



23 December 2021

Tēnā koe

On 11 October 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

1. *The total number of formal complaints made by employees to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*
2. *An explanation of how you code complaints (i.e. is it broken down by 'bullying', 'sexual harassment').*
3. *The number of bullying-related complaints made to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*
4. *The number of sexual harassment-related complaints made to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*
5. *The number of investigations undertaken into complaints made to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*
6. *The number of settlements your organisation has paid to past or current employees for personal grievance complaints in the past five years, broken down by year (2016 to 2021 to-date).*
7. *The number of settlements your organisation has paid to past or current employees for unjustified dismissal complaints in the past five years, broken down by year (2016 to 2021 to-date).*
8. *The value of all settlements paid by your organisation for personal grievance or unjustified dismissal claims in the past five years, broken down by year (2016 to 2021 to-date).*
9. *The number of employee resignations from your organisation in the past five years, broken down by year (2016 to 2021 to-date).*
10. *A copy of your organisation's most recent staff satisfaction/experience survey.*

The Ministry currently employs approximately 9,370 staff 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 any bullying or

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, and
- 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, and
- 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.

1. *The total number of formal complaints made by employees to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*

The Ministry's HR system records complaints made by employees, as well as a range of other matters where specialist HR support is provided to managers, called 'cases'.

Please note that due to the amount of manual collation that would be required, we cannot provide numbers of 'complaints' as distinct from 'cases' as Ministry staff would be required to review hundreds of files. As such, this part of your request is refused under section 18(f) of the Act.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

Below is the total number of cases recorded in the Ministry HR system broken down by year, from 2016 to 8 October 2021.

**Table One: The total number of cases recorded in Ministry’s HR system, broken down by year, from 2016 to 8 October 2021.**

<b>Year</b>	<b>Number of cases recorded in Ministry’s HR system</b>
2016 <sup>1*</sup>	1,275
2017	780
2018	724
2019	755
2020	760
2021 (to 8 October)	596

**Notes for table One:**

- Cases are recorded in the calendar year the case was opened in.
2. *An explanation of how you code complaints (i.e. is it broken down by ‘bullying’, ‘sexual harassment’).*

The Ministry’s HR system uses high-level subtypes (e.g., conduct, inappropriate use of information, health and wellbeing) and employment relations (ER) case types (e.g., absenteeism, bullying and harassment, performance, privacy breach, high sick leave). The high-level subtypes are designed to reflect the core areas covered under the Ministry’s Code of Conduct. Where more than one category applies, the case is recorded by the highest order category based on the information available at the time the case is entered into the system. Note that a single case may start out with one primary issue but could develop or expose other issues throughout the investigation process.

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<sup>1</sup> \* 2016 and early part of 2017 includes cases for the Child, Youth and Family (CYF) service line that was part of the Ministry at the time. CYF left the Ministry when Oranga Tamariki was established on 1 April 2017. Some cases may have remained under the Ministry’s management as part of the managed transition between the two departments.

3. *The number of bullying-related complaints made to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*

**Table Two: The number of complaints related to bullying within the Ministry, from 1 January 2016 to 8 October 2021.**

Year	Bullying Complaints
2016 <sup>2*</sup>	15
2017	19
2018	13
2019	0
2020	1
2021 (to 8 October)	5

**Notes for Table Two:**

- Complaints are recorded in the calendar year the case was opened in.
- A broad interpretation of the term “Complaints” has been used. The information provided reflects concerns raised with the Ministry’s team, and not necessarily formal investigations.

4. *The number of sexual harassment-related complaints made to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*

**Table Three: The number of sexual harassment complaints made within the Ministry, from 1 January 2016 to 8 October 2021.**

Year	Sexual Harassment Complaints
2016 <sup>2*</sup>	9
2017	4
2018	7
2019	0
2020	8
2021 (to 8 October)	1

**Notes for Table Three:**

- Complaints are recorded in the calendar year that the case was opened.

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<sup>2</sup> \* 2016 and early part of 2017 includes cases for the Child, Youth and Family (CYF) service line that was part of the Ministry at the time. CYF left the Ministry when Oranga Tamariki was established on 1 April 2017. Some cases may have remained under the Ministry’s management as part of the managed transition between the two departments.

- A broad interpretation of the term “Complaints” has been used. The information provided reflects concerns raised with Ministry HR team, and not necessarily formal investigations.
5. *The number of investigations undertaken into complaints made to your HR department in the past five years, broken down by year (2016 to 2021 to-date).*

All complaints made to the Ministry’s HR team are reviewed, and appropriate action is then taken which may include formal investigation. Please refer to back to **Table One** for the total number of cases recorded in the Ministry’s HR system.

6. *The number of settlements your organisation has paid to past or current employees for personal grievance complaints in the past five years, broken down by year (2016 to 2021 to-date).*

**Table Four: The number of Settlements the Ministry has paid to past or current employees for personal grievance complaints, from 1 January 2016 to 13 October 2021**

<b>Year</b>	<b>Number of Settlements for personal grievance complaints</b>
2016 <sup>3*</sup>	2
2017	1
2018	1
2019	2
2020	0
2021 (to 13 October)	0

**Notes for Table Four:**

- Settlements are recorded in the calendar year that the case was opened in.

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<sup>3</sup> \* 2016 and early part of 2017 includes cases for the Child, Youth and Family (CYF) service line that was part of the Ministry at the time. CYF left the Ministry when Oranga Tamariki was established on 1 April 2017. Some cases may have remained under the Ministry’s management as part of the managed transition between the two departments.

7. *The number of settlements your organisation has paid to past or current employees for unjustified dismissal complaints in the past five years, broken down by year (2016 to 2021 to-date).*

**Table Five: The number of settlements the Ministry has paid to past or current employees for unjustified dismissal complaints, from 1 January 2016 to 13 October 2021.**

<b>Year</b>	<b>Number of Settlements for unjustified dismissal complaints</b>
2016 <sup>4*</sup>	1
2017	1
2018	0
2019	2
2020	0
2021 (to 13 October)	0

8. *The value of all settlements paid by your organisation for personal grievance or unjustified dismissal claims in the past five years, broken down by year (2016 to 2021 to-date)*

**Table Six: The total of all settlements paid for personal grievance or unjustified dismissal claims, from 1 January 2016 to 13 October 2021.**

<b>Year</b>	<b>Total settlement Cost</b>
2016 <sup>4*</sup>	\$28,000
2017	\$15,000
2018	\$15,000
2019	\$32,000
2020	\$0
2021 (to 13 October)	\$0

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<sup>4</sup> \* 2016 and early part of 2017 includes cases for the Child, Youth and Family (CYF) service line that was part of the Ministry at the time. CYF left the Ministry when Oranga Tamariki was established on 1 April 2017. Some cases may have remained under the Ministry's management as part of the managed transition between the two departments.

9. *The number of employee resignations from your organisation in the past five years, broken down by year (2016 to 2021 to-date).*

**Table Seven: The number of employee resignations at the Ministry, broken down by year, in the past five years.**

<b>Financial year end date</b>	<b>Number of Resignations</b>
30 June 2017	833
30 June 2018	624
30 June 2019	543
30 June 2020	523
30 June 2021	621
1 July 2021 to 30 September 2021	268

**Notes for Table Seven:**

- The resignation numbers for the financial years ended from 30 June 2017 to 30 June 2020 are sourced from Q148 of the Ministry’s response to the 2021/22 Estimates for Vote Social Development.
- The resignation numbers are recorded by financial year to align with the reporting period of the Estimates for Vote Social Development.
- For consistency with reporting in the Estimates for Vote Social Development, the table above table has resignation numbers of permanent employees (ie excludes fixed-term employees and contractors).

10. *A copy of your organisation’s most recent staff satisfaction/experience survey.*

The most recent surveys distributed by the Ministry to all staff, with relevance to the topic “staff satisfaction/experience” are the two Kei te pēhea koe? (How are you doing) staff surveys.

Kei te pēhea koe (How are you doing), the Ministry’s most recent pulse survey, was run twice in 2020 as New Zealand moved between COVID-19 alert levels. The first survey ran in April 2020 when New Zealand moved from alert level four to alert level three. The second, in May 2020, as New Zealand moved between alert level three and alert level two. The survey was used to find out if staff were able to stay connected with their manager and team, and whether communications were hitting the mark. Please find enclosed, a copy of the questions and results for the first survey attached as Appendix 1, and a copy of the questions and results for the second survey attached as Appendix 2.

The survey, along with existing channels of feedback (including from leaders, employee representatives, and staff), has prompted a number of areas where the Ministry has refocused on the way we engage with and support our people:

- The Ministry undertook a review of the communication channels to better support the flow of information to staff and managers. A number of new methods of sharing critical information were established, and are now the primary sources of communicating to our distributed workforce.
- The Ministry’s Leadership Team has frequent regional engagement sessions to share our direction, successes and to gather feedback directly from our staff



and managers. These sessions have also allowed for site visits and more direct contact between our Leadership Team and those on the frontline.

- We have also reviewed our need for improved online collaboration tools and have been testing Zoom, MS Teams, WebEx for an effective and long term method of collaborating, particularly with the need to adopt flexible working practices. This work is called Connected Workspace and an overview of the Connected Workspace story can be seen in Appendix 3.
- The Ministry reviewed and promoted an updated flexible working policy and guidelines, working closely with Employee Representatives. These have been implemented so employees and managers can fully consider flexible working arrangements and ensure arrangements meet the operational needs of the organisation and the team, as well as the needs of individuals.
- Wellness was another area of focus as a result of the feedback from the Kei te pēhea koe survey. In November 2020 we established the Pā Harakeke Wellbeing Plan that covers the following outcomes:
  - Raising wellness awareness,
  - leadership (of wellbeing),
  - commitment to Te Pae Tata (our Māori Strategy and Action Plan),
  - supporting physical health,
  - supporting mental health, and
  - developing supportive and inclusive workplaces

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](mailto: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](http://www.ombudsman.parliament.nz) or 0800 802 602.

A handwritten signature in blue ink, appearing to read 'Rob Gold', is centered on the page. The signature is fluid and cursive, with a large initial 'R' and 'G'.

Rob Gold  
**Acting Group General Manager, People**