



11 December 2025

Tēnā koe

Official Information Act request

Thank you for your email of 7 August 2025, requesting information about workplace bullying, harassment and sexual harm 2020-2025.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out separately below.

Please note that any Ministry of Disabled People – Whaikaha and Independent Children’s Monitor data is factored in for the periods that these agencies were part of the Ministry of Social Development (the Ministry). These agencies are no longer housed within the Ministry.

I would like to make an Official Information Act request for the following information from your organisation please. This is for a research project studying public service organisations and workplace bullying, harassment and sexual harm.

Question 1: What data does your organisation collect about incidents or concerns related to workplace bullying, harassment or sexual harm?

- For clarity, this includes requests for advice, assistance, informal notifications or formal complaints relating to these types of behaviour.

The Ministry is a large operational agency across 200 physical locations and employs approximately 8,900 staff. We do not centrally collate data for all workplace bullying, harassment or sexual harm because the management of these types of behaviours are raised through a variety of channels, both formally and informally and we use internal and external systems to gather this type of information for different purposes.

Incidents can be proactively addressed or supported by managers, colleagues, a trusted Manager, the Peer Support programme, Employee-Led Networks and/or Union representatives without being captured as data.

From a data perspective, we have the following systems and insights:

- Te Taunaki Public Service Census 2025. The Public Service Commission published the outcomes of this on 8 July 2025, which includes bullying and harassment questions
- TELUS Health (previously Benestar) provides professional support with a qualified healthcare professional through our Employee Assistance Programme

(EAP). It is an independent and confidential programme to assist staff and their family where they are experiencing any personal or work-related difficulties (which could include workplace bullying, harassment or sexual harm).

- STAR Sensitive Events, where staff can lodge a request for support when experiencing inappropriate behaviour in the workplace, or if they need confidential support regarding something that is affecting them at work.
- Employment investigations that are being managed by the Human Resources team use the Customer Relationship Management (CRM) database to lodge and track investigations.

Question 2: Please provide a list or schema of all data fields used to record or track information about workplace bullying, harassment or sexual harm, at any stage of the process your organisation follows (from initial contact to case closure).

- Please include an explanation of the classifications used in each data field and any specific terminology, so it can be easily understood by someone from outside your organisation.

Some data fields that the Ministry uses are derived from the New Zealand Census. This information is publicly available on the Public Service Commission website, we are providing the relevant link here: www.publicservice.govt.nz/data/public-service-census/integrity/unacceptable-behaviour.

We have provided a list of schema for TELUS Health, STAR Sensitive Events and CRM database as **Appendix One**.

Question 3: Please provide a list of all reports produced by your organisation that relate to workplace bullying, harassment or sexual harm?

- Please include a brief explanation for each report of:

- *who is responsible for its creation (i.e. the job title/role, not individual names)*
- *how often they are produced*
- *the purpose of the report, and*
- *the information and any data fields contained in each report.*
- *to whom they are distributed (job titles/roles)*
- *whether the reports are shared externally (e.g. with ministerial offices, other agencies, Public Service Commission, unions and associations, the general public)*

Regular reporting is provided to the Leadership Team (bi-monthly) and Organisational Health Committee (quarterly) in relation to broader wellbeing, health and safety and other key people metrics.

EAP TELUS counselling

The Manager Strategy and Risk, Health Safety Security and Wellbeing (HSSW) is responsible for this reporting. The information is used in by Health, Safety, Security and Wellbeing team every month, this is then incorporated into the Ministry Leadership Team HSSW Bi-monthly report and the wider Monthly report.

The monthly report is distributed to Ministry leaders, and the Public Service Association, and is posted on the Ministry Intranet

The purpose of the Bi-monthly report is to provide the Ministry's leadership team information on current health, safety and wellbeing matters; the purpose of the Monthly report is to share Health and Safety data with the business.

Sensitive Events

The Sensitive Events programme undertakes the following regular reporting activities, managed by the Director HR Operations. This reporting is outlined in **Appendix Two**, attached to this letter.

Employment Investigations (CRM)

A monthly meeting is held with the Chief Executive, Deputy Chief Executives of Service Delivery and People & Capability, Group General Manager People Group and Director of Employment Relations, Advisory and Remuneration where high-risk employment cases are discussed at this meeting (based on our CRM database).

Please provide responses to Q4-7 for the period 2020-2025 (inclusive), broken down by calendar year and listed under the headings of

- (a) workplace bullying*
- (b) harassment*
- (c) sexual harm*

Please note that data extracted from databases is based on initial coding, which may indicate a complaint of bullying, harassment, or sexual harm. However, this coding does not confirm that such behaviour occurred. Because the coding process can be subjective, the Ministry cannot reliably or confidently report exact numbers of bullying, harassment, or sexual harm incidents.

In addition, our data does not align to this request and would require significant collation to respond to requirements set out.

Question 4: The total number of incidents recorded. Please also break these down according to any sub-categorisations you use internally to differentiate types of bullying, harassment or sexual harm incidents.

On 16 September 2025, we contacted you stating that we would not be able to provide a breakdown by workplace bullying, harassment, and sexual harm for Question 4 without creating substantial manual collation, pursuant to section 18(f) of the Act.

You agreed to refining Question 4 to the number of workplace bullying and harassment sensitive event types reported, the number of Bullying and Harassment case types from our CRM system, and the number of sessions provided by our EAP provider where the reason for that session has been categorised as bullying.

Please see attached **Appendix Three** containing **Table One** showing the number of sessions provided by our EAP provider, Benestar / TELUS Health, where the reason for that session has been categorised as bullying.

Our EAP provider, formerly known as Benestar, has been acquired and rebranded as TELUS. TELUS has recently transitioned to a new system and made minor adjustments to its reporting categories.

The data reflects the total number of sessions used for each issue, not the number of individual employees affected. Ministry employees are entitled to six EAP sessions, with extensions granted where appropriate, particularly for work-related concerns. We are unable to easily identify data showing the number of sessions per employee for the specific issues requested.

We have excluded workplace relationships/conflict data as workplace conflict is not synonymous with bullying or harassment (includes a range of other behaviours).

Sensitive Events:

The number of workplace bullying and harassment sensitive event types (by year) are provided in **Appendix Three** as **Table Two**. As noted previously, these are alleged reasons for the sensitive event, and often (when considered further) may be for other reasons or a combination of reasons.

CRM Data:

As described, the CRM system includes 13 sub types and 84 different case types. Bullying and Harassment is one type, but these behaviours may be present in other cases.

Please find attached **Appendix Three** containing **Table Three** showing the CRM case type Bullying and Harassment by year (where year is based on the date the case was opened). As previously mentioned, we do not collect data on sexual harm incidents in this system.

Question 5: The number of incidents that involved a formal investigation, broken down to show:

- a. *internal investigations (i.e. those conducted by people employed by your organisation)*
- b. *independent external investigations (i.e. external lawyers, investigators or other 3rd parties engaged for the purpose of conducting the investigation)*

While we can report on cases based on initial coding, this does not necessarily reflect the nature or outcome of the complaint. For example, the 41 cases coded as bullying or harassment may not ultimately be substantiated as such. And there are potentially other cases sitting in other categories where a combination of factors may be involved.

We are unable to determine whether an independent investigation occurred without manually reviewing each case file. Although it may be possible, a significant manual effort would be required to confirm whether an internal investigation took place. This also applies to identifying any independent external investigations that have occurred; however, it is expected that any independent external investigations that have occurred would represent a significantly smaller subset of the total cases. To provide you with this information, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's

resources. As such, your request is refused under section 18(f) of the Act, as it requires substantial collation. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your requests 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.

Question 6: The outcomes of the investigations completed in Q5 (using whatever categorisations your organisation records internally against cases).

The Ministry's CRM system records case outcomes. Please find attached **Appendix Four** containing **Table One** showing the outcome for Employment Relations Cases under the case type bullying and harassment from 2020 to 2025.

Question 7: The number of people who have left your organisation who were:

- a. complainants (i.e. people who raised any inquiry or complaint)*
- b. respondents (i.e. people who were the subject of any inquiry or complaint allegations).*

In order to provide this information, the Ministry would need to undertake a significant manual exercise to correlate a large quantity of reports against exit data as we would need to check each situation and gauge the reason for any individual(s) leaving the Ministry. To be able to provide you with this information, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's resources. As such, your request is refused under section 18(f) of the Act, as it requires substantial collation. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your requests 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.

Please provide responses to Q8-9 for the period 2020-2025 (inclusive), broken down by calendar year:

Question 8: the number of settlement agreements (or other legal agreements containing any form of non-disclosure requirement) signed by people leaving your organisation who were:

- a. complainants who raised any inquiry or complaint about workplace bullying, harassment or sexual harm.*
- b. respondents who were the subject of any inquiry or complaint about workplace bullying, harassment or sexual harm.*

Please see attached **Appendix Five** containing **Table One** showing the number of settlement agreements entered into by the Ministry from 2020 to 2025. All settlement agreements recorded by way of Section 149 Record of Settlement,¹ contain confidentiality clauses.

There are a range of reasons that a staff member may enter into a settlement agreement. In order to provide you with the reasons that a staff member entered into a settlement agreement, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's resources.

As such, your request is refused under section 18(f) of the Act, as it requires substantial collation. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your requests 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.

Question 9: The amount spent by your organisation on external legal advice for:

- a. legal services or advice provided in conducting independent investigations in Q5 (ii)*
- b. other advice provided about any other matters involving workplace bullying, harassment or sexual harm*

We are unable to accurately provide this as it is reliant on cost codes. This could be coded as professional services, consultants or legal fees. Then each invoice would need to be reviewed to determine what it related to. To be able to provide you with this information, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's resources. As such, your request is refused under section 18(f) of the Act, as it requires substantial collation. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your requests 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.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

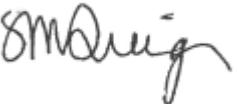
If you wish to discuss this response with us, please feel free to contact OIA Requests@msd.govt.nz.

¹ Refer to Section 149 of the Employment Relations Act 2000:

www.legislation.govt.nz/act/public/2000/0024/208.0/DLM60919.html

If you are not satisfied with my decision on your request, 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.

Ngā mihi nui

pp. 

Anna Graham
General Manager
Ministerial and Executive Services

Appendix Two: Sensitive Events Reporting Activities

Report Type	Recipients
Bi-Monthly Chief Executive and Deputy Chief Executives General Manager and Manager Wellbeing for Health Safety and Security Group General Manager (GGM) and Director HR Operations, People Group	Produced for consideration by the Ministry's Leadership Team, via Health Safety and Security, outlining risks and themes/patterns
Monthly Senior Analyst, Health Safety and Security Director HR Operations, People Group	Provided to Health Safety and Security
GGM, People Group	Data updates provided to GGM, People Group, outlining risks and themes/patterns
Weekly Director HR Operations, People Group Wellbeing Manager, Health Safety and Security	Verbal updates to Director HR Operations and Wellbeing Manager for Health Safety and Security, outlining risks and themes/patterns

Appendix Three

The tables in Appendix Three are based on distinct data sources. As a result, some events, people, or cases may be counted in more than one table. For accurate interpretation, these tables should be reviewed individually, and totals should not be combined without considering potential duplication.

Table One: The number of sessions provided by our EAP provider, Benestar / TELUS Health, where the reason for that session has been categorised as bullying from 2021 to 2025.

Year	# Sessions	Categories	Months	Source
2021	28	Workplace bullying	July - December	Benestar
2022	33	Workplace bullying	Full year	Benestar
2023	42.5	Workplace bullying	Full year	Benestar
2024	37.5	Workplace bullying	Full year	Benestar
2025	9	Workplace bullying	January-March	Benestar
2025	16	Bullying and Harassment	April-July	TELUS

Notes:

- Benestar has rebranded to TELUS Health and some reporting categories have changed following their transition to a new system.
- This data reflects the total number of sessions used for each issue, not the number of individual employees affected.
- Ministry employees are entitled to up to six EAP sessions, with extensions often granted. We are unable to easily identify data showing the number of sessions per employee for the specific issues requested.
- This data does not provide workplace relationships/conflict data, as workplace conflict is not synonymous with bullying or harassment (includes a range of other behaviours).
- Please note, categories are selected by the EAP provider and are based on an individual's self-reported disclosures. These reports may not meet the technical or clinical definition of bullying upon assessment, and in some instances may be more accurately characterised as other related constructs or issues, such as interpersonal incivility, workplace conflict, or matters associated with performance management.

Table Two: The number of Sensitive Events categorised as bullying or harassment from 2019 to 2025.

Year	Bullying	Harassment
2019	44	37
2020	68	42
2021	122	85
2022	99	71
2023	113	74
2024	133	82
2025	71	46
TOTAL	650	437

Notes:

- This data shows Sensitive Events logged under the categories of bullying or harassment by staff in the STAR system. This does not mean that the behaviour occurred.
- Please note that the Bullying and Harassment categories are chosen by the individual when the event is first logged, based on their own assessment of their experience. These reports may not have met the formal criteria for bullying or harassment upon further review.

Table Three: The number of CRM case types under the category Bullying and Harassment, broken down by year.

Year	Bullying and Harassment
2020	7
2021	7
2022	5
2023	10
2024	8
2025	4
TOTAL	41

Notes:

- Year is based on the date that the case was open.
- This data only shows Bullying and Harassment as the case type and does not provide information on sexual harassment.
- Please note that initial categorisation is drawn from on the apparent nature and wording of self-reported information. These reports may not have met the formal criteria for bullying or harassment upon further review and may not reflect the final outcome.

Appendix Four

Table One: The outcome for Employment Relations Cases under the case type bullying and harassment from 2020 to 2025.

Employment Relations Case Type: Bullying and harassment							
Year	2020	2021	2022	2023	2024	2025	Total
Outcome							
1st Written Warning		2					2
Final Written Warning	1	1					2
Letter of Expectation				1	1		2
No Action	1			1	3		5
Not Substantiated	1	1	1	4	1	1	9
Resignation		2		2		1	5
Resolved	4	1	3	1	1		10
Resolved after Significant Intervention					1		1
Resolved Complex Case					1		1
Settlement				1			1
Verbal Warning			1				1
(blank)						2	2

Employment Relations Case Type: Bullying and harassment							
Year	2020	2021	2022	2023	2024	2025	Total
Outcome							
Total	7	7	5	8	8	4	41

Notes:

- Two of the Not Substantiated case outcomes in 2023 were Ministry of Disabled People – Whaikaha case outcomes (this was during the period that Ministry of Disabled People – Whaikaha was housed within the Ministry).
- When a case is first opened, the case owner assigns a category based on the limited details available. After the case is reviewed or investigated, an outcome is recorded. Sometimes the outcome does not match the original category because new information comes to light during the investigation/review which influences the case outcome.

Appendix Five

Table One: The number of settlement agreements entered into by the Ministry of Social Development from 2020 to 2025.

Year	Cases
2020	10
2021	7
2022	102
2023	19
2024	69
2025	24
Total	231

Notes:

- This is the number of all settlement agreements entered into by the Ministry. These cases are not limited to settlement agreements related to workplace bullying, harassment or sexual harm.
- A number of cases in 2022 will relate to the COVID-19 Vaccination Policy that was implemented at the time.
- 2025 is a part year, ending on 14 August 2025.