

Sexual Harassment

Purpose and Scope

At New Zealand Kindergartens (NZK) we are committed to putting our learners, with their whānau, at the centre of education. We do this by ensuring the kindergartens across our network are safe, inclusive, and free from harassment of any kind.

The purpose of this procedure is to ensure all staff members across the NZK network are treated with courtesy and respect in all facets of their employment. We also hope staff members will refer to this procedure for guidance in the event they become aware of, or experience, harassment in the workplace.

This procedure applies to the Board, General Managers/Chief Executives (GMs/CEs), staff members (whether permanent, fixed, casual or relieving), contractors, whānau, volunteers, students, and other businesses or community organisations that we work with across the NZK network. The procedure applies at our workplace, at work events (such as offsite training) and outside our workplace (when it is related to our work).

Legislation

Under the *Health and Safety at Work Act 2015* NZK has a duty to protect the health and safety of workers, which includes taking reasonable steps to provide a workplace free from any form of harassment. Sexual harassment can also be considered a breach of the implied terms of trust and confidence in the employment agreement.

Sexual Harassment is unlawful under the *Employment Relations Act 2000* and the *Human Rights Act 1993*. It may also be considered grounds under the *Employment Relations Act 2000* for employees to raise a personal grievance.

Key Definitions

Sexual Harassment is any unwelcome or offensive sexual behaviour that is repeated or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment. Sexual harassment can be spoken or written, visual or physical acts.

Examples of Sexual Harassment

- Offensive sexual remarks or jokes
- Unwelcome touching, patting, or pinching
- Regular hassling for a date
- Sexually offensive images at work
- Intrusive questions about your sex life
- Being treated differently if you say no to advances

Rights and Obligations

NZK has an obligation to ensure, so far as is reasonably practicable, the health and safety of our team. This includes minimising the likelihood of sexual harassment and managing any concerns, complaints, or observations in a procedurally fair and timely manner (as detailed below and in our Grievance Procedure).

All individuals covered under this procedure have an obligation not to sexually harass any person that they work with. This extends to communication through any means, including email, text messaging and social media. Should you become aware of sexual harassment taking place in our workplace, you have an obligation to take the appropriate steps to address it.

It is important to remember that sexual harassment does not have to be intentional. An individual could still be held responsible because sexual harassment is viewed from the perspective of the person who has been affected. Some people find particular types of behaviour offensive while others do not. So, it is important to be aware of your surroundings and stop to think how your behaviour may be interpreted or how it may affect those around you.

Dos and Don'ts

If you feel that you are being subjected to sexual harassment or have witnessed sexual harassment towards others, we encourage you to take the following steps.

Do...

- ✓ Raise your concern directly with the person if you feel safe and comfortable to do so, either verbally or in writing.
- ✓ Report the concerns to your Head Teacher if you did not get the results, you were looking for.
- ✓ If the concern is with your Head Teacher, then raise your concern with the GM/CE (if the concern is with the GM/CE, then raise your concern with the Chief Executive of NZK).
- ✓ Refer to our Grievance Procedure for further formal steps to raise a concern of sexual harassment.

Don't...

- x Ignore the behaviour hoping it will go away – resolve these issues quickly to avoid them escalating.
- x Gossip with other staff members rather than addressing the issue proactively - it is important that all parties involved are shown respect and a level of confidentiality is maintained.
- x Make false or misleading claims of sexual harassment – these can be hurtful and damaging to both the individual and the organisation.

Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this procedure, please speak with your GM/CE. You can refer to our Grievance Procedure for guidance on how grievances are handled at NZK.

Procedure Reviews

This procedure may be amended from time to time at the discretion of NZK. Please ensure you regularly review all company procedures, so the content is front of mind in all you do.

Related Procedures, Agreements and Frameworks

Code of Conduct

Discrimination and Equal Opportunity Procedure

Grievance Procedure

Workplace Bullying Procedure

[The Statement of National Education and Learning Priorities \(NELP\)](#)



Kindergarten Teachers Collective Agreement (KTCA)