may result in disciplinary outcomes) to an agreed resolution between the parties.

When the Ministry receives a sexual harassment complaint, the person who made the complaint is advised that they are entitled to:

- seek independent legal advice if they believe they have been the victim of a criminal offence. Where an assault or serious intimidation is alleged, it may be appropriate to support the person who made the complaint to report the alleged incident or incidents to the Police
- lodge a complaint with the Human Rights Commission under the Human Rights Act 1993 or raise a personal grievance under the Employment Relations Act 2000 within 90 days of the incident occurring.

Employees can access internal and external support at any stage including:

- confidential counselling and support through the Ministry's Employee Assistance Programme (up to six initial sessions are provided free to the employee and more can be approved)
- Poutuarā – peer support at MSD, and
- Safe to Talk (a helpline for sexual harm).

Please note that the Ministry has interpreted your request to be for the last five calendar years between 2016 to 2020.

For the sake of clarity, I will address each of your questions in turn. Please note that complaints involving staff of the former Child, Youth, and Family are included in this data prior to 1 April 2017. From this date, Oranga Tamariki, the Ministry for Children was established, and approximately 3,000 staff were transferred to the new agency.

- 1. How many complaints of sexual harassment have been made within the Ministry of Social Development within each of the last five years – broken down by year?*
-
- 3. How many of these complaints of sexual harassment have been substantiated at Ministry of Social Development, broken down by year.*

To answer questions one and three of your request please find **Table One** and **Table Two** below which outline the number of sexual harassment cases recorded and substantiated in the Ministry's CRM case management system.

Table One: The number of sexual harassment complaints made within the Ministry, broken down by the last five calendar years.

Year	Sexual Harassment Complaints
2016	9
2017	4
2018	7
2019	0
2020	8

Of those complaints in **Table One**, **Table Two** provides the number of complaints of sexual harassment that were substantiated.

Table Two: The number of sexual harassment complaints that were substantiated within the Ministry, broken down by the last five calendar years.

Year	Complaints of Sexual Harassment that were substantiated
2016	0
2017	0
2018	1
2019	0
2020	1

2. *How many complaints of sexual assault have been made within the Ministry of Social Development within each of the last five years – broken down by year?*

The Ministry can confirm that there were no recorded cases in the CRM case management system involving a complaint of sexual assault, between 2013 and 2020.

4. *How many of these complaints of sexual assault have been substantiated at the Ministry of Social Development, broken down by year.*

As there were no recorded cases of sexual assault between 2013 and 2020, question four of your request is refused under section 18(e) of the act as the information requested does not exist.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

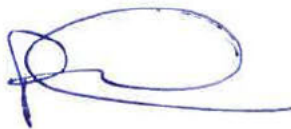
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this available to the wider public. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding complaints of sexual assault and harassment, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Penny Rounthwaite', with a stylized flourish at the end.

Penny Rounthwaite
Group General Manager, People