

## Workplace bullying: the complaints process

### What happens when a complaint about bullying is made?

#### Formal complaint procedures

- In most circumstances, complainants are encouraged to work through their institution/organisation's informal complaint system before lodging a formal complaint.
- A formal complaint would normally be given to any manager (or their manager), or directly to human resources. Complainants should check their collective agreement as well as their institution/organisation's procedures.
- A formal complaint should be made by the person who has allegedly been bullied (the complainant). It should be written and signed by the complainant giving details of the alleged incident(s).

#### A formal complaint should outline:

- the identity of the person(s) against whom the complaint is made (the complainee);
- what happened (including the time(s), date(s), place(s), what was said and done);
- how the complainant responded and what impact the alleged behaviour had on them;
- what actions (if any) the complainant may have taken to stop the alleged bullying behaviour;
- whether anyone else witnessed the alleged behaviour; and
- an indication of the outcome that the complainant is seeking.

Once a formal complaint has been made, then subject to any employer's complaints process the complainant may be advised of the formal complaint procedure, and told that they may bring a support person/union representative with them to any interview if they wish. A support person could be a friend, family member or a colleague. The complainant may be informed about what type of actions the employer might take if the complaint is upheld, or if it is not.

The employer may meet with the complainant to arrange for interim measures to ensure things don't get worse, such as changing shifts, managers or work areas. They may ask the complainant not to speak to the complainee or other staff about the allegations. They may suggest EAP or taking some time off work. How this time is paid would depend on employer policy and the individual circumstances.

An investigation would typically involve interviews with the complainant, the respondent, and any other relevant people. A copy of the written complaint, including the complainant's name, will generally be provided to the complainee.

The complainant and complainee would each be provided with a copy of the investigation report and may be entitled to provide a written response within a reasonable given time period, prior to a decision being made.

Based on the investigation the employer may decide what, if any, action to take. This action could be disciplinary or educational. If any further matters arise advice may be sought from NZNO.

### Guidelines for a fair process include:

- principles of natural justice;
  - transparency and fairness of the procedure;
  - taking a complaint seriously and acting on it quickly;
  - maintaining confidentiality;
  - prioritising the problem resolution procedure and responding quickly;
  - informing the complaine of the allegations against them;
  - giving a complaine the opportunity to respond to the allegations;
  - keeping both parties informed about the progress of an investigation;
  - ensuring the safety of the complaints process for both parties;
  - giving both parties a full opportunity to read/see and respond to all evidence collected in an investigation before a decision is made;
  - considering all the evidence carefully before deciding whether there is substance to the complaint;
  - providing both parties with a copy of the decision and the reasons for the decision;
- ensuring any disciplinary action is proportionate to the level of behaviour complained of and in line with the organisation's policy.

Care should be taken during the investigation of any complaint of alleged harassment and afterwards to prevent disadvantage to the complainant or complaine.

Retaliation against people who have been involved in a harassment complaint in any way is unacceptable. Any work difficulties experienced by people involved in the complaint process should be reported to a manager or to the appropriate human resources staff.

#### Where can I find out more?

You can speak to the NZNO delegate on your ward

You can read further in your employment agreement or the policy documents at your workplace

NZNO Member Support Centre 0800 28 38 48

NZNO Fact sheet: 'Workplace Bullying'

[www.bullyfreeworkplaces.org.nz](http://www.bullyfreeworkplaces.org.nz)

[www.nzno.org.nz](http://www.nzno.org.nz)

Material referred to in this document is sourced from the NZNO Delegates handbook and [www.bullyfreeworkplaces.org.nz](http://www.bullyfreeworkplaces.org.nz).

**Date adopted:** October 2013

**Review date:** October 2016 or as required

Principal author: Industrial Resources Group

**Reviewed:**

**Correspondence to:** [nurses@nzno.org.nz](mailto:nurses@nzno.org.nz)

#### Mission statement

NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of

© 2013 This material is copyright to the New Zealand Nurses Organisation.

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part of this publication may be reproduced by any process, stored in a retrieval system or transmitted in any form without the written permission of the Chief Executive of the New Zealand Nurses Organisation (NZNO), PO Box 2128, Wellington 6140.