Submission on bullying and harassment at work

30 March 2021

Tuia te rangi e tū nei
Tuia te papa e takoto nei
Tuia i te here tangata
Tihei mauri ora
He hōnore, he korōria ki te atua ki te runga rawa
He whakaaro maha ki a rātou kua haere ki te wāhi ngaro
Rau rangatira mā, ānei ngā whakaaro me ngā kōrero nā Te Tūāpapa Hauora
Hinengaro

Introduction

Thank you for the opportunity to contribute to MBIE's consultation on bullying and harassment at work. This is a submission from the Mental Health Foundation of New Zealand (MHF), supported by the Health and Safety Association of New Zealand (HSANZ).

It is clear to us the current approach and resources available to address workplace bulling in Aotearoa New Zealand is out of step compared to other jurisdictions. Business and organisations need to take workplace bulling more seriously and government and regulators must send a strong signal that businesses will be supported to do so, and redress sought where they are neglectful in their duties to protect the psychosocial health and safety of employees.

We are pleased MBIE is looking at this important issue; and that your Issues paper considers the impacts of bullying on populations that are more likely to experience overlapping and interdependent discrimination (e.g., Māori, Pasifika, people with disabilities (including those with experience of mental distress) and rainbow communities). It is vital our response to workplace bullying is cognisant of wider discriminatory attitudes and behaviours against different populations or groups.

Our response focuses on several key policy points about the health and safety at work and employment relations systems. We also share preliminary data the MHF collected in 2019 on the prevalence of bullying and harassment experienced by New Zealand workers.

Where possible we have tried to respond directly to selected consultation questions however we are not able to respond to operationally focused questions pertaining to WorkSafe policies and procedures and their impact on employers and workplaces.

Workplaces are a priority setting for the MHF, who over the last 20 years have developed and delivered national and large-scale workplace wellbeing and resilience programmes such as Open Minds, Working Well (see appendix 1 for a summary) and our annual anti-bullying campaign Pink Shirt Day, which aims to stop bullying by celebrating diversity and promoting positive social relationships with a focus on workplaces and schools/kura. An evaluation of the Pink Shirt Day 2020 campaign found 58 percent of New Zealanders saw or heard of the campaign, and 2 in 3 agree that the campaign has encouraged them to take action and do something to stop bullying when they witness it.[1]

Context to bullying and harassment at work

Prevalence and data

In 2019 the MHF conducted the **Working Well Workplace Wellbeing Survey** (MHF, unpublished) to understand and compare the perspectives of employees and employers regarding workplace wellbeing. The purpose of this survey was to undertake a comprehensive stocktake of *what* are the factors that enhance or detract from an individual's workplace welling and *how* and *why* these factors positively or negatively impact on an individual's welling. The survey has gathered data on a broad number of constructs, for example diversity, employee/employer engagement, job demand, psychosocial risks, and mental wellbeing. With value sets from 1817 responses, it is one of the largest wellbeing surveys conducted in New Zealand. The survey included both numerical, ranking data and qualitative text data and covered all sectors, types and sizes of organisations, nationwide.

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[1] Ipsos. 2020. COVID-19 Tracker 16-19 October.

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We asked specific questions relating to workplace bullying and harassment. Preliminary findings suggest, based on the last 12 months:

- 62.4% of the respondents reported to have been exposed to some form of quarrels or conflicts at work.
- 40% of the respondents are exposed to bullying or violence by either the manager or employee.
- harassment, bullying and workplace violence has affected more than 50% of those who participated in the survey.

Our research also found a significant difference between ethnicities in exposure to workplace bullying during the last 12 months, with Pasifika (15%) and Māori (8.7%) more likely to report bullying in a daily basis than Pākehā (4.1%) (see table below).

	Nationality	Yes, daily	Yes, weekly	Yes, monthly	Yes, a few times	No	Total	Pearson Chi-Square
Have you been exposed to bullying at your workplace during the last 12 months?	**Pākehā/ NZ European**	30 (4.1%)	50 (6.8%)	37 (5%)	185 (25%)	437 (59.1%)	739 (100%)	Value: 20.527a
	Māori	9 (8.7%)	7 (6.7%)	7 (6.7%)	25 (24%)	56 (53.8%)	104 (100%)	Df: 20
	Pacific	3 (15%)	0	0	5 (25%)	12 (20%)	20 (100%)	
	Asian	1 (2.3%)	2 (4.5%)	1 (2.3%)	10 (22.7%)	30 (68.2%)	44 (100%)	Asymptotic Sig (2-sided): 0.425
	Middle east/ Latin/ African	0	1 (12.5%)	0	2 (25%)	5 (62.5%)	8 (100%)	
	Other nationalities	1 (1.7%)	7 (11.7%)	5 (8.3%)	14 (23.3%)	33 (55%)	60 (100%)	

Q1. How can we most effectively increase our understanding of the drivers of bullying and harassment? What types of data will be most useful in developing this understanding?

Analysis of MHF's 2019 data also examined a meaningful group of factors that are linked to work culture, which included an analysis of bullying. Diagram 1 below captures the structure of the data or factors and summarises how immediate supervisors influence negatively or positively the mental health of workers and work culture.

We found an immediate supervisor who undertakes high work priority and planning and helps resolve conflicts in a workplace is related to less worry for work security (steady salary and work stability) and low incidents of work-related harassment/violence among the workers. This would lead to a better mental health state. Workers have much influence on how they would work, are rewarded for work effort, organisations support social group activities and staff cultural is valued. If workers have a large degree of influence on the decisions concerning their work and work security, they are less likely to experience negative and/or dangerous workplace environments. Consequently, the culture of New Zealand workplaces would allow workers' unique skills and talents to be valued and utilised. The workers would accept different opinions, be cooperative, and respect each other's cultural background.

On the other hand, bullying negatively impacts work culture and work security, and people's ability to influence their work. Those who are bullied/harassed are less likely to seek help from others or to take measured risks.

Diagram 1: Correlation Clustering of work culture

Note: the numerical values below represent the negative or positive relationship among the factors.
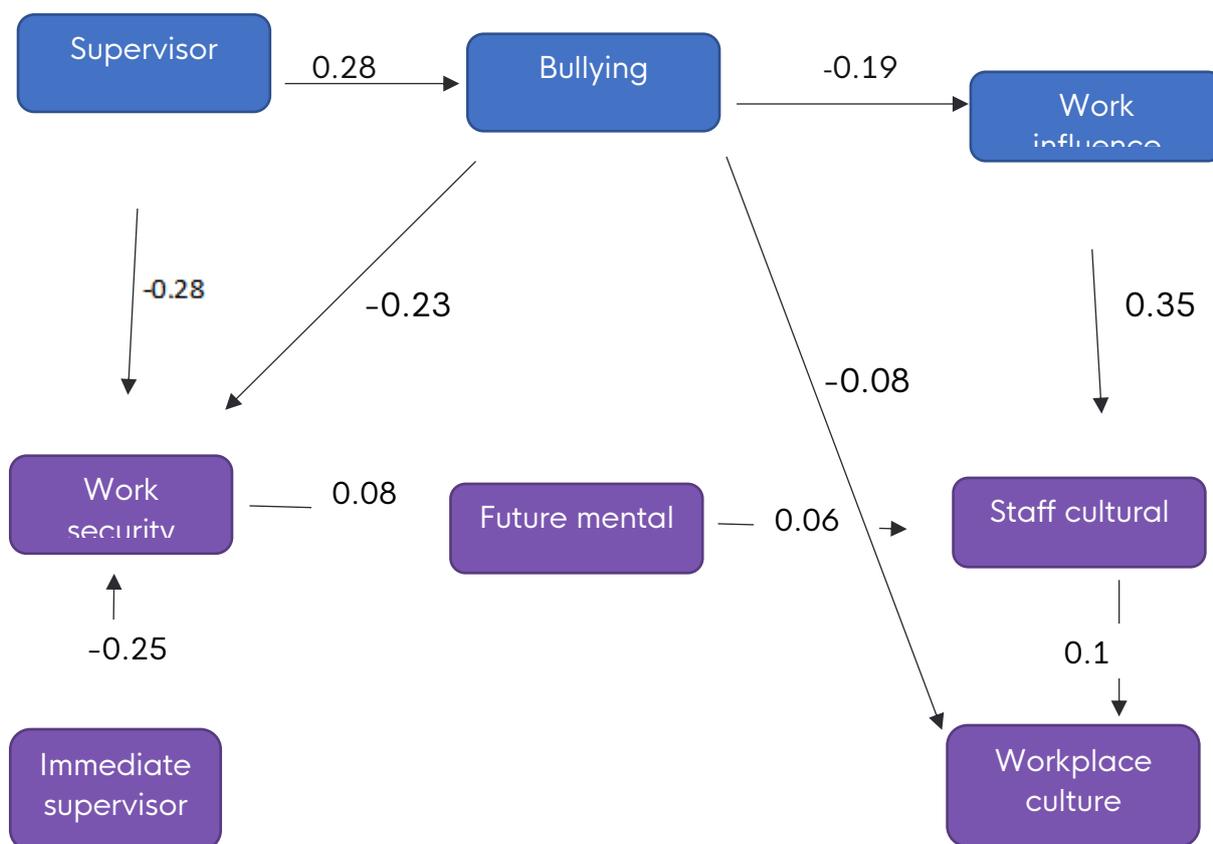
We support further research of this kind, which takes a whole-of-organisation approach to understanding the drivers and impacts of workplace bullying. There is ample evidence that organisational efforts to deal with bullying is the most important contributor to both the occurrence of bullying and reduced negative effects of bullying rather than interpersonal relationships and micro-level features of the problem (e.g., O'Driscoll, 2011, Lipinski et al, 2014; Blackwood, 2017; Bentley, 2009 etc).

Future research should focus on the experience of bullying for Māori and other groups that are more likely to experience workplace bullying as well as other forms of discrimination, and to determine the drivers for, and impacts of, compounding discrimination. We would also like to see investment into understanding both the short-term (e.g., mental distress, decreased emotional wellbeing, lower job performance) and long-term (e.g., income and finances, future employability, relationships with partners and whānau, housing ownership etc) impacts of bullying and harassment on mental health and wellbeing outcomes of bullying targets and bystanders.

Q2. How can we reduce rates of bullying and harassment, including sexual harassment, experienced by Māori?

We note there is no reference in the MBIE Issues to paper to Te Tiriti O Waitangi or the duty of MBIE or WorkSafe to uphold the principles of Te Tiriti. We strongly encourage MBIE and WorkSafe to put processes in place to work in partnership with iwi Māori, hapū and whānau to address workplace bullying, for Māori to determine with their communities the best way to do this, and to explicitly prioritise the elimination of inequities for Māori in the workplace in your work programmes and approaches.

a. How can we increase our understanding of the drivers for bullying and harassment experienced by Māori?

Taking a whole-of-organisation approach, some of the key drivers for bullying and harassment include institutional and interpersonal racism, a hierarchy of social relations that discriminate against Māori, and a lack of cultural safety by non-Māori. We understand cultural safety to mean non-Maori:

- examine themselves and the potential impact of their own culture on their interactions.
- acknowledge and address any of their own biases, attitudes, assumptions, stereotypes, prejudices and characteristics.
- be aware that cultural safety encompasses a critical consciousness where employees and organisations engage in ongoing self-reflection and self-awareness and hold themselves accountable to being culturally safe in the workplace.[2]

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[2] Adapted from Medical Council of New Zealand. Statement on cultural safety. https://www.mcnz.org.nz/assets/standards/b71d139dca/Statement-on-cultural-safety.pdf

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![Mental Health Foundation logo — Mental Health Foundation OF NEW ZEALAND, mauri tū, mauri ora]

b. What barriers are there for Māori seeking support to address bullying and harassment?

Key barriers to seeking support include a fear of being labelled or stereotyped as a 'trouble-maker' or 'aggressive' (see NZ research that found Māori were stereotyped as 'low warmth' and 'low competence')[3], and cultural beliefs and values, such as being raised to be quiet, a misconception among Māori that being told to 'humble yourself' means to be quiet, and some Māori do not want to be perceived as being a victim/target of bullying.

c. What does a 'healthy and respectful' workplace look like for Māori (eg, diverse and inclusive)? How do we build culturally supportive workplaces?

The MHF recently undertook research into the experience of kaimahi Māori in the workplace and what they want and need for a mentally health, and culturally safe, workplace. We share some of preliminary findings below.

Environment – Wāhi mahi

Wellness and support mechanisms in the workplace

- 54% of participants enjoyed the people they worked with, whether that was their colleagues, service users, communities, clients and students. Respondents otherwise enjoyed learning new things, the values of their organisation, working at a kaupapa Māori organisation and the opportunity to work flexibly.
- The majority of respondents practise wellness by eating well and having good sleep hygiene.
- Many survey respondents practise karakia, live by te maramataka - the Māori Lunar calendar; and practise waiata at work.
- Many identified that Western support strategies such as access to employee assistance programmes, counselling, and supervision have a place in ensuring positive wellbeing, safety and work experiences for Māori. However, they also felt a strong need for te ao Māori wellbeing practices at work alongside these, such as waiata and te maramataka.
- Many also highlighted hauora initiatives such as gym memberships and gym facilities at work as valuable but considered exercise less important than te ao Māori approaches.

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[3] Sibley, Stewart & Houkamau et al. (2011) Ethnic Group Stereotypes in New Zealand. *New Zealand journal of psychology*, 40 (2). pp. 25-36.

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- Some respondents also wanted meditation, mindfulness and yoga made available at work.

Te Tiriti O Waitangi

Respondents said some workplaces had no or very little integration or recognition of the Treaty partnership or cultural practices. Māori employees expressed that Treaty obligations along with cultural safety, cultural supervision, access to local elders and hauora initiatives were vital to wellbeing.

Negative impacts of work

45% of respondents said the biggest barrier at work is time – including time away from whanau, not enough time in the day and long and busy work hours.

32% of respondents experienced stress and anxiety as a result of work. A smaller number said the stress derived from personal circumstances.

Safety practices

Of the total number of participants, the majority felt safe at work when:

- they had access to kuia and kaumatua
- participating in te ao Māori kaupapa and working within a kaupapa Māori organisation; and
- working in an organisation that addressed conflict through hui/meeting and kōrero/conversation.

People did not feel safe when:

- tikanga and kawa were not respected (values, protocol, etiquette or processes in the workplace)
- management applied cultural values selectively
- confidentiality was not respected, and counselling rooms were not soundproof, and
- tikanga was not appropriately implemented and upheld.

Te ao Māori practices and inclusion at mahi

Tikanga at work

- Karakia and waiata were the most common forms of tikanga implemented by workplaces. Whanaungatanga and manaakitanga were also identified, as well as incorporating Te Reo Māori in the workplace.
- Some stated that although their workplace did not consistently practise tikanga, they were making efforts to do so.

Tikanga practised at work

■ Yes ■ No ■ No answer ■
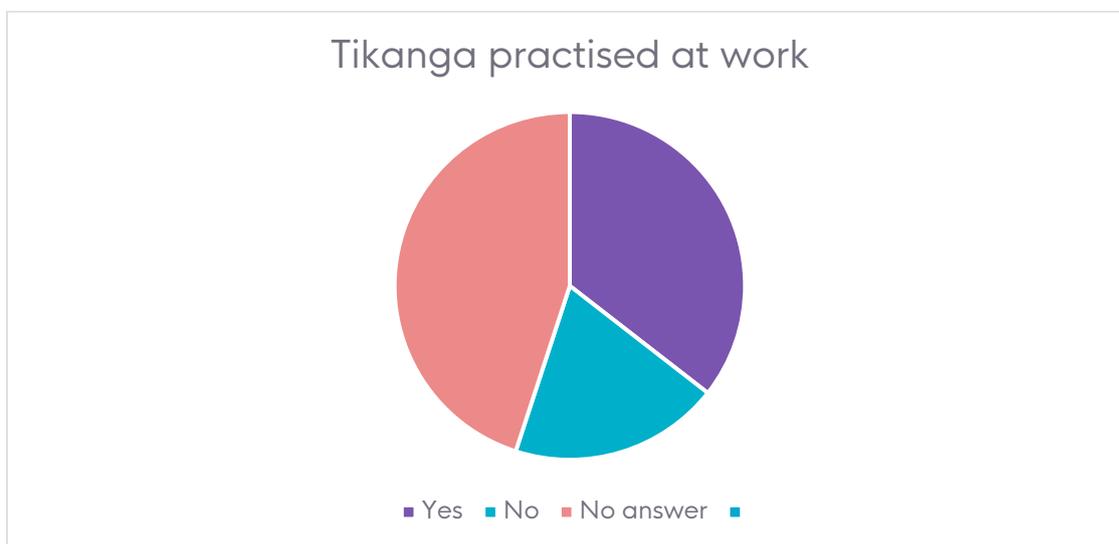
Whānau

60 percent of respondents identified the importance of whānau at work as critical to their wellbeing. Some felt workplaces did not understand the tangihanga process for Māori, namely the length of time off from work needed for someone who has lost a close relative, parent, or sibling when tangihanga for some Māori could last for days. Some participants mentioned their non-Māori employees supported the need for tangihanga leave, though most did not understand what this looks like for Māori.

The majority of respondents said staff needed to be educated on the importance of whānau and collectivism. Those who said their workplace understood the importance of whānau mainly worked for Māori organisations where tikanga and kaupapa were already embedded. Some mainstream organisations prioritised flexible policies that allowed whānau at work.

Respondents cited the following as having a negative impact on their whānau:

- long hours at work
- less time with whanau, and
- stress on whānau.

And the below as having positive impacts on their whānau:

- benefits and rewards for whānau, e.g., more financial freedom to support and do more recreational activities with whānau
- flexible hours for whānau commitments
- financial gain, and
- having the ability to role-model to whānau, and to show the benefits of working.

d. How well are relevant agencies (eg, WorkSafe and MBIE's Employment Services) partnering with Māori when developing guidance and support?

We are not aware of any significant support for kaimahi Māori in the workplace to address bullying and harassment. Some Māori do not want to access EAP because it is not always culturally appropriate. We highly support the extension and integration of specific programme, developed alongside Māori, to provide guidance and support, such as the [Maruiti Marae-based leaning](#) programme.

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Q3. How can we reduce rates of bullying and harassment, including sexual harassment, experienced by other minority and vulnerable populations (eg, people with disabilities, migrant workers, and trans and non-binary New Zealanders)?

We know people with experience of mental distress experience discrimination, hostility, unfairness, bullying and harassment as a direct result of their mental distress (which might include a mental illness).[4] Mental-distress related discrimination during employment may include bullying or different treatment by a manager due an employee's mental illness. It may also include being discouraged from taking on certain projects, avoided by colleagues, passed over for promotion or excluded or alienated at work, and being threatening with dismissal or dismissed because of sick leave or their perceived ability to work.[5]

We include the following published quote[6] from research in this area to illustrate how, in this instance, sexual harassment, can be closely interlinked with mental distress-related discrimination.

> *"I've always tried to be open and honest about my mental health experiences. But last year I was sexually harassed by my employer. When I made a formal complaint he used my mental health history to undermine my credibility and claimed that I was "crazy", even though I was quite well at the time. Even though there was plenty of evidence around the harassment, his attacks on my mental health created enough doubt that the investigation was deemed "inconclusive". So he got away with the initial harassment, and then the discrimination about my perceived mental health status as well. The whole situation has had a negative impact on my mental health, but now I am too afraid to tell anyone. I don't think I'll ever feel safe to be honest about it, in a workplace again. Before last year I actually thought that there had been a lot of progress in society. I felt like the campaigns and education had made a difference, but I guess that it hasn't got through to everyone. When it*

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[4] Gordon, S., &., Peterson, D. 2015. What works: Positive experiences in open employment of mental health service users. Auckland, New Zealand: The Mental Health Foundation of New Zealand.
Duncan, C., Peterson, D., & Mental Health Foundation of New Zealand. 2007. The employment experiences of people with experience of mental illness: literature review. Auckland, N.Z.: Mental Health Foundation of New Zealand.
[5] Gordon & Peterson. 2015.
[6] Wyllie A., & Brown, R. 2010. *Discrimination reported by users of mental health services: 2010 survey.* Research report for the Ministry of Health. Auckland: Phoenix Research.

comes down to it they know the "lingo", but they don't know what to do until the law and people in positions of authority are able to reinforce the messages and come down hard on discrimination, the rest of the community will still scramble to figure out how to react appropriately."

Some evidence supports combining anti-mental health-related discrimination measures in the workplace with already existing anti-bullying programmes. This can help address employment discrimination against people with experience of mental distress that is compounded by discrimination on the basis of other factors, such as ethnicity.[7]

There is already good work being undertaken to provide anti-discrimination workplace education. For example, *No Worries* offers education opportunities for employers and work colleagues designed, coordinated and delivered by people with their own personal experience of mental distress, and MHF's *Open Minds* equips managers with the confidence and skills to talk about mental health in the workplace with videos, managers guide, tips, factsheets, posters and FAQs. See the appendix for a full description of these initiatives. The Like Minds programme, a public awareness programme to increase social inclusion and end discrimination towards people with experience of mental illness or distress, also identifies workplaces and employers one of the priority settings and audiences for its work in 2020 – 2025.

Primary prevention (proactive, prevent bullying by minimising risk)

Q22. What additional guidance and support could be made available to help businesses with monitoring and reviewing their culture and risk factors?

In order to prevent bullying, it is essential workplaces have a clear understanding of what it is. We support investment in training and advice to help employers and workers understand what bullying is and is not. Currently there is significant variation in understandings and 'thresholds' for acceptable behaviours.

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[7] Duncan, C., Peterson, D., & Mental Health Foundation of New Zealand. 2007.

We believe businesses and organisations need more help to 'reframe' workplace bullying as a psychosocial harm that needs to be assessed and mitigated against. This must be considered as part of an overall psychosocial harm strategy that considers a range of psychosocial risks such as sexual harassment, drug and alcohol use, fatigue, stress etc.

It is crucial businesses and organisations are also supported to taking a whole-of-organisation approach to creating a safe, supportive and strong workplace culture where bullying cannot thrive. This includes considering:

- the organisational environment - including workplace culture, communication, whether there are robust policies and procedures including anti-bullying policies and training about them, some type of risk management approach and assessment,[8] and informal and formal networks, and
- training, skills and capacity of managers, leaders and teams - including increasing awareness, role-modelling good behaviour, good people skills etc.

The MHF provides a suite of *Working Well* resources aimed at preventing workplace bullying, which is linked to our Pink Shirt Day anti-bullying campaign. Leaders, managers and teams can use this resource to understand what helps to create positive work environments that prevent bullying. It provides them with an array of tools to help create positive workplace environments and cultures where mana-enhancing, open communication is the norm so bullying cannot thrive. There are also exercises for teams to reflect on the values of their organisation, creating shared understandings and setting clear expectations of acceptable behaviours.

HASNZ notes there is a role for business organisations such as EMA and Business Central to provide more training and guidance to upskill employers on how to create an optimal organisational culture i.e., providing policy templates and training, conducting risk assessments, advice on improving culture, etc. There is also an opportunity to upskill workplace health and safety professions (HASNZ has over 3,500 professionals) to ensure psychosocial risk and harm minimisation are included in their tool kit and approaches.

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[8] HASANZ notes the Business Leaders Health and Safety Forum have a good resource
https://forum.org.nz/resources/ceo-guide-mental-wellbeing/

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Businesses and organisations must understand the business case for eliminating bullying and prioritising it, including the impact that it can have on individuals and the morale of teams. We think more could be done to highlight the mental health, economic, and other personal impacts on people, their whānau, bystanders and organisations – and in particular the long-term and compounding nature of this negative impact. This should have a particular focus on women, Māori, Pasifika and other groups more likely to experience discrimination.

We also hear from workplaces that they want more practical and hands-on tools, such as tools to better communication between managers and teams and within teams (e.g., written prompt tools). Kaimahi Māori have also told us they want more practical and hand-on tools and practical support.

WorkSafe could also seek to develop targeted approaches to industries with high rates of workplace bullying (e.g., public sector, hospitality, construction) and populations more likely to experience workplace bullying (e.g., Māori and Pacific Peoples[9], people with disabilities).

Secondary prevention (reverse, slow or reduce progression, prevent recurrence, help people to cope)

Q30. How can businesses be supported to take informal steps to respond to and resolve an issue (where this is in the best interest of the parties involved)?

There are many touch points along the complaints process (making an informal or formal complaint, the internal investigation, and mediation) that can be challenging and adversarial. We support better understanding the 'tipping point' into adversarial interactions and what mechanisms can be put in place to support the use of more informal steps to resolve bullying complaints.

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[9] Gardiner et al. (2013). Ethnicity, workplace bullying, social support and psychological strain in Aotearoa/New Zealand. New Zealand Journal of Psychology, 42, 1. https://mro.massey.ac.nz/bitstream/handle/10179/9483/Gardner1%202013.pdf?sequence=1&isAllowed=y

Enhancing targets' coping strategies should also be further explored to aid in the initial response/reaction to bullying and harassment incidents, including assertiveness training, opportunities to network and form friendships and teams, building resilience through maintaining positivity, developing emotional insight, work life balance and becoming more reflective.[10]

The culture about the victim i.e., 'victim blaming' is problematic and needs to change. Victim blaming in response to an allegation of bullying or harassment does not create an environment conducive to addressing concerns early, honestly and transparently.

We also suggest the person being bullied is actively directed to, and encouraged to access, free, independent advice about what their options are and what help is available.

Q39. What should a low-level dispute resolution process for cases involving bullying or harassment look like?

MHF supports the scoping of a 'quick resolution service' pilot. This must use external support, be an early intervention, be non-adversarial (no lawyers), and not accessed through the employment relations pathway. This approach is supported by evidence a manager or supervisor is not always the most appropriate person to take part in mediation (Lipinski et al) and evidence of a strong preference by employees to ulitise others in the process to address bullying.

We also think such a model could usefully mitigate against potential power imbalances between the person been bullied and the bully where they are in a leadership or manager role. Where such a power imbalance exists, we hear targets/victims may find internal resolutions ineffective and/or too difficult/stressful to navigate, that many will change jobs to end the bullying, and that HR is not always able to effectively manage any power imbalance.

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Blackwood, K., Bentley, T., Catley, B., & Edwards, M. (2017). Managing workplace bullying experiences in nursing: The impact of the work environment. *Public Money & Management*, *37*(5), 349–356. https://doi.org/10.1080/09540962.2017.1328205

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Q44. Is the requirement to raise a personal grievance within 90 days appropriate for bullying and harassment cases? If not, does this apply to all bullying or harassment cases or specific types/situations?

The definition of bullying includes elements of repeated actions. A single incident of bullying does not fall within the ambit of this definition. The 90 days rule to raise a personal grievance does not allow the court to consider the persistent aspect of bullying which fall outside the 90 days rule. We understand targets do not always realise until they are out of time to raise a personal grievance, making crucial evidence inadmissible.

Q48. Are the remedies for grievances involving bullying or harassment appropriate?

We understand compensation awarded through the employment relations pathways is not extensive enough. It does not recognise the economic consequences of the extended period of recovery required by a victim/target of workplace bullying and the secondary significant impact to the employability and finances of a target.

Q51. Are there situations where the ERA or Employment Court should inform WorkSafe of bullying and harassment cases for consideration where there may be an ongoing safety risk?

The employment relations pathway is not able to deal with holding organisations accountable for deficiencies in preventing bullying, just how they dealt with it. There is a case for all or at least more incidents to be referred to WorkSafe for an investigation into the system and policies it has in place to prevent future incidents.

Q52. Overall, how well does the existing employment relations pathway work for people who have experienced bullying and harassment, including sexual harassment?

Well documented limitations to the employment relations pathways include:

- employers may engage lawyers to evade or avoid consequences of non-compliance
- compensation is limited
- employment courts are adversarial in nature
- the burden is on target to raise concerns and provide proof/evidence
- there is no mechanism for holding organisations accountable for deficiencies in preventing bullying, just how they dealt with it, and

- the '90 day' rule limits consideration of persistent or repeated bullying.

Q57. What improvements or changes would have the biggest impact?

- Access to early independent advice and support for targets/victims, and an early disputes resolution service that is timely, cost-effective and non-stressful.
- More powers and structures set up to prevent workplace bullying, such as the ability to obtain the intervention of a tribunal or court before an injury is sustained (as seen in the Australian Fair Work Act 2009)

Q58. Should changes be made to WorkSafe's criteria, threshold or approach for triaging and handling bullying and harassment incidents at work?

Worksafe has a high threshold for initiating a response ('serious incident or series of complaints'). From December 2013 to the end of April 2019, Worksafe had 228 recorded cases that indicated bullying (from approximately 10,000 health and safety incidents or events a year). 20 of the 228 were investigated and 84 were either referred to a more appropriate agency (ERA, Police, Other) or referred to the business to self-manage. This means the mechanism via the HSAWAct to hold organisations to account for deficiencies in preventing bullying in the workplace is unlikely to be triggered in the majority of cases.

Tertiary prevention (rehabilitative, restore wellbeing after the fact)

Seeking redress for workplace bullying and harassment is expensive and re-traumatising. We support more resources (e.g., advice, services, campaigns) to support victims/targets of bullying and counselling for victims and perpetrators. Organisations must also be supported to ensure sanctions against perpetrators are implemented.

Q62. How effectively do these different regulatory systems work together? What gaps or areas of overlap are arising?

We support a full review by the Government of all legislation pertaining to the prevention of, and response to, workplace bullying and harassment with the aim of consolidating relevant areas of law, including the option of dedicated workplace bullying legislation.

Such a review should consider the laws and systems in place in other jurisdictions and what lessons or approaches might be usefully applied here, such as the UK Standards Management model, the Victorian WorkCover model, and the Australian Fair Work Commission.

We think there is value in exploring whether compensation should be covered under ACC legislation (gradual onset workplace stress from workplace bullying and harassment is not currently considered a work-related mental injury). For example, in the state of Victoria workers can make a compensation claim for a mental health injury as a result of work, which may include work-related stress, bullying, discrimination etc. This is covered under WorkCover insurance (administered by WorkSafe) and all businesses must register for this if they or their company employs any workers in Victoria. This does, however, preclude claims under negligence and common law actions for personal injury.

Summary

Thank you for the opportunity to give comment on this important topic. We look forward to seeing what changes may arise from this consultation process. We are happy to be contacted to support on-going work in this area or if you have any questions regarding our submission.

Mauri tū, Mauri ora

Shaun Robinson
Chief Executive Officer

Appendix 1

No Worries

No Worries is led by Peer Zone, a peer led organisation which is contracted by the Health Promotion Agency as part of the Like Minds, Like Mine Programme. *No Worries* offers education opportunities for employers and work colleagues designed, coordinated and delivered by people with their own personal experience of mental distress. The overall purpose of *No Worries* is to engage and work with employers to develop their capacity and confidence to employ people with mental distress and feel comfortable in knowing how to respond appropriately. For more information see https://www.likeminds.org.nz/home/story/105/no-worries

Open Minds

Open Minds, a workplace program developed especially for managers, run by the MHF. *Open Minds* equips managers with the confidence and skills to talk about mental health in the workplace with videos, managers guide, tips, factsheets, posters and FAQs providing managers with practical tips to help with conversations about mental health in the workplace. The long-term outcome of *Open Minds* is that New Zealand employers are able to develop workplace policies, structures and cultures that are more inclusive and supportive of people with experience of mental illness. For more information see https://www.mentalhealth.org.nz/home/our-work/category/40/open-minds

Working Well

The Mental Health Foundation's Working Well Guide and resources provide organisations with the tools to create a culture that enhances and protects people's mental health. These resources including fact sheets, worksheets and slides support workplaces to improve wellbeing at individual, team and systems levels with a focus on creating psychologically safe, supportive and strong environments, and people. They allow organisations to identify and address potential psychosocial risks. Practical, evidence-based information and engaging activities help workplaces and their people develop a shared understanding of mental health, identify opportunities to protect and enhance mental wellbeing, and take positive action. For more information see https://www.mentalhealth.org.nz/home/our-work/category/44/working-well-guide-and-resources

Appendix 2

About the Mental Health Foundation

The MHF's vision is for a society where all people flourish. We take a holistic approach to mental health and wellbeing, promoting what we know makes and keeps people mentally well and flourishing, including the reduction of stigma and discrimination (particularly on the basis of mental-health status).

The MHF is committed to ensuring that Te Tiriti o Waitangi and its Articles are honoured, enacted, upheld and incorporated into our work, including through our Māori Development Strategy. We are proud that Sir Mason Durie is a Foundation patron.

The MHF takes a public health approach to our work, which includes working with communities and professionals to support safe and effective suicide prevention activities, create support and social inclusion for people experiencing distress, and develop positive mental health and wellbeing. Our positive mental health programmes include Farmstrong (for farmers and growers), All Right? (supporting psychosocial recovery in Canterbury, Kaikōura and Hurunui), Pink Shirt Day (challenging bullying by developing positive school, workplace and community environments), Open Minds (encouraging workplaces to start conversations about mental health) and Tāne Ora (working with tāne Māori and their whānau to build wellbeing skills). Our campaigns reach tens of thousands of New Zealanders each week with information to support their wellbeing and help guide them through distress and recovery.

We value the expertise of tangata whai ora/people with lived experience of mental distress and incorporate these perspectives into all the work we do. Established in 1977, the MHF is a charitable trust, and our work is funded through donations, grants and contract income, including from government.

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About HASNZ

The Health and Safety Association of New Zealand (HASANZ) is a non-profit umbrella organisation for workplace health and safety professions in New Zealand. It is a not-for-profit body representing 14 diverse professional associations covering over 3,500 health and safety professionals. Core to the HASNZ activity is driving awareness and building the health and safety capabilities of the NZ workforce to ensure the sector is well served now and in the future. HASANZ also facilitates connections across various business sectors to provide information, advice and access to expert knowledge via the HASANZ Register, improve health and safety performance with the overall aim of reducing harm and promoting wellbeing.

Currently we have 14 members. They are:

- Australian/New Zealand Society of Occupational Medicine (ANZSOM)
- Hazardous Substances Professionals New Zealand (HSPNZ)
- Human Factors and Ergonomics Society of New Zealand (HFESNZ)
- Human Resources Institute of New Zealand (HRINZ)
- Institute of Organisational Psychology
- Maintenance Engineers Society of New Zealand (MESNZ)
- NZ Institute of Hazardous Substances Management (NZIHSM)
- New Zealand Institute of Safety Management (NZISM)
- NZ Occupational Health Nurses Association (NZOHNA)
- NZ Occupational Hygiene Society (NZOHS)
- New Zealand Safety Council (NZSC)
- Physiotherapy New Zealand (Occupational Health Group) (PNZ)
- Occupational Therapy New Zealand (OTNZ).
- The Australasian Faculty of Occupational and Environmental Medicine (AFOEM) of the Royal Australasian College of Physicians (RACP)