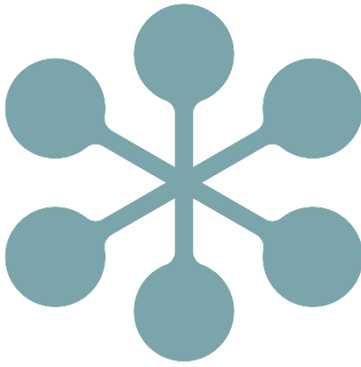


Sexual Harassment Review Final Report

Prepared for Ara Poutama Aotearoa,
Department of Corrections

25 October 2024





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Part 1: Summary and recommendations



Summary

Review purpose

The Chief Executive of Ara Poutama Aotearoa, the Department of Corrections (Corrections) commissioned this Review. The Review aimed to identify ways to strengthen the prevention of workplace sexual harassment and improve responses to such incidents.

The Review was specific to sexual harassment behaviour that occurs between Corrections' staff. Sexual harassment was defined as:

- Unwelcome or offensive sexual behaviour (written, spoken, visual or physical) that is repeated or one-off inappropriate behaviour, directly or indirectly, that is significant enough to have a detrimental impact on an individual's employment, job performance or job satisfaction.
- Sexual harassment also includes a request of any form of sexual activity or favour which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment of work.

Assessment framework

The Review assessed the current state against the positive duty under the Sex Discrimination Act 1984 (Australian legislation) and associated standards of practice to determine required improvements to the way Corrections prevent and respond to incidents of sexual harassment. These good practice standards are Leadership, Culture, Knowledge, Risk Management, Reporting and Response, Support, Monitoring, Evaluation and Transparency.

Review method

The Review was conducted between March and September 2024. The Review was conducted by an independent team of gender and ethnically diverse engagement practitioners and advisors skilled in risk management, psychology, and understanding of Corrections' settings.

The Review drew on five sources of evidence: a nationwide staff survey, in-person and virtual staff interviews, feedback from staff-led networks, interviews with national and regional leaders, and a review of policy documents.

Key findings

What is the living experience of sexual harassment in Corrections?

One in four staff members reported experiencing sexual harassment from another staff member. Women, young people, European, Māori, and prison-based staff were more likely to experience such incidents. The rate of staff being sexually harassed at Corrections is higher than a national survey of workers (The New Zealand Human Rights Commission, 2022) and is likely under-reported.

Corrections' male-dominant workplace culture is an enabler of sexual harassment. This culture lacks understanding of sexual harassment, is tolerant of inappropriate behaviour and is protective of staff with problematic behaviour. This permissive culture is particularly evident in prison settings, which are shaped by the environment, colonisation, gender, and other historical contexts.

Staff experienced a continuum of experiences from the unwanted (e.g., sexist jokes and comments based on gender stereotypes and physical appearances) to the unlawful (e.g., non-consensual groping and non-consensual sex). Sexual harassment takes place in the workplace, training, social gatherings and online settings.

Workplace sexual harassment at Corrections is having a significant impact on affected staff. Staff who experienced sexual harassment described wide-ranging impacts on their mental health, self-esteem and job satisfaction, safety in the workplace, ability to do their job, adverse effects on employment and job progression, and co-workers and partner relationships.

Staff who had experienced sexual harassment had limited trust in the unclear and inconsistent complaints process. Staff are reluctant to report sexual harassment incidents for fear of retaliation and the loss of team support, increasing workplace safety risks. Shame and self-blame also impede reporting. Staff generally did not have positive experiences with the reporting process and did not feel supported.

Feedback from women, Māori, staff from ethnic communities, disabled people, neurodiverse, and LGBTQIA+ people highlighted the intersectional nature of harassment, with marginalised groups experiencing multiple forms of discrimination. For Māori staff and, in particular wāhine Māori, Corrections is a culturally unsafe workplace. For Pasifika staff, discussing issues concerning sexual harassment is deeply sensitive, which can discourage individuals from coming forward. Some staff from ethnic communities who were new to the country wondered whether the sexual behaviours they found offensive were normal in Aotearoa, New Zealand. For disabled staff, the power imbalance of needing support or accommodation from others makes it difficult to report sexual harassment or abuse.

How well is Corrections preventing and responding to workplace sexual harassment against the standards of good practice?

Do senior leaders know their obligations, and set clear expectations and model respectful behaviour?

Senior leaders know their legal obligations relating to sexual harassment. However, they do not have good visibility over whether Corrections is meeting its organisational responsibilities for minimising unwanted behaviour as far as possible. Corrections does not have a clear and shared vision or agreed outcomes for preventing and responding to sexual harassment. Furthermore, Corrections does not have a sexual harassment prevention and response plan to guide the organisation on how to resource and implement change.

Does the current culture set the parameters on what is and is not acceptable and how unwanted behaviour will be managed?

Corrections has a permissive culture that accepts and normalises everyday sexism (and other forms of discrimination). The organisation also creates an environment for sexual harassment (and other forms of harassment) to permeate. The dominant workplace culture, described as an 'old boys club,' is seen as an enabler of sexism and sexual harassment. This permissive culture does not support people to speak up and raise concerns about sexual harassment. The environment does not give staff confidence that people experiencing sexual harassment will be listened to, parties will be held to account, and the system will learn and change. While this culture is across the organisation, it is particularly profound in prisons.

Is knowledge about respectful behaviour, the nature and causes of unwanted and unlawful behaviour being built and reinforced?

Reference to sexual harassment (and other forms of harassment) is silent in key induction tools. Staff joining the organisation routinely receive a copy of the New Starter Induction Handbook and the Code of Conduct. However, critical health and safety risks in the handbook do not mention sexual and other forms of harassment. The Code of Conduct makes only an oblique mention of sexual harassment between staff members.

Corrections staff have different understandings of expected workplace behaviours and views on sexual harassment. Building knowledge about respectful behaviour is limited in training programmes for new Corrections Officers and Probation Officers, and there is minimal reference to sexual harassment. National Office and Regional Office staff do not have an induction programme and there is no consistent mechanism for connecting these parts of the organisation with Corrections' values.

Corrections does not train its senior people well. This includes their responsibilities as leaders and managers to ensure staff safety, dignity, and inclusivity. Consequently, many leaders and managers lack confidence and have knowledge gaps when responding to complaints.

Does Corrections take a risk-based approach to prevention and response?

Several known risk factors for sexual harassment are present in Corrections' environments, such as power imbalances, gender inequality, offsite training, and social gatherings where alcohol is consumed. Control measures, e.g. policies are not comprehensive.

Senior leaders cannot access detailed information about these risks and the extent of unwanted and unlawful behaviours because the organisation does not have a comprehensive means to identify the risks and collect the data. Information collected on risk factors is not integrated and not reported to

senior leaders, resulting in a lack of good quality information to manage these equality and health, safety, and well-being risks. Consequently, no targeted measures to control these risks exist.

The drivers and risk factors of sexual harassment at Corrections overlap to a significant degree with the drivers and risk factors of racial harassment and bullying. The findings of this Review are therefore largely applicable to these other critical areas.

Are reporting and response mechanisms for unwanted and unlawful behaviour effective?

Corrections provides reporting information to Corrections Officers and Probation Officers when they start at Corrections. Corrections has written procedures for raising a concern about bullying, harassment, and discrimination, including a flow chart with a high-level process for making a complaint¹. Posters detailing the Integrity Line are in prisons. However, these reporting options are not socialised widely.

Corrections have various reporting channels, including talking to a manager (direct line manager or another manager), emailing, or phoning the Integrity Line, speaking to a Sexual Harassment Contact Officer, or a union representative. The Sexual Harassment Contact Officer role has not been well supported. Most staff members did not know of the role and no staff who contributed to this Review had engaged with this role.

While staff generally know how to report sexual harassment, managers often do not know what to do with the information, who to involve, and when to involve different parts of the organisation.

Responses to reports are informal and formal, but Corrections has no consistent approach to responding, and information is not integrated.

Are supports to reduce the harm from unwanted and unlawful conduct trauma informed?

Corrections proactively communicates wellbeing supports to staff who experience unwanted or unlawful behaviour including Corrections' welfare coordinators and the external Employer Assistance Programme (EAP). Staff who experience these behaviours can access services without a referral, which is essential given most staff experiencing sexual harassment do not report it. However, support is very generic and access to specialist support is very limited for staff experiencing unwanted and unlawful behaviour at the extreme end.

When granting leave, managers had few options besides sick and annual leave. The use of discretionary leave to encourage staff to focus on their well-being and speak up is low. Managers also found granting leave challenging due to workload and staff shortage pressures.

Managers often made workplace adjustments for people experiencing unwanted behaviour to avoid them interacting with the person alleged to have engaged in the behaviour. However, frequently, these adjustments caused emotional distress because the person felt forced out or the alternative arrangements were not stimulating or were below their capabilities.

Finally, the support needs of people who witness unwanted and unlawful behaviour and managers who receive disclosures are not well communicated or anticipated. Bystanders often feel responsible for not intervening, and events often trigger previous trauma. Leaders and managers frequently feel powerless due to organisational pressures. Furthermore, their capabilities often limit their ability to respond well to staff.

¹ This procedure was developed in March 2019 and due for review in October 2020.

How effective and transparent is monitoring and evaluation to understand the nature and extent of sexual harassment at Corrections?

Corrections collect important monitoring data on the drivers and risks of sexual harm. However, no structured framework for reporting the nature and extent of sexual harm and identifying patterns and hot spots exists. Senior leaders do not know the nature and extent of the problem and, therefore, how to eliminate sexual harassment and minimise unwanted behaviour in the workplace. Lack of transparency further contributes to staff's lack of trust in the system and their confidence to speak up on a sexual harassment matter.

Corrections collects different administrative data relating to positive culture, the drivers and risk factors of sexual harassment, sexual harassment reporting and investigations. However, other areas of data collection that can show the nature and extent of sexual harassment are not conducted well (e.g. undertaking exit surveys). Furthermore, Corrections units store this administrative data in different forms. It is therefore not possible to determine where, when and how much sexual harm is occurring. It also limits the ability of Corrections to identify patterns and hot spots.

Recommendations

To align with the standards of good practice, the Review recommends that Corrections invest and commit to the following:

- 1. Develop and implement an organisation-wide culture change programme.** The Review provides the opportunity to start a dialogue with staff and lead a change process. Transforming the culture of Corrections to align with its values will involve investment, leadership commitment, training, and staff engagement. Senior leaders must also be visible, set clear expectations, and model exceptional behaviours. This should form a broader approach to a positive workplace culture, including preventing and responding to sexual harassment, racial harassment, and bullying. Key actions will include:
 - defining Corrections' short- and long-term goals concerning sexual harassment * prevention and response. *Best practice says strive for elimination.*
 - leading an organisation-wide programme to prevent and respond to sexual harassment*. This would include building a positive culture of no tolerance for sexual harassment and where staff are empowered and enabled to speak up.
- 2. Build Corrections-wide knowledge of what constitutes sexual harassment and how to respond and support effectively.** More comprehensive training and support are needed to uplift staff and managers' capabilities. Key actions will include:
 - providing induction and refresher training to staff across all levels and sites about what is considered acceptable behaviour and what constitutes sexual harassment*
 - providing training and guidance to leaders and managers on how to prevent and identify signs of sexual harassment* in the workplace, how to call out unwanted behaviour and respond effectively.
- 3. Regularly assess workplace risk factors, implement effective control measures, and review these regularly.** Key actions will include:
 - agreeing and finalising the risks identified in the Risk Matrix (Refer Part 5)
 - implementing effective control measures for the identified risks. These control measures would include key Human Resource documents and policies (e.g., the Code of Conduct, Alcohol and Drug Policy, Travel Policy, and Cyber Policy).
 - Reviewing the risks and controls annually to ensure they remain relevant for Corrections.

4. **Set up effective processes for reporting and responding to unwanted and unlawful behaviour.** Effective reporting and responding processes will help build trust, which, in turn, can help prevent unwanted and unlawful behaviour in the first place. Key actions will include:
 - providing effective and regular communication to staff and third parties (unions, etc.) on the options for reporting a complaint of sexual harassment*
 - having a clearly defined and well-coordinated response process for when a staff member reports an incident of sexual harassment*
 - undertaking an internal review of the Sexual Harassment Officer's role to determine its future value
 - collating the range of complaints and responses so leaders and managers know the extent and nature of workplace sexual harassment*
 - developing an integrated system for responding to sexual harassment reporting
 - sharing important information about the outcomes of reports while maintaining legal requirements, respecting affected individuals' rights, and maintaining trust.

5. **Ensure person-centred, trauma-informed support is available for all staff who experience and witness sexual harassment.** By providing effective support, Corrections can reduce the harm caused and encourage staff who experience unwanted and unlawful behaviour to come forward and make a complaint. Corrections should ensure:
 - a range of supports is available for staff who experience sexual harassment*, including access to specialist services who have advanced knowledge, skills, and capabilities
 - inclusive supports that are responsive and culturally safe for Māori, Pasifika, ethnic, LGBTQIA+, disabled and neurodiverse staff
 - staff-led networks are trained on how to respond when members of their networks make a disclosure.

6. **Develop an integrated monitoring, evaluation and learning framework.** This Review is an important baseline for providing senior leaders with evidence of the scale and nature of sexual harassment at Corrections. A monitoring, evaluation and learning framework will help Corrections assess progress towards its desired outcomes and determine hotspots for further staff training, development, and other actions. Key actions will include:
 - establishing a data management plan, including regular staff engagement to measure the prevalence of sexual harassment* across worksites
 - reporting progress towards eliminating sexual harassment* to Corrections' leaders so they have appropriate oversight.

* And other forms of discrimination and harassment

Part 2: Review purpose and method



Why was the Review of Sexual Harassment conducted?

Corrections is one of the largest government organisations in Aotearoa, New Zealand, employing approximately 10,000 people. Most staff work with offenders in 18 prisons and 151 Community Corrections sites nationwide, supported by 15 District Offices, 4 Regional Offices and the National Office in Wellington.

Corrections works to make New Zealand a better, safer place by protecting the public from those who cause harm and reducing re-offending through rehabilitation programmes². Prisons, in particular, are difficult environments for those detained and staff working in them.

The Chief Executive of Corrections commissioned this Review to identify how to strengthen the prevention of workplace sexual harassment. The Review was also undertaken to determine how Corrections can better respond to sexual harassment matters when they occur to uphold staff wellbeing and minimise further harm.

Corrections have key obligations informing this Review:

- Employment Relations Act 2000
- Human Rights Act 1993
- Health and Safety at Work Act 2015.

The Review was specific to sexual harassment behaviour that the Corrections Preventing Bullying, Harassment and Discrimination Policy defines as:

- Unwelcome or offensive sexual behaviour (written, spoken, visual or physical) that is repeated or one-off inappropriate behaviour, directly or indirectly that is significant enough to have a detrimental impact on an individual's employment, job performance or job satisfaction.
- Sexual harassment also includes a request for any form of sexual activity or favour which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment of work.

The Review was confined to sexual harassment that occurs between Corrections staff (e.g. permanent, fixed term, part-time, contractors/consultants).

Appendix 1 has the Terms of Reference for the Review.

² [About us | Department of Corrections](#)

How was the Review conducted?

An independent team of gender and ethnically-diverse engagement practitioners and advisors skilled in risk management, psychology and understanding of Corrections' settings undertook the Review.

The independent reviewers designed and managed their engagement processes and analysed survey data. Corrections supported the independent reviewers and willingly gave access to information and documents. Corrections also managed internal communications with Corrections' staff about the Review.

This report is intended for the sponsors of this Review. Corrections were given the opportunity to comment on the draft report. However, reviewers drew insights, conclusions, and recommendations independently of Corrections.

The Review was undertaken between March to September 2024

The Review drew on five sources of evidence:

1,895 staff commenced a nationwide staff survey³

The independent reviewers analysed the results of a national online survey sent to all Corrections staff. 9,978 staff received the survey, and 1,895 staff commenced the survey: a response rate of around 19%. Staff were surveyed on their knowledge of sexual harassment behaviours and what is deemed acceptable behaviour when working at Corrections.

The survey asked if staff had personally experienced sexual harassment from another staff member, whether they reported the incident/s and their reasons for not reporting. The survey sought feedback on whether staff felt Corrections had appropriately dealt with the incident/s and whether they sought or offered support during and following the incidents. The survey also canvassed staff's views on the factors that shape Corrections' ability to prevent and respond to sexual harassment incidents.

Appendix 2 has the survey results and the profile of staff who completed the survey.

36 Corrections staff requested an in-person or virtual interview

The independent reviewers interviewed 36 Corrections staff. Most of these staff had first-hand experiences of sexual harassment from another staff member which had or was in the process of being investigated. Some staff had supported a staff member who had experienced unwanted behaviour. All these staff spoke about the wider aspects of Corrections' culture and how this culture created the conditions for sexual harassment to occur.

³ The survey was undertaken by a third party and analysed by the Review Team. The survey was not weighted, meaning each response was counted equally without adjusting for demographic or other factors.

The Review Team invited Spring Hill Corrections Facility, Rolleston Prison and Hamilton Community Corrections staff to participate in an in-person interview.⁴ Interviews with staff located in other locations were conducted virtually.

4 staff-led networks engaged with the review

The independent reviewers sought feedback from specific staff networks that were underrepresented in the survey to ensure that a full and diverse range of perspectives and experiences were canvassed. Ten staff from the Pasifika, disabled, neurodiverse, and LGBTIQ+ staff-led networks were interviewed in groups or individually. These staff were speaking from their leadership position. They drew not only on their own experiences but also the experiences of their networks across the organisation. Their views were also triangulated with literature which noted that sexual harassment amongst disabled, LGBTIQ+, women and first nation people are more prevalent in workplaces (Australian Human Rights Commission, 2023).

21 national and regional leaders were interviewed

The independent reviewers conducted 21 in-person and virtual interviews with the Corrections Leadership Team and regional leaders. People in key roles including employment relations, staff wellbeing, people services, the learning centre, integrity and assurance, legal and the Office of the Inspectorate as well as stakeholders from two main unions, were also included.

Appendix 3 has the review tools of the information sheet, consent form and the interview questions.

Appendix 4 contains the high-level profile of Corrections staff and leaders interviewed.

Over 40 policies documents were reviewed

Over 40 policies and procedures were gathered and analysed by the independent reviewers. These documents included the Code of Conduct, health, safety and security standards and procedures for inducting staff, bullying, harassment, discrimination, and complaints procedures, speaking up channels, terms of reference for the Speak Up Oversight Group, and an Official Information Request on the numbers of sexual harassment.

The independent reviewers also considered Hōkai Rangi – Ara Poutama Aotearoa Strategy 2019-2024, Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984, and other relevant literature.

The reference section has the list of Corrections' policies examined and other documents used to inform the Review.

A best practice framework was used to assess performance

The Review assessed the current state of sexual harassment along with the perspectives on where Corrections is falling short on preventing sexual harassment before it occurs and responding to incidents to minimise further harm.

⁴ Interviews were taken outside corrections facilities to ensure privacy for participants, (e.g. outside the wire in Spring Hill, and in community meeting rooms in Hamilton and Rolleston).

The Review assessed the current state against the positive duty under the Sex Discrimination Act 1984 (Australian legislation) and associated standards of practice to determine required improvements to the way Corrections prevents and responds to incidents of sexual harassment.

Appendix 5 has a summary of the seven standards for satisfying the positive duty.

The Review recognises the gendered nature of sexual harassment. Gender inequality and power imbalances are conditions for sexual harassment and other forms of discrimination. Additionally, the Review recognised the risk of sexual harassment is much greater for staff who already experience discrimination and disadvantage (e.g., Māori, Pasifika, staff from ethnic communities, disabled and LGBTIQ+ staff).

The Review recognises that while other forms of harassment (e.g. racial) were outside the scope of the Review, understanding intersectionality is important for understanding sexual harassment. By taking an intersectional approach, Corrections can identify and address these intersecting disadvantages.

We acknowledge the Review's limitations

The Review draws across both qualitative and quantitative evidence to identify how to strengthen the prevention of workplace sexual harassment in Corrections. The Review findings are robust and give clear direction forward based on the evidence. In reviewing the evidence presented, awareness of the following limitations is needed.

The staff survey offers an indicative but not definitive measurement of staff experience of sexual harassment from other staff members. The survey limitations are:

- Potential sampling bias: The survey achieved a response rate of **19%**, and significantly more women completed it. We do not know if staff who did not complete the survey had the same experiences or perceptions as those who completed it. Staff who distrust Corrections and dismiss the relevancy of sexual harassment for Corrections may have been less likely to complete the survey. The survey findings were consistent with the staff interviews.
- Under-reporting of sexual harassment at Corrections. The survey asked staff whether they had experienced sexual harassment from another staff member at Corrections. A definition of sexual harassment was listed at the start of the survey. However, staff responses to this question are likely drawn from their definition. The New Zealand Human Rights Commission's (2022) nationwide survey found when workers were explicitly asked if they had experienced sexual harassment behaviours, the prevalence increased.
- Staff who had conducted unwanted and unlawful behaviour did not request an interview. These people may have different perspectives from the interviewees and survey respondents who had experienced and witnessed sexual harassment.

Word on language

The terms women and men are inclusive of all genders, including trans women and trans men. Where applicable, the report also refers to LGBTIQ+ people.

Part 3: The Living Experience of Sexual Harassment



The Living Experience of Sexual Harassment

Part 3 of this report discusses the living experience of staff who experience and witness sexual harassment at Corrections. It describes:

1. Who has experienced sexual harassment at Corrections.
2. The continuum of unwanted and unlawful behaviours staff are experiencing.
3. The substantial impacts of sexual harassment on Corrections people.
4. The likelihood and barriers to reporting.
5. Staff experiences of Corrections' response to their complaints.
6. Staff experiences of support.

Data and insights in this section are drawn from the staff survey and interviews.

One in four staff have experienced sexual harassment from another staff member

Of the Corrections staff who answered the survey, **25%** said they had personally experienced sexual harassment from another staff member during their time working at Corrections. As indicated, the reported level of staff experiencing sexual harassment from another staff member is likely to be underreported in the survey (refer Review limitations).

The Corrections staff survey rate of self-reporting is higher than a national survey of workers. The New Zealand Human Rights Commission (2022) nationwide survey of 2,512 workers in New Zealand found **17%** of workers reported being sexually harassed at some time in their working life.⁵

Women, young people, Māori, European and prison-based staff were more likely to experience sexual harassment

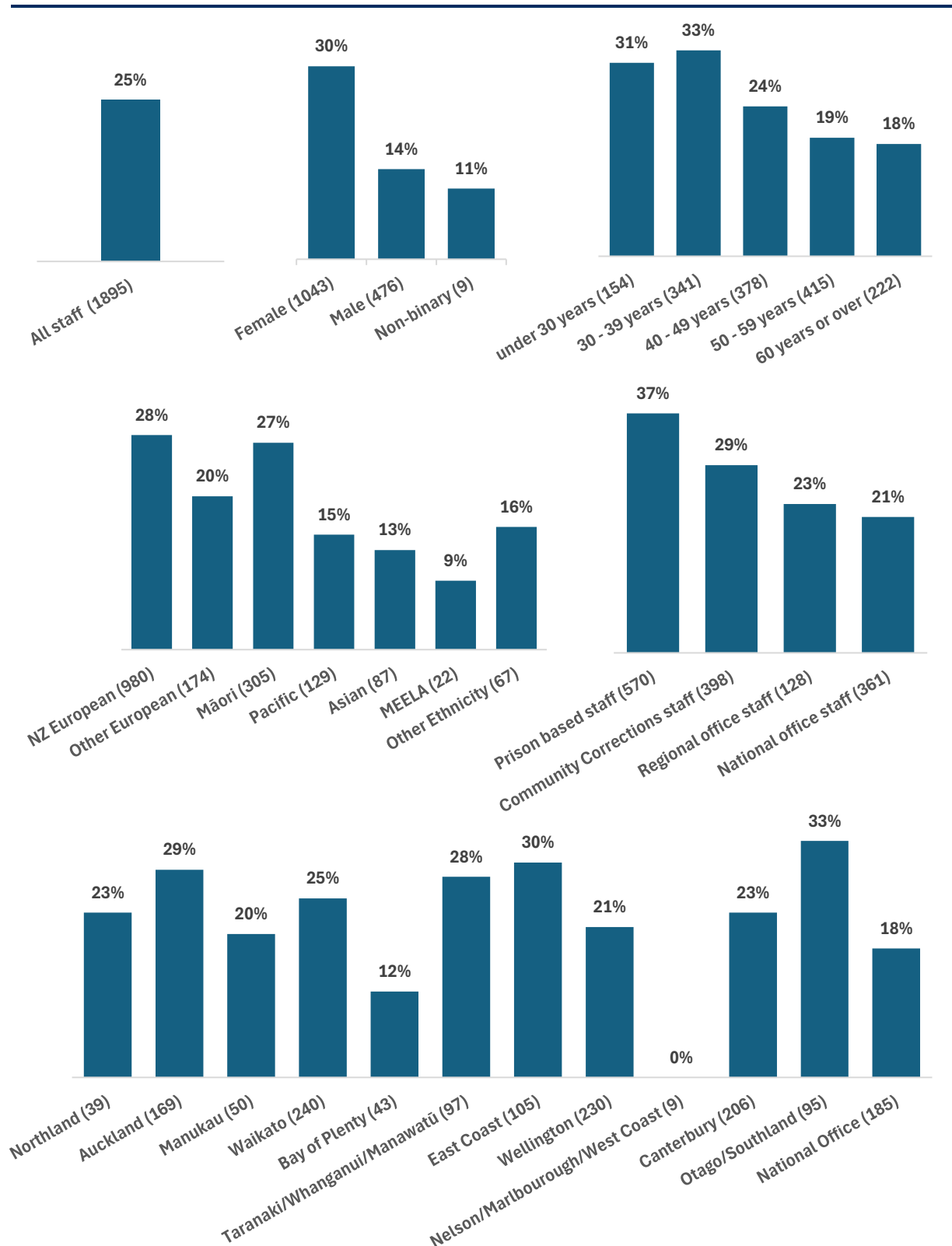
Figure 1 highlights the differences in those experiencing sexual harassment across all staff who completed the survey.

- Women are more likely to experience sexual harassment (**30%**). Sexual harassment also affects men (**14%**), and their experiences should not be dismissed.
- Māori are also overrepresented, with **27%** reporting experiencing sexual harassment
- Younger rather than older staff are more likely to experience sexual harassment. Six in ten (**63%**) staff aged under 40 years reported they have experienced sexual harassment.
- Sexual harassment occurs in all Correctional facilities, and prison-based staff were more likely to say they had experienced sexual harassment (**37%**).

A significant number of staff who experienced sexual harassment did not want to share personal information that would identify them.

⁵ Care is needed with this comparison given the differences between the survey.

Figure 1: The profile of staff who experienced sexual harassment who completed the survey



Source: Corrections staff survey

Base: All respondents for each category. Percentages will not total to 100%.

Note: Some staff identified with more than one ethnicity.

Many staff have intersectional experiences of harassment

Many staff interviewed experienced multiple forms of harassment and discrimination. Wāhine Māori, disabled people and LGBTQIA+ people were more likely to experience other forms of discrimination and harassment compared to their male and Pākehā colleagues. For example, wāhine Māori identified the experiences of sexual harassment in the wider context of discrimination based on ethnicity and gender, such as challenges in accessing promotions and lower pay in comparison to male and Pākehā colleagues.

Women are already seen as weaker or less valued in the hierarchy of Corrections, especially young women. To be a young Māori woman in this organisation is not conducive to being respected or treated well. To speak up against anything would only give us a bigger target on our backs.

Pasifika and staff from ethnic communities also experienced racial harassment. Disabled and neurodiverse staff members frequently experienced both sexual harassment and ableism in the workplace. LGBTQIA+ staff also experienced harassment and discrimination based on their sex and sexual orientation.

We know that people who identify with marginalised groups, women particularly, wāhine Māori are having the worst experiences across a number of different aspects when they're at work from pay right through to career progression or lack thereof through to sexual harassment.

A permissive culture results in a continuum of unwanted and unlawful behaviours

Corrections' male-dominant workplace culture is an enabler of sexual harassment

Many staff saw Corrections' dominant workforce culture as an 'old boys club'. Staff spoke of an informal and influential network of male staff across Corrections' national and regional leaders and frontline staff.

Staff felt the 'old boys club' tolerated language and behaviour that enabled sexual harassment. Many staff felt this network tended to normalise or be dismissive of sexual harassment within Corrections' settings. They were seen to protect staff with problematic behaviour through internal promotions. Further, the network was seen to hold values that minimised and devalued the contribution of women in the workplace. This dominant culture was seen as a critical barrier to achieving sustained cultural change.

There's a certain group that are the decision makers or the influencers and it's not any of the women. It's not any people with brown skin. It's just white men.

'Boys' club' culture where they don't ever want to think the worst of people that they like.

The standard of acceptable behaviour and what defines sexual harassment is not well-understood

- **97%** of staff who answered the survey said they knew what acceptable behaviour was working at Corrections.
- **96%** of staff who answered the survey said they knew what behaviours are typically regarded as sexual harassment.
- **66%** of staff who answered the survey said they agreed or strongly agreed inappropriate behaviours are discouraged in the workplace. This rating drops to **46%** agreement amongst staff who have experienced sexual harassment.

The staff survey indicated that most staff perceived they knew the standard of acceptable behaviour and that inappropriate behaviours were discouraged. Further, most said they knew what behaviours are regarded as sexual harassment. However, the level of sexual harassment occurring within Corrections could indicate a lack of understanding of acceptable behaviour and what constitutes sexual harassment. The finding is reflective of the New Zealand Human Rights Commission's (2022) nationwide survey of 2,512 workers, which found when workers were explicitly asked if they had experienced sexual harassment behaviours the prevalence increased from **17% to 30%** of workers experiencing sexual harassment.

Staff interviewed demonstrated a diversity of perspectives and different expectations relating to sexual harassment behaviours both for them and their colleagues. Women interviewed were more likely to hold higher thresholds of acceptable behaviour when working at Corrections and consider a broader range of behaviours to be sexual harassment.

The unfortunate thing about our environment, is that the culture is very old school. People say things in here that nobody in the outside organisations I have worked in would dream of saying. Commenting on how you look and what you're wearing. Outright flirting. 'Locker-room banter' about the opposite sex, by either sex. Objectifying. It's completely accepted as the norm.

A lot of men think that locker room talk is okay. Then you've got senior men that don't pull them up on it. If a woman says, 'Hey, that's not okay' they just go, 'pfft, you know'.

A continuum of experiences exists from unwanted to unlawful

Staff experienced behaviours from another staff member that contributed to a disrespectful and unhealthy work environment, including sexist jokes and comments based on gender stereotypes. Staff spoke widely of a culture of 'banter' and 'black humour' being used in Corrections as a coping mechanism. Prison staff, in particular, identified 'black humour' as a tool to manage their challenging work environments. Staff across all workplaces considered there was not a clear understanding of when 'black humour' or coping mechanisms crossed a line into sexual harassment.

Inappropriate behaviour, 'black humour', that is rife in the department. And some of that I don't personally have a problem with.

Staff also experienced unwelcome, offensive, and repeated behaviour, including comments on their physical appearance (e.g., on their breasts, buttocks, hair, clothing, and makeup), staring and leering at their breasts, and invasion of personal space, such as rubbing against them in lifts. These behaviours also included intrusive questions and teasing about a person's sexual activities and private lives and persistent and unwanted social invitations and sexual advances, including giving unwanted sex toys and sexualised material.

Staff also experienced unwanted kissing, hugging, and touching from another staff member, non-consensual groping, and non-consensual sex.

Instances of sexual harassment took place in the workplace, training, and social gatherings

Staff said these behaviours happened in lunchrooms, while walking through corridors and working at their computers. Staff also experienced sexual harassment during offsite training, with several people noting occurrences at the National Learning Centre. Sexual harassment also occurred in social situations. Staff reported incidents at Corrections-organised social events like team-building activities and smaller staff-initiated gatherings such as barbecues and after-work drinks.

The presence of sexual harassment varies across Corrections worksites. Staff who had moved across sites noted that behaviour that was common in one site may be considered unacceptable elsewhere.

Nurses working in prisons seemed to be particularly at risk of unwanted behaviours due to their lack of control within the prison setting and gender power imbalances.

Women are already seen as weaker or less valued in the hierarchy of Corrections, especially young women.

Staff also shared their experiences of online sexual harassment

Staff members also recounted their experiences with online sexual harassment, which occurred on social media, online messaging apps, text messaging, and email. These instances included persistent requests for dates and intrusive questions about their sex lives. Staff further reported that online sexual harassment involved derogatory or threatening comments related to their gender or sexual identity, threats for reporting a sexual harassment incident, and intimate visual recordings, e.g. 'dick pics' or using their mug shots for stimulating the harassers' sexual gratification.

Men I work with got my personal information from the database and contacted me at home. Propositioning me for sexual relationships.

Staff who experienced sexual harassment are substantially affected

Workplace sexual harassment at Corrections is having devastating impacts on affected staff. A person's gender, experiences of discrimination and disadvantage, and the nature of the behaviour all contribute to these impacts. For wāhine Māori, sexual harassment can be considered a violation of their mana and impacts on their wairua. Staff who experienced sexual harassment described wide-ranging impacts, including:

Mental health impacts

Staff who experienced sexual harassment from another staff member reported several mental health conditions, including stress, anxiety, depression, and post-traumatic stress disorder.

I was a wreck, my colleagues knew something was wrong as I was not myself. I was randomly breaking down in tears.

Impact on self-esteem and job satisfaction

Experiencing sexual harassment also impacted the person's self-esteem, self-confidence, and ability to trust other Corrections' staff and their respect for managers. Staff who experienced and witnessed sexual harassment felt a lack of job satisfaction and diminished enthusiasm in undertaking their work. As a result, staff experiencing sexual harassment often found it difficult to perform their roles well.

I was breaking down at work. I couldn't concentrate. It was always in the back of my mind.

Safety concerns

Corrections staff voiced concerns over safety during and following a sexual harassment incident. They felt increasingly unprotected by their fellow officers and colleagues, especially when power dynamics were involved. This issue often intensifies after reporting an incident either informally or formally.

Staff in custodial roles expressed that the general safety demands of the prison environment magnified their physical safety worries. When officers reported sexual harassment or were seen as unwilling to tolerate such behaviour, they perceived a lack of officer support in ensuring their safety with prisoners. As a result, some staff experiencing sexual harassment felt they were vulnerable in hazardous situations.

I was expected to continue to work my night watch shifts with the [person] who had sexually assaulted me.

Impact on employment and career progression

Staff experiencing sexual harassment and, in particular, reporting it, noted the experience and response had a limiting effect on their careers. People used sick leave and annual leave to avoid the harasser, distance themselves from work colleagues, and take time to heal. Some staff requested a

move to a new work site away from the harasser, which required them to learn new roles and form new relationships. For others, their manager suggested they move to another work site. The latter left staff who had experienced sexual harassment feeling they were being blamed and punished, and their accused harasser had no immediate consequences for their behaviour.

Staff described being unwilling to apply for new roles or promotions because the harasser would be their new manager or was on the recruitment panel. They felt that applying would put them in a further position of vulnerability or obligation to the harasser, making it harder for them to keep themselves safe.

He was very good to me, but I knew there was grooming going on. I knew if I accepted [the promotion], I would be beholden to him, so I just removed my application.

Staff were also considering leaving the role they once enjoyed and built their career on.

I've had friends leave Corrections because of the sexual harassment they receive from colleagues.

Impact on partner relationships

The impact of experiencing workplace sexual harassment also affected intimate partner relationships outside of work. They reflected that they found it challenging to trust romantically and sexually and let new partners into their lives.

Managers and staff who witness sexual harassment are also impacted

Managers of staff who experienced sexual harassment were troubled upon learning about the incidents. Many managers felt unprepared to prevent such harassment and were disappointed in their management capabilities when they witnessed or found out that their team members were harassed.

Managers also felt ill-equipped to address sexual harassment once it occurred. They were unfamiliar with the policies and procedures to follow and had not received training on managing sexual harassment in the workplace.

Managers acknowledged the negative impact that sexual harassment had on team dynamics and expressed concern for their team. For some, hearing about the harassment of their team member was also a triggering experience, reminding them of similar incidents they may have encountered in the past.

It sits heavily with me that I have had staff harmed in the workplace 'under my watch', and it's left a scar and impact on me.

Limited trust in the complaints process and repercussion fears stop reporting

A strong reluctance exists to report sexual harassment incidents

Staff who have personal experiences of sexual harassment do not feel confident reporting sexual harassment. Of staff surveyed who experienced sexual harassment, nearly three-quarters (**73%**) did not formally report the incident.

Staff who have personal experiences of sexual harassment faced many barriers to reporting their experiences to Corrections. These barriers mean that incidents often go unreported or considerably delayed a staff member raising concerns.

Staff reflected their reasons for not raising concerns were often due to Corrections handling previous sexual harassment concerns raised by colleagues. In addition, if staff had a prior unsatisfactory outcome in raising other concerns or making requests to their managers, they were less likely to raise a concern about sexual harassment.

I encouraged her to seek support. She wasn't comfortable with that because she had had a bad experience with them in the past where they hadn't managed the information that she'd shared in a sensitive way. She didn't have that trust and confidence in them to do right by her.

A lack of trust exists in handling and resolving incidents in Corrections

A lack of trust in Corrections' handling and resolution of incidents and the fear of retaliation from the harasser and their workmates are the main reasons staff members do not raise their concerns. About half of staff surveyed (**48%**) did not agree that Corrections will take reporting seriously. Amongst staff surveyed who have experienced sexual harassment, **66%** did not agree it would be taken seriously.

The lack of trust is further demonstrated by:

- **54%** of staff surveyed who have experienced sexual harassment did not report the incident because they didn't think it would be kept confidential.
- **42%** of staff surveyed who have experienced sexual harassment did not report it because they didn't think anything would be done about it even if they reported it.
- **31%** of staff surveyed who have experienced sexual harassment did not report it because they did not think people would listen.

Many staff were reluctant to speak with someone privately or make a formal complaint because they did not trust the matter would be dealt with respectfully and confidentially and keep them safe. Prison-based staff said, 'walls have ears' and were concerned about the spread of private and sensitive information. Staff also reflected that due to shared prison experiences, officers and managers socialise outside work and often discuss personal relationships and events. Staff spoke about the lack of one-on-one time with managers, difficulties scheduling meetings around shift work, and a lack of meeting rooms to hold private conversations.

Furthermore, many staff did not think Corrections would take their complaint seriously. They said the behaviour was well known among senior staff and had never been acted on before. For example, managers and other staff do not speak up when unwanted sexual behaviour happens in public spaces.

Many staff did not report sexual harassment because they did not consider their perspectives to be taken seriously. The harasser was often in a more senior role, popular and charismatic.

Normally that behaviour from the male is going to be somebody that's probably been there for a while and they're very likable, they're quite charming. Everyone automatically goes, "Oh, no, that's just him, you know". Or, "No, he's not like that, he wouldn't do that".

Staff also observed that portraying sexual harassment as harmless banter is often used to downplay the harassers' impact and silence the victim. Many staff found it challenging to stand up to this type of behaviour and felt that their views would not be believed and listened to. Some managers noted they did have the training to stop 'banter' within their teams. In contrast, staff experiencing sexual harassment also noted some managers enabled inappropriate bantering in their team. Their feedback reinforces that leaders and managers, nationally and regionally, set the expectations of appropriate behaviour. However, feedback indicates the managerial response to inappropriate behaviours was inconsistent across different units and regions, reflecting variations in the local cultures.

I see certain males making inappropriate remarks or general comments in meetings, group settings, and open-plan offices. This can often be a manager of that team or office and gets brushed off as 'that's just him'. Their comments can be disrespectful in many ways, not just sexually inappropriate.

Fear of retaliation and consequences impede the reporting of incidences

- **46%** of staff surveyed who experienced sexual harassment did not report the incident because they were concerned about the repercussions.
- **50%** of staff surveyed who experienced sexual harassment did not report because they were concerned about the reaction from the staff member harassing them.
- **40%** of staff surveyed who experienced sexual harassment did not report because the harasser was in a position of authority over them.

Many staff who said they had experienced sexual harassment feared the consequences of talking to someone about their experiences or reporting the matter. Often, the harasser held a position of authority over them (i.e., a manager or another person of a higher rank, and they felt reporting the incident would harm their careers). As this person managed their workload or reported to them, they felt this person would make it difficult for them or result in more extreme harassment.

Staff in their early careers were concerned that raising a matter (regardless of whether the matter was proven) could jeopardise their future career options with Corrections and other employers, i.e. being passed over for promotions or making it difficult to find another job. Staff recruited from another country were also concerned about how reporting a matter could impact their integration into the New Zealand workforce. Many of these staff had been warned by their peers not to speak up, as it would affect their careers and make integration more difficult.

As a young person starting my career with Corrections, it was very clear if I reported the sexual harassment I suffered, it would impact my career prospects.

The second someone finds out that I put in a formal complaint, the years of building that reputation as a good, strong officer is gone.

The loss of team support and safety impedes reporting

Prison-based staff spoke about the importance of safety on the prison floor. Speaking up and reporting a sexual harassment matter made staff, particularly women, extremely vulnerable. Staff spoke of their concern over prisoners becoming aware of the matter or losing the support and protection of their fellow officers on the floor.

- **41%** of staff surveyed who experienced sexual harassment did not report the incident as they were concerned about the reaction from other staff.
- **28%** who experienced sexual harassment and did not report the incident did not think it warranted getting anyone into trouble.

Staff reflected that prison settings hold strong unit-orientated cultures where unwanted behaviour is often condoned or silenced. Those who speak up about this behaviour are labelled as 'narks' and face career and social repercussions.

In a prison setting, the hierarchy is so strongly built into the team on the floor, that if you report it, you're looked as weak, and a nark. It's an accepted part of this culture, which is horrendous.

If they say something, they're kicked out of the unit. I've seen it happen here multiple times. PCOs have removed women for speaking up.

National Office and probation staff commented these social norms are not as strong in their areas. However, they acknowledged the movement of personnel from prisons to other Corrections workplaces can result in inappropriate behaviours enter their workplace and become entrenched if not addressed.

Cultural norms and culturally unsafe workplaces stop reporting.

Culturally unsafe workplaces are not conducive for wāhine Māori to speak up.

Hōkai Rangi expresses Corrections' commitment to delivering great outcomes with and for Māori in their care and their whānau. Hōkai Rangi does not set a strategic direction for creating a culturally safe environment for Māori staff. Feedback from Māori and in particular wāhine Māori indicate a workplace culture that is not respectful or safe to speak up. A culturally safe workplace is one that actively seeks to address their own biases, attitudes, assumptions, stereotypes, prejudices, structures and characteristics. This organisational level of self-reflection and remediation does not appear to be happening consistently across Corrections.

Cultural norms impede reporting by Pasifika staff

For Pasifika staff, discussing issues concerning sexual harassment is deeply sensitive and taboo, which can discourage individuals from coming forward. Furthermore, the hierarchical nature of Pasifika societies and the culture of respect and loyalty to leaders act as additional barriers to reporting sexual harassment.

Pasifika staff may have obligations to financially provide for their families and villages in Aotearoa and internationally. These obligations also act as a barrier to reporting because staff do not want to risk their careers and livelihoods.

Staff from Pasifika and other close-knit ethnic communities also spoke about privacy and reputational issues, mainly when the parties involved were from the same village, ethnic group, or country of birth. The obligation to uphold cultural values such as maintaining relationships and protecting family ties are further barriers to speaking up and reporting sexual harassment.

Some staff from ethnic communities are uncertain what is acceptable behaviour in New Zealand.

Some staff from ethnic communities also wondered whether the sexual behaviours that they found offensive were due to cultural differences in what is considered appropriate in Aotearoa New Zealand. For example, having to ask if language or behaviours they deem unacceptable, and offensive is acceptable in Aotearoa New Zealand's workplaces.

Disabled staff are not receiving support needed to report.

For disabled staff, the power imbalance of needing support or accommodation from others make it difficult to report sexual harassment or abuse. Staff with communication barriers in particular, fear not being believed or understood. Isolation and marginalisation within the workplace due to the lack of awareness or understanding of the specific challenges faced by disabled people also make it difficult to report sexual harassment. As a result, disabled staff may choose not to disclose.

Neurodiverse staff can find it challenging to recognise sexual harassment in the workplace making it difficult for staff to feel confident in reporting it.

You're not sure what line you're on, so you're just needing to be very careful.
Of course, being neurodivergent, add the dimension of 'I don't see it'. It has to be overt for me to see there's nuance to sexual harassment.

A sense of shame and self-blame stops reporting

- **53%** of staff surveyed who experienced sexual harassment did not report the incident as they did not want to call attention to themselves.
- **32%** of staff surveyed who experienced sexual harassment did not report the incident as they felt uncomfortable talking about it.

Some staff who had experienced sexual harassment from another staff member felt a strong sense of self-blame. Staff who experienced sexual harassment felt inadequate and due to the prevailing workplace culture, questioned whether they could have been able to prevent the incident. These personal factors led to shame in talking to someone or a reluctance or delay in reporting the matter.

Unclear reporting policies and processes exist

- **26%** of staff surveyed who experienced sexual harassment did not report the incident as they did not know how to report it appropriately.

Staff said the lack of clear information on how to report a matter and what happens at key stages of an investigation also created reporting hesitancy. Frontline staff were also less aware of the policies and processes than National Office staff.

No clear process or policy says this is how it's done, which means it's not done.

Staff did not consider their complaints were handled well

- **61%** of staff surveyed who made a complaint did not think it was appropriately dealt with.
- **20%** of staff surveyed said they agreed that Corrections is consistent when disciplining people who perpetrate sexual harassment. However, this rating drops to **9%** agreement amongst staff who experienced sexual harassment and reported it.

The act of speaking up creates feelings of unease, anxiousness, and fear

Often when staff spoke up or reported the matter, they felt the matter was brushed off and they were not believed. While staff *'spoke up'*, their managers often didn't *'listen up'*.

Staff also noted social consequences for speaking up and reporting. In prison settings, in particular, team dynamics changed and often soured. The person speaking up was considered an alarmist and disloyal to their unit. They felt ostracised by their teams, leading to feelings of insecurity and fear for their safety.

In many cases, the person who reported the incident had to adjust and distance themselves from the other party. They were moved position, given different caseloads, and felt unable to contribute or perform at their best.

I was told by my line manager to come back to him if the issues became 'unmanageable' after having an already extremely challenging conversation which I thought clearly outlined that it was already unmanageable.

Once I did speak up, it was hard enough, felt like I was constantly fighting against allegations from him and my work ethic.

At the end of the day everything changed including my place of employment, caseload, type of work leaving me in a vulnerable position.

Staff generally did not have positive experiences of the process and outcomes

They found having to repeat their stories to different people and respond to statements traumatising. Many found the attitudes of internal and external investigators moralising and victim blaming. Wāhine Māori did not find these conversations mana enhancing.

Several staff said their comments had been taken directly to the people harassing them identifying them as the complainants, which compromised their safety.

Staff also discussed the very long time it took to resolve their complaints. Many found the long timeline very difficult to manage, particularly if they were still working with the person who had harassed them.

Staff also commented on a lack of communication from human resources on their investigations. They said information was lacking on the steps in the investigation, the anticipated timelines of each step and the stage of their investigation.

There is no clear set process of who's supposed to do it, what they're supposed to do.

Many said that investigations were treated with high levels of secrecy. Staff felt this secrecy privileged Correction's reputation and the other party rather than supporting their recovery. They found this practice limited their ability to seek support or to protect themselves during the investigation. Managers involved in responses to sexual harassment also noted the process did not minimise harm or prevent revictimisation of those reporting.

Others noted that during the investigation of their claim, other staff had come forward with similar reports against the same person. However, these reports were excluded from the investigation as they would potentially harm the current investigation. Staff members who had experienced harassment considered this a very poor process as it presented each incident of harassment as a unique event rather than part of a pattern of behaviour by some staff members.

Many staff who had made complaints said they received little information about what happened to the other party, (i.e., were they still working at Corrections and did they receive sanctions or corrective training). Staff who experienced and reported sexual harassment felt a lack of accountability in the process. Staff who experienced sexual harassment were extremely dissatisfied when the other party left Corrections before the investigation concluded. As a result, the complaint could not be resolved and the other party were not held to account for their behaviour.

There's no serious consequence to the offender. As the victim, you are made to feel like it's your fault. Corrections do a terrible job. Especially as it's corrections officers of varying ranks that commit this.

Staff who experienced sexual harassment did not feel supported

- **54%** of staff surveyed who experienced sexual harassment sought support during or following the incident.
- **46%** of staff surveyed who experienced sexual harassment were offered support during or after the incident.

The main form of support sought and offered to employees who had experienced sexual harassment was the Employer Assistance Programme (EAP). Staff had mixed experiences with EAP services. Staff had positive experiences, when counsellors were culturally competent, built a positive rapport and understood the importance of relationships, mana motuhake, empowerment, trust, and collaboration.

For staff who moved roles following sexual harassment, support was not always available in the new role or location.

Some staff identified unions as a positive source of support. However, others felt unable to receive support from their union as they were also supporting the other party, or because the harassment occurred when they were not a union member.

Only a few staff were aware of the Sexual Harassment Officer role and the supports this role provided. Those who were aware of the role were unsure of their function and whether they provided support.

The victim doesn't get looked after. There's no support in place for them. There's no one that goes and says, "Hey, listen. Are you all right? Do you need someone? Have you reached out and got support from EAP and the like?"

Part 4: How well is Corrections preventing and responding to workplace sexual harassment?



How well is Corrections preventing and responding to workplace sexual harassment?

Part 4 of this report discusses how well Corrections is preventing and responding to sexual harassment in the workplace. It discusses:

1. How well the organisation is strengthening the conditions that prevent sexual harassment e.g. creating safe, respectful, and inclusive workplaces and setting parameters as to what is acceptable.
2. How well Corrections enable reporting and build trust in reporting processes.
3. How well Corrections provide restoration and rebalance for staff affected by workplace sexual harassment.
4. How well Corrections are monitoring the nature and extent of sexual harassment and evaluating their actions to prevent and respond to sexual harassment.

The Review assessed the current state against the positive duty under the Sex Discrimination Act 1984 (Australian legislation) and associated standards of practice to determine required improvements to the way Corrections prevent and respond to incidents of sexual harassment. These good practice standards are Leadership, Culture, Knowledge, Risk Management, Reporting and Response, Support, Monitoring, Evaluation and Transparency.

Leadership

What does the standard say?

Senior leaders play a critical role in creating safe, respectful, and inclusive workplaces that value diversity and gender equality. Senior leaders hold ultimate responsibility and accountability for their organisation's governance and legal compliance (Australian Human Rights Commission, 2023).

What is the current state?

- **75%** of staff who answered the survey said they agreed or strongly agreed leaders (i.e., direct supervisor or manager) are committed to building a respectful workplace. This rating drops to **59%** agreement amongst staff who have experienced sexual harassment.
- **60%** of staff who answered the survey said they agreed or strongly agreed leaders (i.e., direct supervisor or manager) address disrespectful behaviours when they see it. This rating drops to **45%** agreement amongst staff who have experienced sexual harassment.
- **52%** of staff who answered the survey said they agreed or strongly agreed leaders (i.e., direct supervisor or manager) ensure that workers who report incidents of sexual harassment do not suffer negative consequences. This rating drops to **38%** agreement amongst staff who have experienced sexual harassment.

Senior leaders know their legal obligations relating to sexual harassment. However, they do not know if Corrections meets its legal obligations to eliminate unlawful conduct. They also do not have good visibility over whether Corrections is meeting its organisational responsibilities for minimising unwanted behaviour as far as possible.

Senior leaders take these obligations seriously. However, no clear and shared vision or agreed outcomes exist for achieving the vision amongst senior leaders. Senior leaders do not have active oversight of measures to eliminate and minimise these behaviours. Corrections do not have a sexual harassment prevention and response plan to guide the organisation on how to resource and implement change.

Staff hold their leaders to high account. Senior leaders also consider they must lead and be responsible for their actions. However, not all senior leaders have 'shown up' well. This behaviour falls well short of staff expectations of their senior leaders.

What is the desired state?

This Review is an important baseline for providing senior leaders with evidence of the scale and nature of sexual harassment at Corrections. The Review provides the opportunity to start a dialogue with staff and lead a change process.

To align with the standard, senior leaders need greater oversight and appropriate measures to determine how well the organisation prevents and responds to sexual harassment. Senior leaders should lead an organisation-wide plan to prevent and respond to workplace sexual harassment. This plan could form a broader approach to a positive workplace culture, including preventing and responding to sexual harassment, racial harassment, and bullying. Senior leaders must also be visible, set clear expectations, and model exceptional behaviours.

Culture

What does the standard say?

Workplace culture is one of the most crucial factors impacting the risk of unwanted and unlawful behaviour and how effectively an organisation or business will respond to these risks. Culture sets the parameters of what is acceptable and unacceptable and how unwanted and unlawful behaviour will be managed, if it occurs (Australian Human Rights Commission, 2023).

What is the current state?

Corrections has a permissive culture that accepts and normalises everyday sexism (and other forms of discrimination). The organisation also creates an environment for sexual harassment (and other forms of harassment) to permeate. This permissive culture does not support people to speak up and raise concerns about sexual harassment. The environment does not give staff confidence that people experiencing sexual harassment will be listened to, parties will be held to account, and the system will learn and change.

This permissive culture is particularly evident in prison settings, which are shaped by the environment, colonisation, gender and other historical contexts. This culture is also reinforced through policies and practices. Examples include recruitment practices that have not balanced gender and diversity, promotions that are seen by staff to privilege English men and leaders and managers who are widely known to exhibit sexism and unwanted behaviours, and team-building activities which can place women in unsafe environments.

Staff also spoke about prison culture being shaped by the inherent power-imbalanced relationships within prisons. While some improvements in prison culture have been noted over the long term, attitudes towards LGBTQIA+ are particularly poor.

Leaders, managers, and staff also noted the multiple subcultures within prisons, community corrections and National Office, and that some of these subcultures were more permissive than others.

What is the desired state?

Building a positive culture of no tolerance to sexual harassment at Corrections, where staff are free to speak up, requires several core elements outlined in the State Services Commission Guidance (State Services Commission, 2019). These are setting the tone and emphasising the importance of health, wellbeing, dignity and safety for staff, giving voice to staff, developing skills and capabilities for managers and staff to be their best selves, having a collective responsibility for upholding workplace culture, effective reporting channels, fair resolutions and transparency in findings.

Knowledge

What does the standard say?

Effective education has an important role in eliminating unlawful conduct from workplaces, no matter the size of the organisation or business. Building knowledge about respectful behaviour, the nature of relevant unlawful conduct, what causes it, the extent to which it occurs, and the harm it creates is critical for eliminating such behaviours. Education is also vital to supporting workers in engaging in safe, respectful, and inclusive behaviour, as well as in identifying and appropriately responding to unlawful conduct if it occurs. Education should be ongoing, emphasising equality, respect, safety, and inclusion as core organisational values (Australian Human Rights Commission, 2023).

What is the current state?

- **35%** of staff surveyed agreed or strongly agreed they had received training on respectful behaviour in the workplace.

Reference to sexual harassment (and other forms of harassment) is silent in key induction tools

People across the organisation routinely receive a copy of the New Starter Induction Handbook and the Code of Conduct. The New Starter Induction Handbook includes Corrections' values. However, the critical health and safety risks in the handbook do not mention sexual and other forms of harassment. Furthermore, when referencing expectations and behaviours considered important to the organisation, the Code of Conduct mentions maintaining professional boundaries with prisoners and offenders. However, the Code of Conduct makes only an oblique mention of sexual harassment between staff members.

I think we're really far behind in understanding what consent might be, what sexual harassment might be in the workplace, about keeping yourself safe from even being in an environment where you might be perpetrating sexual harassment without even knowing it, texting people who don't want to be texted or taking people out for drinks who don't want to be taken out for drinks, empowering men not to just throw their hands up and go, "Oh, it's all too hard". Training men to feel a bit more empowered in this space.

Over time, pathways and structures have broken down

Leaders and managers reported a lack of investment in effective capability pathways for Corrections Officers and Probation Officers and capability leadership programmes for managers and leaders.

Our development pathways have been broken down and disrupted, so now frontline leaders and frontline staff don't have really embedded, established capability pathways.

Training is short and procedural focussed to meet the basics of the role

Building knowledge about respectful behaviour is limited in training programmes for new Corrections Officers and Probation Officers. Training is very procedural focussed. It focusses on regulatory requirements and key skills gaps to meet the demands of these roles.

The week-long Ara Tika Programme is part of the 5-week training programme at the National Learning Centre for new Corrections Officers and connects recruits to the organisation and its values. However, there is minimal reference to sexual harassment. The seconded trainers do not have expertise in gender equality and sexual harassment prevention and response. Offsite training also heightens risk factors for sexual harassment (e.g. power and group dynamics and alcohol consumption).

Difficulties can arise when Officers return to their corrections facility and training becomes 'undone'. Commitment and accountability to learnings received also become undermined when managers do not model expected behaviour or when managers do not reinforce the learnings, so they become ingrained behaviours.

National Office staff are underserved during induction

National Office and Regional Office staff do not have an induction programme and do not have routine access to Ara Tika. No consistent mechanism exists for connecting National Office staff with Corrections' organisational values. Induction to Corrections depend on whether managers have the capability and capacity to invest in fostering belonging and engagement with new team members. Expectations of acceptable standards of behaviour are not routinely set at induction.

Leaders and managers are also underserved

A common view amongst leaders and managers is that Corrections does not train its senior people well. This includes their responsibilities as leaders and managers to ensure staff' safety, dignity, and inclusivity. Consequently, many leaders and managers are 'doing their best' and others are not serving their staff well.

I've seen leaders who do an amazing job, who are great at leading, but it's probably not through our actions, so much as they're just good, intuitive, caring people.

Somebody might speak to a senior colleague and that person goes, "I don't know what to do with this", or they might say, "Have you spoken to your manager? Have you spoken to Integrity?" They're just going to be saying whatever they think, which is not necessarily going to be right.

What is the desired state?

Corrections need to build knowledge amongst its people to have more certainty over expected behaviours, what constitutes unwanted and unlawful behaviour and how to respond and support effectively

All Corrections staff, regardless of level and role, want more certainty over what constitutes sexual harassment. People say these skills are better-learned face-to-face, where concepts can be discussed

and socialised in a safe environment rather than online learning. This could be in recruit courses and during inductions.

Leaders and managers want more training and guidance on how to prevent and identify signals of unwanted sexual harassment in the workforce, including the drivers and risk factors of workplace sexual harassment and how to call the unwanted behaviour out and respond effectively.

Leaders and managers also expressed they want to feel more confident about how to have supportive conversations when a staff member comes to them with questions or advice on a sexual harassment matter. They also want to know how best to advise and support a staff member if the staff member wants to make a formal complaint.

A review of the sexual harassment wording in the Code of Conduct is needed to ensure it is comprehensive, including outlining consequences. Consideration should also be given to the New Zealand Police Code of Conduct.⁶

I think there is a place for screen-based training, but it is one part of the puzzle. You must have face-to-face. That is where the gold comes out, in the conversations you have, rather than sitting in front of a screen and ticking through the boxes to show that you know how to say the right thing.

⁶ [ourcode.pdf \(police.govt.nz\)](#)

Risk management

What does the standard say?

All organisations and businesses carry the risk of relevant unlawful conduct impacting or involving their workers. No organisation or business, however big or small, is immune. Organisations and businesses recognise that relevant unlawful conduct is an equality risk and a health and safety risk. They take a risk-based approach to prevention and response. (Australian Human Rights Commission, 2023).

What is the current state?

Known drivers and risk factors of sexual harassment are present in Corrections' workplace. However, leaders cannot identify the nature and extent of the problem to put adequate control measures in place.

Power imbalances and gender inequality are known drivers of sexual harassment. Many reported examples have involved younger women early in their careers experiencing sexual harassment from older men in more senior roles.

Other risk factors include remote work (i.e., attending the five-week residential training programme), alcohol use, and workplace gatherings. Recent reported examples of sexual harassment have included social gatherings when alcohol was a factor. Other recent examples of sexual harassment have happened at the National Learning Centre.

Senior leaders cannot access detailed information about these risks and the extent of unwanted and unlawful behaviours because the organisation does not have a comprehensive means to identify the risks and collect the data. Information collected on risk factors is not integrated and not reported to senior leaders, resulting in a lack of good quality information to manage these equality and health, safety, and well-being risks. Consequently, no targeted measures to control these risks exist.

What is the desired state?

Corrections need to regularly assess the workplace's risk factors, implement effective control measures, and review these regularly.

Corrections need to regularly assess the risk factors in the workplace that give rise to sexual harassment, as well as the inequitable impact has on those who experience sexual harassment. In addition to the risk factors identified above, other risk factors identified in the Review include:

- Lack of a set standards regarding respectful behaviour when working for Corrections, providing information about reporting and the consequences for sexual harassment.
- Poor engagement with staff, staff-led networks, and their representatives (unions, etc.) who are often well placed to identify risks and the inequitable impacts of sexual harassment on different groups.
- Highly diverse workplaces such as Corrections often exhibit different gendered and cultural norms regarding sexual harassment, including cultural perspectives, gender dynamics and communication styles. Cultural groups also have different views of reporting and support needs.

- Power dynamics in Corrections and a lack of trust in reporting prevent staff from calling out poor behaviour. The economic environment could lead to staff not speaking up about sexual harassment for fear of consequences.
- Technology facilitated harassment (i.e., texting and social media) for sharing explicit or unsolicited material to staff inside and outside work hours.
- Rising violent extremism and online messaging espousing misogynistic and hostile views towards women and other minorities, and how this may be impacting Corrections' staff.
- Regularly receiving, collating, and acting on informal complaints will help identify areas of risk and behaviour patterns that can then be managed. An understanding of minor issues will help reduce severe victim trauma and identify trends, enabling risks to be better managed.

Corrections must also implement effective control measures for the identified risks and review the control measures for effectiveness at least annually. These control measures would include key HR documents and policies (e.g., the Code of Conduct, Alcohol and Drug Policy, Travel Policy and Cyber Policy). The risks should also be reviewed annually to ensure they remain relevant for Corrections.

Part 4 includes a Risk Matrix. These risks align with Corrections' values, thereby centring risk management around its most valuable asset – its people. Please note that the Risk Matrix may not include the full range of risks. Corrections are encouraged to engage meaningfully with staff to identify risks and appropriate control measures.

Reporting and response

What does the standard say?

Setting up effective processes for reporting and responding to relevant unlawful conduct demonstrates that relevant unlawful conduct is not acceptable to an organisation or business. Effective processes build trust in the reporting process, which, in turn, can help prevent relevant unlawful conduct from happening in the first place (Australian Human Rights Commission, 2023).

What is the current state?

- **77%** of staff who answered the survey said they agreed or strongly agreed they encourage others to report incidents of sexual harassment.
- **61%** of staff who answered the survey said they agreed or strongly agreed they feel supported to speak up about sexual harassment in the workplace. This rating dropped to **34%** agreement amongst staff who have experienced sexual harassment.
- **41%** of staff who answered the survey said they agreed or strongly agreed they know where to report sexual harassment at work.
- **70%** of staff who answered the survey said they agreed or strongly agreed they know where to access support if they experience or witness sexual harassment.

Corrections have various reporting options, which are not communicated well to managers and staff.

Corrections provides reporting information to Corrections Officers and Probation Officers when they start at Corrections. Corrections have written procedures for raising a concern about bullying, harassment, and discrimination, including a flow chart with a high-level process for making a complaint⁷. Posters detailing the Integrity Line are in prisons. However, these reporting options are not discussed in staff meetings.

Corrections have various reporting channels, including talking to a manager (direct line manager or another manager), emailing or phoning the Integrity Line, speaking to a Sexual Harassment Contact Officer, or a union representative. The Sexual Harassment Contact Officer role has not been well supported, most staff members did not know of the role, and no staff who contributed to this Review had engaged with this role.

And then we do this ad hoc thing: people self-appoint themselves to be sexual harassment officers, and there's no oversight, there's no structure, there's no reporting, there's no guidance.

Reporting for possible serious wrongdoings can also be made to the Chief Legal Advisor, the Chief Executive, The Office of the Ombudsman, or other appropriate authorities, e.g. Police. Notably, these options include a whistleblowing channel, i.e. the Integrity Line.

⁷ This procedure was developed in March 2019 and due for review in October 2020.

While staff generally know how to report sexual harassment, managers often do not know where to go with the information, who to involve, and when to involve the Integrity Team, Human Resources, and Legal Services.

Responses to reports are informal and formal, but Corrections has no consistent approach to responding, and information is not integrated.

Corrections use a range of informal and formal response options. Informal opportunities are for the person accused of sexual harassment to cease their behaviour and for work modifications to avoid engagement between the parties. At the formal end are formal investigations. There are many reasons for using informal and formal responses, including the person raising a matter not wanting a formal response.

Informal responses are not collated across the organisation to understand the complaint. Further, site or organisational learnings are not drawn from these informal responses.

The Speak Up Oversight Group manages serious complaints. This group also manages all Protected Disclosures, allegations of criminal activity, disclosures brought to the attention of the Chief Executive and Referrals from the Office of the Ombudsman.

Matters can be dealt with locally or nationally, and approaches have been inconsistent. Complaints are now being channelled through the Speak Up Oversight Group to provide a more consistent and risk-based approach to complaints. This group is responsible for managing serious and reputational risk meaning it is reactionary in nature. If reporting was encouraged and enabled, this group could take a preventative approach by understanding and analysing areas of risk and implementing appropriate controls. This comment also applies to the Chief Executive Advisory Group CEAG (Risk and Assurance) which receives briefings on issues of significance that affect risk, legal and human resources.

Furthermore, information on sexual harassment complaints is not all in one place, so leaders do not know the nature and extent of the problem. Additionally, timely and trauma-informed responses to affected staff are not coordinated, standardised, and monitored (Refer to next section, Monitoring, Evaluation and Transparency). Note: The Speak Up Oversight Group is insufficiently resourced to undertake such a coordination role.

Corrections use external specialist investigators for serious matters or when needed for impartiality. However, Corrections does not have a supplier panel to enable the effective commissioning of external investigations and legal support for decision-makers.

This Review cannot assess the consistency of the consequences of responses. Staff perceive responses are more lenient on senior people who engage in sexual harassment, which erodes trust in the organisation and its policies and processes. The reviewers did not have access to this information to either confirm or dispute this perception.

The respondent gets the right to representational support and it's very, very clear and clearly articulated to them and repeatedly articulated, and it needs to be. So, they do tend to have the support they need.

While the outcomes are generally communicated to the main affected parties, there is limited evidence of communication of the outcomes to witnesses or more general communication in a deidentified way. Privacy is often given as a blanket reason for not sharing responses to reports widely.

What is the desired state?

To align with the standard, more effective and regular communication to staff and third parties (unions etc) on the options for reporting a complaint of sexual harassment is required. Gaining input from prison staff on the accessibility of reporting options is important because they have less autonomy over their work environments to make a complaint.

Better collation of complaints and responses is needed so leaders and managers know the extent and nature of workplace sexual harassment. Responses to complaints need to be impartial, fair and act in good faith. By addressing privacy concerns thoughtfully, Corrections can find ways to share important information about the outcomes of reports while maintaining legal requirements, respecting affected individuals' rights, and maintaining trust. Individual cases will need to be considered on a case-by-case basis.

Support

What does the standard say?

Support is essential to reduce the short-term and long-term harm of relevant unlawful conduct. Support also empowers people to decide about any action they may take because of the conduct. Effective support also encourages people to make decisions about making a complaint (Australian Human Rights Commission, 2023).

What is the current state?

Support is generally offered to people experiencing sexual harassment. However, often, this support is not person-centred and trauma-informed to reduce the harm from these events.

Corrections proactively communicates wellbeing supports to staff who experience unwanted or unlawful behaviour. Information on Corrections' welfare coordinators that coordinate responses for staff who need support and the external Employer Assistance Programme (EAP) are communicated in the five-week residential programme for new Corrections Officers, on the Corrections' Intranet Tātou, and on posters in Corrections' sites. Staff who experience these behaviours can access services without a referral, which is essential given most staff experiencing sexual harassment do not report it. However, support is very generic and access to specialist support is very limited for staff experiencing unwanted and unlawful behaviour at the extreme end.

As identified earlier, managers have insufficient knowledge and training on how to respond in a people-centred and trauma-informed way to a person who raises a concern about sexual harassment.

When granting leave, managers had few options besides sick and annual leave. The use of discretionary leave to encourage staff to focus on their well-being and speak up is low. Managers also found granting leave challenging due to workload and staff shortage pressures.

Managers often made workplace adjustments for people experiencing unwanted behaviour to avoid them interacting with the person alleged to have engaged in the behaviour. However, frequently, these adjustments caused emotional distress because the person felt forced out or the alternative arrangements were not stimulating or were below their capabilities.

Finally, the support needs of people who witness unwanted and unlawful behaviour and managers who receive disclosures are not well communicated or anticipated. Bystanders often feel responsible for not intervening, and events often trigger previous trauma. Leaders and managers frequently feel powerless due to organisational pressures. Furthermore, their capabilities often limit their ability to respond well to staff.

I think because everyone is really concerned about privacy and confidentiality - and I totally understand that. I think we sometimes are so risk averse that we don't share information that we should provide the right support.

We've got EAP and staff welfare, which are the standard things, but that probably wasn't enough. We need more bespoke support to try to support those people, but we don't have guidance.

What is the desired state?

Ensuring person-centred and trauma-informed support is available for all staff who experience or witness sexual harm.

Corrections need to ensure that person-centred and trauma-informed support is available to all staff, including leaders and managers, who experience or witness sexual harassment. Internal support options may also include staff-led networks that need training to support members of their networks and how to receive disclosures of unwanted and unlawful behaviour. Supports also need to be wider and more bespoke. More guidance is needed to help leaders and managers support people experiencing unwanted or unlawful behaviour.

To effectively support Māori, Pasifika, ethnic, LGBTQIA+ and disabled staff experiencing sexual harassment, Corrections should strive to create culturally informed and safe support. This would include support founded on connections, relationships, and trust, including access to culturally safe practitioners.

A policy that sets out the circumstances that a manager can allow for discretionary leave, rather than solely granting sick and annual leave for people who experience unwanted or unlawful behaviour, would create a more compassionate and responsive workplace that prioritises employee well-being.

Monitoring, evaluation, and transparency

What does the standard say?

Understanding the nature and extent of any problem is a critical step to eliminating it. Data helps organisations and businesses to understand when, where and how relevant unlawful conduct is happening. Data also helps to understand who is engaging in it, who is impacted by it, and why it might occur. (Australian Human Rights Commission, 2023).

What is the current state?

Corrections collect important monitoring data on the drivers and risks of sexual harm.

Corrections collects different administrative data relating to positive culture, the drivers and risk factors of sexual harassment, sexual harassment reporting and investigations. This data includes the shaping corrections survey, reporting and investigation data collected by the Integrity Unit, Human Resources and Legal Services, and contact hours collected by Employee Wellbeing. Human Resources also gathers information on staff diversity, wage information, sick leave and turnover etc.

Other areas of data collection that can show the nature and extent of sexual harassment are not well supported. Corrections does not routinely collect exit information⁸. These interviews and surveys provide useful insights about staff experiences and challenges around leadership and workplace culture. EAP providers report that they have offered no to minimal support to staff experiencing or witnessing sexual harassment.⁹ This contrasts with the many staff engaged in this Review who say they accessed EAP services following an event, which indicates that EAP reporting is not reliable.

No structured framework for reporting the nature and extent of sexual harm and identifying patterns and hot spots exists.

Different Corrections units store this administrative data in Excel spreadsheets and the Employment Relations database. Some groups, such as the Speak Up Group, do not have dedicated administrative support. Unlike data collected on complaints made by prisoners on their experiences of sexual harassment and other forms of harm by Corrections staff, data concerning sexual harassment between staff is not integrated. It is therefore not possible to determine where, when and how much sexual harm is occurring. It also limits the ability of Corrections to identify patterns and hot spots.

It's all scattered in Excel spreadsheets. HR have localised HR registers. The Integrity Team have their investigations housed elsewhere.

We could have potentially joined the dots earlier with some of these incidents.

⁸ Corrections has two exit surveys. One a general exit survey. The other is for psychologists, which is designed to inform retention strategies, due to the high demand for psychologists across the public and private sectors.

⁹ The current EAP provider recorded providing two instances of the support for sexual harassment. The previous EAP provider recorded no instances of support for sexual harassment from July 2020 to June 2022.

Often, complaints from people on sentences against staff, and complaints from staff are interwoven. If a prisoner makes a complaint of sexual harassment against a staff member and then you find that a staff member made a complaint about the same staff member, you start asking yourself some questions.

Leaders do not know the problem's extent and how to eliminate it.

Consequently, leaders do not know the nature and extent of the problem and, therefore, how to eliminate sexual harassment and minimise unwanted behaviour in the workplace. Lack of transparency further contributes to staff's lack of trust in the system, their views of poor accountability and their confidence to speak up on a sexual harassment matter.

The biggest problem is a complete lack of visibility in terms of what's happening before you can even get to what the systems and protections should look like.

What is the desired state?

Corrections needs to build an integrated monitoring, evaluation, and learning framework.

A framework aligned with Corrections' goal for the prevention of sexual harassment and unwanted behaviours in the workplace¹⁰ that includes measurable indicators will help Corrections assess progress towards intended outcomes.

The framework should outline the mechanisms to collect information on the quality of implementation against the standards included in this Review: Leadership, Culture, Knowledge, Risk Management, Support, Reporting and Response, and Monitoring, Evaluation, and Transparency. This information would include diversity statistics, pay equity data, training data, complaints data, timeframes for resolution, reporting outcomes, sick leave, turnover, etc.

Staff engagement is essential for monitoring Correction's progress towards meeting the standards.

Corrections should invest in follow-up surveys to measure prevalence, reporting behaviour, etc. Surveys should also measure attitudes toward positive leadership, workplace culture, understanding of and knowledge about unacceptable and unlawful conduct, trust in reporting processes and knowledge, appropriateness, and access to support. Given power imbalances and gender inequality are known drivers of sexual harassment, it is also important to work with staff networks to gain diverse perspectives on progress.

¹⁰ The framework would also include sexual harassment and bullying.

Reporting on progress to eliminate sexual harassment.

Leaders need to have regular reporting against the indicators and the actions taken to prevent and respond to sexual harassment. Corrections should be transparent about the prevalence of sexual harassment in the workplace and the actions taken to eliminate it. To eliminate sexual harassment encourages a culture of reflection, adaptation, and continuous improvement within the organisation.

Part 5: Risk Matrix



Risk Matrix

Risk management involves creating and safeguarding value. Effective risk management enhances performance and aligns with the organisation's values and goals. A robust Risk Matrix, backed by strong leadership and clear communication, and featuring integrated processes with ongoing feedback mechanisms, will enhance Correction's efforts in preventing and responding to sexual harassment. Implementing the Risk Matrix will require appropriate resources and budget and engagement with staff.

The Risk Matrix maps Corrections values, identified risks and current assessment of this risk based on the Review's evidence, resulting risk and recommended changes need to mitigate the risk.

Organisational values with good practice standards	Key Risk Identified	Assessment	Resulting Risks	Change needed
<p>Rangatira <i>We demonstrate leadership and are accountable</i></p> <p><i>Leadership Reporting Risk Management Transparency</i></p>	Lack of integrated systems	There are several places and systems where Corrections employees can report Sexual Harassment, however these systems do not integrate to one centralised place and are not co-ordinated.	<p>Corrections leadership cannot identify the extent of the Sexual Harassment problem. Without knowing the extent of the problem, the following become unacceptable risks:</p> <ol style="list-style-type: none"> timely and trauma informed responses to victims cannot be co-ordinated, standardized or monitored resulting in unacceptable time lapses between reporting a complaint, and managing victim outcomes. This results in prolonged response and management of cases, and ongoing trauma for affected employees; without knowing the extent of the problem leadership cannot identify and thereby implement policies to mitigate the risk and protect its people; lack of knowledge (and therefore early intervention and mitigation) increases the risk of informal complaints becoming 	<ol style="list-style-type: none"> Determine which reporting systems are to be retained (best practice is to offer a number of avenues for employees to report) however these need to be co-ordinated to one centralised place; Align reporting systems and create a central database; Determine how the process will be kept confidential; Appoint a central contact person to actively monitor and action the combined reporting system, including regular reporting for Senior Leadership monitoring (see below). This person must be trustworthy, responsive, trained in trauma-informed response and able to navigate the organisation; Implement a 'triage system' for responding to complaints (see below); Allocate budget; Manage the timeliness of complaints (see below)

formal complaints. This increases the financial risk and cost to Corrections;

4. upward reporting currently only happens when an incident occurs which has a serious reputational risk to the organisation. This means indicative trends cannot be identified, lessons learned and applied;
5. as there is no reporting and monitoring of informal complaints, trends cannot be identified and risks mitigated;
6. there is a general lack of shared experience and creation of a shared knowledge resource thereby resulting in duplication of time and resources for Corrections.
8. Communicate the changes including intranet communications, flyers in staff rooms, regular e-mail updates.

**Kaitiaki
We are
responsive and
responsible**

**Leadership
Reporting
Support**

No clear co-ordinated response process

In the event of a Sexual Harassment complaint, Managers feel a lack of control, uncertain where to reach out, including when to involve Integrity, HR or Legal teams. Issues are often dealt with at a regional level with no consistent or shared experience.

Lack of a clear response has the following risks:

1. Unacceptable response times have the potential to further harm the victim;
2. It increases the risk of the process becoming litigation focussed rather than trauma-informed;
3. A lack of clear response process is time consuming and distracts Managers from other management tasks resulting in reduced productivity;
4. Ineffective processes result in additional costs for Corrections including time lost, resources allocated and external legal and possible personal grievance costs.

1. Integrity, legal, human resources and health and safety to work together to determine how to support and empower frontline managers when complaints are raised and agree timeframes, including:
 - a. A clearly documented process to support managers
 - b. A clearly documented process to support the victim and the accused perpetrator;
2. Empower frontline managers by including practical examples such as: when to escalate complaints; when / how to remove victims or perpetrators from situations to ensure maximum safety; teams to reach out for support;

3. Define roles i.e. which team is responsible for which part of the response;
4. Agree rules of confidentiality;
5. Within the process, agree communication timeframes to both the victim and the accused perpetrator e.g.
 - a. this is what you can expect will happen
 - b. this is when you can expect it to happen
 - c. if it does not happen on time – we will let you know why
6. Establish a central co-ordination person (as above) to support managers and integrate response
7. Publish and communicate the different ways of reporting (e.g. the difference between informal and formal and what can be expected) and the process that will be followed.
8. If an external investigator is needed, establish a pool of knowledgeable and capable investigators. Manage and report on use of external resource including cost and outcome and use this to inform continual review and change.
9. Review the Sexual Harassment Officer role. If they are deployed, a clear purpose (peer support? awareness building? etc) and support for the role including regular training is required.

<p>Rangatira We demonstrate leadership and are accountable</p>	<p>No pro-active monitoring of risk indicators to Senior Leadership</p>	<p>Several known high risk factors result in a higher likelihood of Sexual Harassment. Key risk factors have not been identified and processes implemented to manage and monitor these.</p>	<p>As high-risk factors are not proactively monitored:</p> <ol style="list-style-type: none"> 1. Corrections leadership cannot pro-actively identify likely 'hotspots' in the organisation and thereby mitigate risk to ensure the safety of its' people; 2. There is no feedback loop from complaints to inform leadership decisions and learnings. 	<p>Collect and report the following data:</p> <ol style="list-style-type: none"> 1. Ensure all employees leaving the organisation complete an Exit Survey (or other). Design the survey so that data can be collected and collated to understand if Sexual Harassment is a reason for leaving and integrate into executive risk management reporting (see above and below); 2. Employees experiencing Sexual Harassment are likely to take more Sick Leave than their colleagues. Sick Leave balances are currently monitored on an ad hoc basis but there is no collection of data around higher Sick Leave balances when compared to standard balances. Create a reporting facility to monitor Sick Leave balances; 3. Annual Leave reporting. As Sexual Harassment is driven by Power Imbalance research shows Annual Leave applied for but not granted can be form of power control. Pro-actively monitoring for incidence of 'Leave Declined' will assist leadership to identify Sexual Harassment risk. This function does not currently exist in the Corrections leave system however it would be a valuable management tool;
<p>Leadership Risk Management Monitoring Transparency</p>		<p>There are several senior risk committees for reviewing issues of misconduct and high reputational risk (e.g. Speak-Up and CEAG) but these are reactionary and do not receive information and feedback loops to pro-actively manage the risk.</p>	<p>If a case is escalated to Speak-Up consider having the decision maker involved in the relevant part of the conversation to assist with learning and context for decision – and disseminate knowledge outside of Head Office.</p>	
			<p><i>Protecting the psychological Health and Well Being of staff is legislated under the Health and Safety Act 2015. Once the 'hygiene factors' recommended in this report are implemented determine how prevention of Sexual Harassment will be integrated into the wider Health, Safety and Wellbeing Policy, including oversight by HSWRGG.</i></p>	

4. **Staff Turnover.** Employees experiencing Sexual Harassment are more likely to leave their role. Test for rates of turnover amongst teams when compared with a Corrections standard.

Sexual Harassment is a tool of control and most usually occurs when there is a Power Imbalance. Senior leaders hold a position of power. Because of the governance structure of Corrections – Senior leadership should consider the use of an Independent Chair for their high-level risk review committees to demonstrate complete independence and transparency, and mitigate any conflict of interest. A skilled Chair with Risk Management experience will also provide objectivity to ensure:

1. Sexual harassment trends and hotspots are monitored;
2. Data is collected and discussed;
3. Outcomes are being fed back to inform process and procedures;

Manaaki
We care and respect everyone

Leadership
Culture
Risk
Management
Transparency

Key governance documents lack controls

Strengthen key governance documents and relevant policies

Key governance documents should be reviewed. Relevant policies currently devolve decision making to local Managers using terminology such as ‘at managers discretion’ resulting in a lack of **consistency** across the organisation. Key documents also lack **consequence**.

Review key documents including:

1. Code of Conduct. This currently has an ambiguous reference to Sexual Harassment and only generally deals with consequences. There should be a review of the Sexual Harassment wording. While it is outside the scope of this review, it is recommended a full review of the Correction’s Code of Conduct be

- undertaken with reference to the recent NZ Police Code of Conduct review;
2. Considering the recommended changes, review Sexual Harassment *specific policies* being:
 - a. How do I raise a Concern about Bullying, Harassment and/or Discrimination (overdue review from October 2020);
 - b. Preventing Bullying, Harassment and /or Discrimination Policy (overdue review from October 2021);
 - c. Responding to Staff Conduct and Behaviour Policy (overdue from 2020).
 3. Add controls to **Alcohol and Drug policy**. The uncontrolled use of alcohol by employees is a known Sexual Harassment risk. Last reviewed in 2016, this policy should remove 'at managers discretion' and replace the provision with consistent controls such as time limiting the number of hours staff can be served alcohol on premise e.g. maximum 2 hours, naming the manager responsible during the social hour, providing advice about behaviour and standards off-site when alcohol is involved. Other controls should also be added for consistency. It is recommended a sample risk template is available

to help managers identify risks at the event including the risk of inappropriate Sexual Language and Sexual Advances – **with** accompanying advice about acceptable and non-acceptable behaviour and management response;

4. Policies in other High Risk areas should also be reviewed e.g. Personal Relationships and Travel Policy. The **Travel Policy** currently refers to a risk assessment being undertaken before travel but does not place controls and address concerns around Sexual safety such as right to own room, right to eat in private.

Once documents are reviewed:

1. Promote the documents
2. Create an easy access Portal to make them available to all staff

<p>Whānau <i>We develop supportive relationships</i></p>	<p>There is no evidence of training to understand, identify and report Sexual Harassment meaning there is no set standard of what acceptable behaviour is.</p>	<p>Corrections needs to Set the Standard of acceptable behaviour and unacceptable workplace behaviour. Organisation wide training to understand, identify and report on Sexual Harassment will help Set the Standard.</p> <p>Training to include related work on identifying unconscious bias would be beneficial.</p>	<p>A lack of training presents the following risks to both victim and witness to Sexual Harassment behaviour:</p> <p>There is a lack of understanding of what is acceptable language and behaviour, and what is not. This means, rather than calling out the harassment early, the behaviour is allowed to grow resulting in a greater victimization;</p> <p>Managers do not feel supported to deal with these issues resulting in</p>	<ol style="list-style-type: none"> 3. In consultation with frontline Managers and representatives from diverse communities, develop and implement organisation wide training on how to understand, identify and report Sexual Harassment. This should include modules on ‘what is consent’, keeping yourself safe and unconscious bias i.e. understanding your actions from someone else’s perspective. Sexual Harassment is a human
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	<p>Managers do not feel empowered to confidently deal with instances of Sexual Harassment in their teams.</p>		<p>inefficient time management and lack of trauma-informed victim response; If the behaviour is not called out, Sexual Harassment continues creating an unsafe environment.</p> <p>Clear examples of inappropriate behaviour and set standards of behaviour provide employees with confidence to call out this very personal and difficult issue.</p>	<p>problem so delivery of the training should be both:</p> <ol style="list-style-type: none"> a. In person; and b. On-line delivery. <ol style="list-style-type: none"> 4. Manager specific training should be prioritised. 5. Individual training records should be monitored, and a strategy implemented for the regular roll-out of this training year on year. <p><i>Note also the related training on Code of Conduct and consequences recommendation.</i></p>
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<p>Kaitiaki We are responsive and responsible Leadership Knowledge</p>	<p>People and Culture processes are not designed to safeguard acceptable behaviour</p>	<p>Develop and strengthen People and Culture strategies to support good HR processes.</p> <p>People and Culture strategies can be strengthened to remove perceived bias and reward poor behaviour in the appointment and promotion process. When people with poor behaviours such as sexually inappropriate language and behaviour are promoted, it demoralises staff and promotes a toxic culture.</p>	<p>Review and amend recruitment and promotion policies to mitigate risk during recruitment, employment and to inform monitoring on exiting the organisation:</p> <ul style="list-style-type: none"> • test for evidence of appropriate behaviour before a new employee enters the organisation; • HR policies that apply during employment at Corrections should promote and uphold the highest standards of behaviour and accountability; and • ensure that on leaving, Corrections has a full understanding of why an employee left with a full Exit Survey completed (either on leaving or at a later date). 	<p>Implement consistent People and Culture policies across the organisation. Implement:</p> <ol style="list-style-type: none"> 1. Before <ol style="list-style-type: none"> a. Referee based checking that specifically address issues of Sexual Harassment and wider issues of values and behaviour; and b. Formalised induction training that Sets the Standard based on the Code of Conduct, addresses consequences and provides training on how to understand, identify and report Sexual Harassment c. Review expectations and duration for the Corrections Officer and Probation Officer offsite training noting that offsite training is a heightened risk for sexual harassment.
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2. During

- a. Annual training on how to understand, identify and report sexual harassment is implemented;
- b. Expectations for meeting the Code of Conduct and promoting great culture are written into KPI's for senior and middle managers and tested during the Performance Review process;
- c. All Manager and senior promotions to include Values based assessment and a **selection panel** to mitigate bias
- d. Confidential 360 degree reviews undertaken for senior and middle managers

3. After

- a. The Exit Survey is re-designed to capture specific data on reasons for leaving including Sexual Harassment (see Exit Survey w Psychologists);
- b. Establish and embed a process to ensure Exit Surveys are completed on leaving OR followed up at a later date to capture data;
- c. Set a target for the number of Exit Survey's to be captured and monitor this;
- d. Collate the data and escalate.

<p>Rangatira <i>We demonstrate leadership and are accountable</i></p>	<p>No demonstrated leadership communication strategy about values and behaviour</p>	<p>There is no clear, time bound communication strategy for setting the tone and standards at Corrections.</p>	<p>There are many conflicting priorities and risks at an organisation the size of Corrections. However, how staff respect and interact with each other will ultimately affect the care of the people in prisons and on probation. If there is no clear, intentional, and regular communication strategy around respect for Corrections' values and care of colleagues the organisation in turn will struggle to appropriately care for those in its care.</p>	<p>An overall 12-month Values based Communication strategy is recommended. The response to the Sexual Harassment review provides an ideal catalyst to communicate and hold the Leadership team accountable to:</p>
<p><i>Leadership Knowledge Risk Management Transparency</i></p>			<p>From the conversations had during this review, staff are looking for clear and consistent leadership with regard the Sexual Harassment review, which provides a great opportunity to begin to define and set standards and expectations of behaviour with regular communication.</p>	<ol style="list-style-type: none"> 1. Identify the changes Corrections will make in response to the Review; 2. Set timeframes for implementation; 3. Set a 12 month communication plan for keeping staff abreast of the changes; 4. Determine how Corrections will communicate with issues as they arise; 5. Proactively include conversations about difficult subjects such as alcohol and leadership expectations of staff. 6. Determine communication strategy in consultation with prison and Community Corrections leaders.
<p>Wairau <i>We are unified and focussed in our efforts</i></p>	<p>Need for on-going transparent communication</p>	<p>From speaking with staff, Corrections employees are looking for evidence of consequences of poor behaviour. However, the communication of outcomes is often hampered because of the personal nature of Sexual Harassment and Legal and HR obligations.</p>	<p>If there is no acknowledgement and communication about the consequences of inappropriate behaviour from senior leadership, there is a risk:</p>	<p>As part of the on-going communication strategy Senior Leadership acknowledge this area of frustration and manage by addressing the issue and limitations posed.</p>
<p><i>Leadership Knowledge Risk Management Transparency</i></p>			<ol style="list-style-type: none"> 1. Staff become demoralised; and 2. Believe senior management are not taking Sexual Harassment seriously meaning an employee 	

Both personal (victim) reasons and
Legal and HR issues exist for not
wanting outcomes communicated.

will not feel safe to call out
inappropriate behaviour

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Appendices



Appendix 1: Terms of Reference



SEXUAL HARASSMENT REVIEW TERMS OF REFERENCE

Prepared by:	Hayley Fletcher, Acting Manager Organisational Learning
Date:	June 2024
Version:	2.0
Status:	Final



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1 PURPOSE

This document records the terms of reference for an independent sexual harassment review commissioned by Ara Poutama Aotearoa - Department of Corrections (Corrections).

The purpose of the review is to inform required improvements to how Corrections prevents and responds to the occurrence of sexual harassment events between staff.

2 DRIVERS FOR THE REVIEW

Corrections is one of the largest government agencies in New Zealand, employing approximately 10,000 staff, the majority of whom work with offenders in one of our 18 prisons or 151 Community Corrections sites across New Zealand.

Given its sizable workforce together with its broad operational responsibilities across diverse working environments, Corrections recognises it is not immune to this unacceptable behaviour occurring.

Corrections has a number of legal obligations which also inform this review including:

- Employment Relations Act 2000
- Human Rights Act 1993
- Health and Safety at Work Act 2016 (HSWA)

As part of Corrections journey to improve workplace culture and ensuring the safety of all those working for it, Corrections is committed to learning and improving how it can prevent sexual harassment from happening together with greater understanding of the systemic or cultural factors contributing to its prevalence. ●

3 REVIEW SCOPE

Corrections acknowledges that sexual harassment is a work-related hazard that harms people. Therefore, the independent review will intentionally apply a health and safety risk management lens when examining Corrections' current approach to preventing and minimising the occurrence of sexual harassment.

The review will include:

- A current state assessment of Corrections approach to the management of sexual harassment by applying a health and safety risk management lens.
- Reviewing the detective, preventative, and corrective mechanisms in place and the adequacy of these mechanisms to prevent and respond to sexual harassment behaviours and how Corrections monitors, measures and reviews the appropriateness of its systems and processes.
- An assessment of the above current state findings against the positive duty under the [Sex Discrimination Act 1984 \(Australian Legislation\)](#)¹ and associated standards of practice to determine required improvements.² This informs detective, preventative, and corrective mechanisms specific to sexual harassment commonly considered in a health and safety risk management framework.
- A final report detailing the review approach, key findings, and recommendations together with a road map informing how improvements can be prioritised and implemented is produced.

¹ Ensuring alignment with the ["Acting in the Spirit of Service - Speaking up"](#) guidelines as required by Public Sector agencies.

² This legislation has been enhanced via the 2022 positive duty amendment obligating workplaces to not only respond to cases of sexual harassment but prevent its occurrence. This has been supported by the 2023 publication of guidelines and standards informing workplaces how to comply with this positive duty. Routinely Australia is more advanced than New Zealand in this regulatory setting as demonstrated by the Australian Human Rights Commission being empowered to enforce this duty. Similarly, the New Zealand HSWA is modelled on the Australian Model Act regime making it a logical conclusion that similar positive duty approaches may be adopted in New Zealand.

Detailed review requirements

The independent review will involve a variety of information gathering activities to ensure the current state assessment is well informed and understood. This requires:

- Receipt and review of work completed to date by the prior consultant (survey, partial desktop review, modified Sex Discrimination Act framework).
- A desktop review to identify all mechanisms (policies, processes, procedures, guidance, training, reporting systems, investigation and disciplinary procedures etc) currently in place, what informs these, how well they are known and applied, together with gaps these identify.
- Engagement with key staff involved in the administration of existing sexual harassment mechanisms identified via the desktop review and Corrections.³
- Engagement with staff via a survey (completed), focus groups, 1:1 interview opportunities, and engagement with employee led networks to help inform the independent review.
- Engagement with our union partners PSA, CANZ, Nupe and NZNO.

In-scope

The review is specific to sexual harassment behaviour which *Corrections Preventing Bullying, Harassment and Discrimination Policy* defines as:

- unwelcome or offensive sexual behaviour (written, spoken, visual or physical) that is repeated or one-off inappropriate behaviour, directly or indirectly, that is significant enough to have a detrimental impact on an individual's employment, job performance or job satisfaction.
- Sexual harassment also includes a request for any form of sexual activity or favour which contains an implied or overt promise of preferential treatment; or an implied or overt threat of detrimental treatment at work.

The review is specific to sexual harassment that occurs between Corrections staff whether they are permanent, part-time, fixed-term, casual staff, or contractors/consultants. It applies to sexual harassment occurring both at Corrections workplaces or offsite locations such as conferences, accommodation, or social settings as examples.

Out of scope

While information on the below may be shared during the review, the review will not consider:

- Sexual harassment behaviour directed at staff by prisoners or between prisoners, and
- Bullying, discrimination, or other harmful behaviours not within the definition of sexual harassment.

Staff will be directed to formal and informal reporting mechanisms and encouraged to report such instances and offered appropriate support.

Information shared regarding the above out of scope topics will be summarised in the final report but is not required to be evaluated or inform recommendations.

4 REVIEW TIMEFRAME

The review is due to be completed by October 2024.

5 GOVERNANCE

The following governance will be in place for the duration of the independent review:

³ Integrity, People Services, Legal, Employment Relations, Safety & Wellbeing, Staff Welfare, Sexual Harassment Officers.

- Weekly meetings with the consultant and Corrections Review Leads supported by weekly written progress reports
- Monthly meetings with an internal Corrections Reference Group
- Monthly meetings between Corrections Review Leads and the Review Sponsors.

6 TERMS OF REFERENCE APPROVAL



Juanita Ryan | Deputy Chief Executive Pae Ora
Independent Review Sexual Harassment, Sponsor

Date 20 June 2024



Richard Waggott | Acting Deputy Chief Executive
Organisational Resilience & Safety
Independent Review Sexual Harassment, Sponsor

Date 20/06/2024

Appendix 2: Survey results and the profile of staff who completed the survey

Q1. Do you know what behaviours are typically regarded as sexual harassment?	Count	Percentage
Base: Staff who answered the question	n=1746	n=1746
Yes	1680	96%
No	66	4%

Q2. Do you know what is acceptable behaviour when working at Corrections?	Count	Percentage
Base: Staff who answered the question	n=1747	n=1747
Yes	1691	97%
No	56	3%

Q3. During your time at Corrections have you personally experienced sexual harassment from another staff member?	Count	Percentage
Base: Staff who answered the question	n=1735	n=1735
Yes	431	25%
No	1166	67%
Unsure	97	6%
Prefer not to say	41	2%

Q4. Did you formally report the sexual harassment incident? (i.e., to the Integrity Team to a Senior Leader or Manager, HR Adviser, EAP, or union representative)?	Count	Percentage
Base: Staff who experienced or where unsure they experienced sexual harassment and answered question	n=524	n=524
Yes	115	22%
No	385	73%
Prefer not to say	24	5%

Q5. Why did you choose not to report the matter?	Count	Percentage
Base: Staff who experienced or where unsure they experienced sexual harassment, did not report the harassment, and answered question	n=217	n=217
I don't trust that my reporting would be kept confidential.	118	54%
I did not want to call attention to myself.	115	53%
I was concerned about the reactions from the staff member who harassed me.	108	50%
I was concerned about repercussions.	100	46%
I felt that nothing would be done about it even if I reported it.	92	42%
I was concerned about the reactions from other staff.	88	41%
The person sexually harassing me was in a position of authority over me.	87	40%
I didn't feel comfortable talking about it.	69	32%
I did not think people would listen.	68	31%
I didn't think it warranted getting anyone in trouble.	60	28%
I didn't know how to report appropriately.	57	26%
It resolved itself.	31	14%
Other	35	16%

*Note: Open-ended question with multiple responses so total percentage is greater than 100%

Q6. Did you feel the incident was appropriately dealt with?	Count	Percentage
Base: Staff who experienced or where unsure they experienced sexual harassment, reported harassment and answered question	n=111	n=111
Yes	36	32%
No	68	61%
Prefer not to say	7	6%

Q7. Did you seek support either during, or following experiencing sexual harassment?	Count	Percentage
Base: Staff who experienced or where unsure they experienced sexual harassment, reported harassment and answered question	n=110	n=110
Yes	59	54%
No	50	45%
Prefer not to say	1	1%

Q8. Were you offered support during or following your experience of sexual harassment?	Count	Percentage
Base: Staff who experienced or where unsure they experienced sexual harassment, reported harassment and answered question	n=110	n=110
Yes	59	54%
No	50	45%
Prefer not to say	1	1%

The following questions ask for your view on a number of factors that shape our ability to prevent, manage and respond to sexual harassment.

Rating Scale: How much do you agree or disagree with the following statements:

Q9:1. Leaders (i.e., your direct supervisor or manager) are committed to building a respectful workplace.	Count	Percentage
Base: Staff who answered the question	n=1654	n=1654
Strongly agree	784	47%
Agree	461	28%
Neither agree nor disagree	189	11%
Disagree	137	8%
Strongly disagree	73	4%
Prefer not to say	10	1%

Q9:2. Leaders (i.e., your direct supervisor or manager) address disrespectful behaviours when they see it.	Count	Percentage
Base: Staff who answered the question	n=1653	n=1653
Strongly agree	533	32%
Agree	455	28%
Neither agree nor disagree	289	17%
Disagree	254	15%
Strongly disagree	104	6%
Prefer not to say	18	1%

Q9:3. Leaders (i.e., your direct supervisor or manager) ensure that workers who report incidents of sexual harassment do not suffer negative consequences.	Count	Percentage
Base: Staff who answered the question	n=1650	n=1650
Strongly agree	525	32%
Agree	337	20%
Neither agree nor disagree	519	31%
Disagree	145	9%
Strongly disagree	83	5%
Prefer not to say	41	2%

Q9:4. Inappropriate behaviours are discouraged at my workplace.	Count	Percentage
Base: Staff who answered the question	n=1607	n=1607
Strongly agree	475	30%
Agree	587	37%
Neither agree nor disagree	256	16%
Disagree	220	14%
Strongly disagree	61	4%
Prefer not to say	8	0.5%

Q9:5. I feel supported to speak up about sexual harassment in the workplace.	Count	Percentage
Base: Staff who answered the question	n=1606	n=1606
Strongly agree	459	29%
Agree	473	29%
Neither agree nor disagree	377	23%
Disagree	205	13%
Strongly disagree	79	5%
Prefer not to say	13	1%

Q9:6. I have undertaken training about demonstrating respectful behaviour in the workplace.	Count	Percentage
Base: Staff who answered the question	n=1605	n=1605
Strongly agree	228	14%
Agree	335	21%
Neither agree nor disagree	314	20%
Disagree	492	31%
Strongly disagree	217	14%
Prefer not to say	19	1%

Q9:7. I know where to access support if I experience or witness sexual harassment.	Count	Percentage
Base: Staff who answered the question	n=1607	n=1607
Strongly agree	484	30%
Agree	638	40%
Neither agree nor disagree	190	12%
Disagree	209	13%
Strongly disagree	75	5%
Prefer not to say	11	1%

Q9:8. I know where to report sexual harassment at work.	Count	Percentage
Base: Staff who answered the question	n=1595	n=1607
Strongly agree	433	27%
Agree	645	40%
Neither agree nor disagree	186	12%
Disagree	254	16%
Strongly disagree	73	5%
Prefer not to say	4	0%

Q9:9. If I report an incident of sexual harassment, I know it will be taken seriously.	Count	Percentage
Base: Staff who answered the question	n=1594	n=1594
Strongly agree	386	24%
Agree	441	28%
Neither agree nor disagree	427	27%
Disagree	231	14%
Strongly disagree	101	6%
Prefer not to say	8	1%

Q9:10. I encourage others to report incidents of sexual harassment.	Count	Percentage
Base: Staff who answered the question	n=1592	n=1592
Strongly agree	669	42%
Agree	560	35%
Neither agree nor disagree	268	17%
Disagree	44	3%
Strongly disagree	29	2%
Prefer not to say	22	1%

Q9:11. Corrections is consistent when disciplining people who perpetrate sexual harassment.	Count	Percentage
Base: Staff who answered the question	n=1587	n=1587
Strongly agree	144	9%
Agree	175	11%
Neither agree nor disagree	680	43%
Disagree	313	20%
Strongly disagree	255	16%
Prefer not to say	20	1%

Open ended question.

Q10. Is there anything else you want to tell us about how Corrections prevents or responds to incidents of sexual harassment not captured within this survey?	Count	Percentage
	n=480	n=480
Base: Staff who answered the question		
Corrections culture does not hold people accountable for their actions	106	22%
Leaders do not comit to a safe, respectful and inclusive workplace	103	21%
Corrections culture does not empower staff to report sexual harassment	84	18%
Corrections is poor at educating staff about expected positive behaviour and the consequences of engaging in behaviour	85	18%
Consequences are inconsistent and unfair	73	15%
General responses and/or recommendations (have never experienced/witnessed SH, recommends more training for managers and in general for staff etc)	53	11%
Staff have experienced unwanted and unlawful behaviours of a sexual nature	43	9%
Leaders do not value diversity and gender equality	39	8%
Corrections does not take reports of sexual harassment seriously	39	8%
Responses to sexual harassment reports are not person centred, inconsistent, and take too long to conclude	37	8%
Staff have witnessed unwanted and unlawful behaviour of a sexual nature	34	7%
Inaccessible and inadequate supports are available for staff who experience and witness sexual harassment	34	7%
Corrections are not transparent about the nature and extent of sexual harassment	34	7%
Corrections do not learn from reports of sexual harassment to improve culture, better educate staff, and improve policies	24	5%
Negative comments on how the Review was initially managed	24	5%
Other negative comments (lack of support for falsely accused staff, lack of consistency etc)	38	8%

Note: Total percentage will not equal 100% because some responses translated to more than one code.

Q11. In your role, are you:	Count	Percentage
Base: Staff who answered the question	n=1589	n=1589
Prison based staff	570	36%
Community corrections staff	398	25%
National office staff	361	23%
Regional office staff	128	8%
Other	71	4%
Prefer not to say	61	4%

Q12. Which gender do you identify with?	Count	Percentage	Comparison to all staff¹¹
Base: Staff who answered the question	n=1584	n=1584	n=9,978
Female	1043	66%	51%
Male	476	30%	49%
Non-binary	7	0.4%	0.1%*
Other	2	0.1%	-
Prefer not to say	56	4%	-

*Note: defined as gender diverse

Q13. What age group do you fall in?	Count	Percentage
Base: Staff who answered the question	n=1586	n=1586
Under 20	1	0.1%
20-29 years	153	10%
30-39 years	341	22%
40-49 years	378	24%
50-59 years	415	26%
60 years +	222	14%
Prefer not to say	76	5%

Q14. What is your ethnicity?	Count	Percentage	Comparison to all staff¹²
Base: Staff who answered the question, multiple response	n=1874	n=1874	n=9,978
NZ European	980	62%	66%
Māori	305	19%	22%
Pacific	129	8%	14%
Asian	87	5%	13%
MELAA (Middle Eastern/Latin American/African)	22	1%	NA
Other European	174	11%	NA
Other Ethnicity	67	4%	NA
Prefer not to say	110	7%	N/A

¹¹ Retrieved from https://www.corrections.govt.nz/_data/assets/pdf_file/0019/50707/Gender_Pay_Action_Plan_2023-2024.pdf

¹² Ibid

Q15. How long have you been working at Corrections?	Count	Percentage
Base: Staff who answered the question	n=1576	n=1576
Less than 12 months	128	8%
1-2 years	224	14%
3-5 years	254	16%
6-10 years	331	21%
11-20 years	426	27%
21-30 years	113	7%
31 + years	41	3%
Prefer not to say	59	4%

Q16. What location do you work in?	Count	Percentage
Base: Staff who answered the question	n=1585	n=1585
National Office	185	12%
Northland region	39	2%
Auckland region	169	11%
Manukau region	50	3%
Waikato region	240	15%
East coast region	105	7%
Bay of Plenty region	43	3%
Taranaki/Whanganui/Manawatū region	97	6%
Wellington region	230	15%
Nelson/Marlborough/West coast region	9	1%
Canterbury region	206	13%
Otago/Southland region	95	6%
Prefer not to say	117	7%

Appendix 3: Review tools

Information Sheet

Information Sheet for the Sexual Harassment Review		Independent external reviewers	
<p>What is the sexual harassment review?</p> <p>The Department of Corrections is commissioning an independent review investigating how the Department can strengthen the approach to preventing and responding to sexual harassment.</p> <p>Who are the independent external reviewers?</p> <p>Litmus is a women-led business with a diverse team in terms of gender, culture, age and lived experience. We have robust analytical approaches using clinical and risk-based methodologies.</p> <p>An important part of the independent review is hearing from Corrections staff</p> <p>The external reviewers will be in Spring Hill, Rolleston and Hamilton in late July 2024 for in person confidential staff interviews. Meetings will be undertaken in off site locations to offer staff privacy.</p> <p>The external reviewers will also be undertaking confidential virtual meetings in late July 2024 for staff not in these locations and would prefer a virtual meeting.</p> <p>The interviews will focus on awareness, ease, and barriers to reporting sexual harassment and accessing support. We will also discuss ways to improve sexual harassment reporting and support.</p> <p>The external reviewers will not ask questions about individuals or incidents relating to sexual harassment.</p> <p>Interviews will be recorded and transcribed with staff consent to ensure conversations are captured accurately.</p>	<p>Will information be confidential?</p> <p>All interview information is confidential and will not be passed on to the Department unless someone's safety is at risk.</p> <p>If you choose to attend an in-person interview on a day you are working at Spring Hill or Rolleston, the reviewers will provide your name to prison management to arrange cover. What you tell the reviewers during the interview will be confidential.</p> <p>What will happen with the information you share?</p> <p>Information from interviews, will be put in a report for the Department, along with the results of the staff survey, and interviews with managers, unions and key staff involved in the administration of prevention of sexual harassment and response mechanisms. The report will not include staff names or identifiable information.</p> <p>Litmus will securely store recordings and interview notes. These will be kept safe for six months and then destroyed.</p> <p>The report is due for release in October 2024.</p> <p>Where can you go for support?</p> <p>If you need support following your interview, you can contact:</p> <ul style="list-style-type: none"> • Safe to Talk on 0800 044 334. • Staff Welfare Team welfareservice@corrections.govt.nz • EAP provider Instep 0800 284 678. <p>Who do I contact for more information?</p> <p>Email: review@litmus.co.nz</p>	<p>Sandar Duckworth, Partner, Litmus</p> <p>Sandar is a co-founding partner of Litmus and the lead reviewer. She has led reviews for the public sector to examine systems and policies that foster respectful and safe cultures and environments. She is skilled in conducting confidential and sensitive reviews for Fire and Emergency New Zealand on organisational culture and ACC on organisational capability building for family and sexual violence. She also led engagement for the Ministry of Justice on proposals to prevent hatred and discrimination and the Department of Internal Affairs on digital safety.</p> <p>Liz Smith, Partner, Litmus</p> <p>Liz is one of the co-founders of Litmus. She has over 20 years experience engaging organisations and diverse communities to help solve complex issues and shape solutions. Liz has led rapid and multi-year reviews and evaluations to identify and effect system changes to enable positive and intended outcomes for organisations, systems, and people. Liz has a deep knowledge of the Department of Correction's policies, processes, and environments, having done several evaluations of the Department's programmes.</p> <p>Anna Thompson, Principal, Litmus</p> <p>Anna is a principal evaluator and researcher with extensive experience working with the Department of Corrections to evaluate services. She is a skilled qualitative interviewer and builds connection with diverse stakeholders and community groups. She has over 10 years engaging with stakeholders on housing, addiction, family and sexual violence, and access to services and support. Anna is supporting ACC on organisational capability building for family and sexual violence prevention.</p> <p>Roimata Hanchard, Ngāpuhi, Ngāti Hine, Māori reviewer</p> <p>Roimata is an experienced and empathetic interviewer. She has strong kaupapa Māori knowledge and speaks Te Reo Māori. She has worked with the Department to evaluate support for women leaving prison, particularly wāhine Māori. She has been part of sensitive research projects and evaluations involving women's sexual health, alcohol and other drug addiction, and family and sexual violence prevention. She is passionate about improving outcomes for Māori.</p> <p>Akerai Maresala-Thomson, Senior Pasifika reviewer</p> <p>Akerai has over 25 years of experience in community building, social good advocacy, law enforcement and as an esteemed White Ribbon Ambassador. A former police officer, Akerai was chair and senior advisor for Police Ethnic, Asian and Pacific Advisory Groups and provided advice on family violence, sex trafficking, and international capacity and capability projects in Pacific countries. He cofounded the MYRIVR app a directory of support services in Aotearoa... He is passionate about helping to change the status quo in terms of Māori and Pasifika health and wellbeing.</p> <p>Ane Kauhalianua, Pasifika reviewer</p> <p>Ane is a Tongan research and evaluation practitioner passionate about Pasifika issues. She was part of the team to evaluate Bail Support Services Manukau for the Department of Corrections. She was part of the Litmus team who developed a monitoring, evaluation, research and learning framework towards eliminating family and sexual violence in ethnic communities for the Ministry of Social Development. Ane is fluent in Tongan and has a passion for equity.</p> <p>Rob Paramo, registered psychologist</p> <p>Rob is a registered psychologist in private practice. Rob is a professional conduct complaint investigator for the New Zealand Psychologists Board. He is also a member of the professional support panel for the Office of the Ombudsman. He is an adjunct teaching fellow at Victoria University and published author. Between 2016 and 2019, Rob was Manager Psychology Practice at the Department of Corrections. Originally from the UK, Rob practiced at manager and national lead levels.</p> <p>Karen Whitehead, risk management advisor</p> <p>Karen has over 20 years of experience in risk management and strategic planning. Karen also has significant regulatory knowledge and uses proven risk frameworks. Her professional experience includes significant corporate experience in the financial services industry, including client service and delivery. Karen is a chartered member of the Institute of Directors and serves on corporate and not-for-profit boards. Karen is also a committed volunteer for advancing young peoples' equity in education.</p>	

Consent Form

Please read the following carefully before signing.

- I have read and understand the Information Sheet.
- I understand taking part in this interview is my choice.
- Taking part will not affect my relationship with the Department of Corrections.
- The interview will be recorded with my permission and may be transcribed.
- I can request a copy of my interview transcript.
- I can request that my interview be withdrawn from the review up until 30 August 2024.
- No information in the report will be attributed to me.
- I understand interview data will be stored on the Litmus Office 365 system then destroyed six months after the review is completed.

I agree to take part in an interview.	Yes	No
I agree with the interview being recorded and transcribed.	Yes	No
I agree to have my comments being quoted in the report if I am not identified.	Yes	No
I want a copy of my transcript.	Yes	No

Name

Email address.....

Date.....

Key interview questions

The purpose of the review is to inform improvements to how Corrections prevents and responds to the occurrence of sexual harassment events between staff.

1. How well is Corrections' leadership demonstrating the following:
 - Are visible in their commitment to safe, respectful and inclusive workplaces.
 - Value diversity and gender equality.
 - Set clear expectations and role model respectful behaviour.
2. How well is Corrections fostering a culture that:
 - Empowers its people to report sexual harassment concerns.
 - Minimises harm and victimisation.
 - Holds people accountable for their actions.
3. How well are Corrections' frameworks promoting accountability, people development, and minimising uncertainty demonstrated by:
 - Developing, communicating and implementing policies regarding respectful and inclusive behaviour
 - Effectively educating its people on the expected standards, behaviours, consequences, rights, roles and responsibilities.
 - Recognising that sexual harassment is an equality risk and a health and safety risk.
4. How well is Corrections demonstrating a commitment to maintaining a respectful and safe workplace environment where:
 - Appropriate support is available to people who experience or witness sexual harassment.
 - People are informed about the available support and can access it.
 - Appropriate options for reporting and responding to sexual harassment are regularly communicated across Corrections.
 - Responses to reports of sexual harassment are consistent and timely.
 - Responses minimise harm to, and victimisation of people involved.
 - Consequences are consistent and proportionate.
5. How well is Corrections demonstrating a commitment to learning where:
 - Data is collected to understand the nature and extent of sexual harassment.
 - Data is regularly used to assess and improve Corrections' work culture and to prevent and respond to sexual harassment.
 - Corrections is transparent about the nature and extent of reported sexual harassment and actions taken to address it.

Appendix 4: Profile of staff and leaders interviewed

Profile of 36 Corrections staff interviewed

Gender

Gender	Count
Female	29
Male	6
Prefer not to say	1
Total	36

Location

Location	Count
National Office	10
Northland region	7
Auckland region	1
Waikato region	6
Taranaki/Whanganui/Manawatū region	3
Wellington region	2
Otago/Southland region	2
Canterbury region	3
Prefer not to say	2
Total	36

Role

Role	Count
Frontline	15
Manager	21
Total	36

Profile of 21 Corrections leaders interviewed

Gender profile of Corrections leaders interviewed

Gender	Count
Female	11
Male	10
Total	21

Appendix 5: Seven standards for satisfying positive duty

Brief description of the seven standards for complying with a positive duty of care

Standard	Description of expected practice against the standards
1. Leadership	<p>Senior leaders understand their obligations under the Sex Discrimination Act and have up-to-date knowledge about relevant unlawful conduct.</p> <p>Senior leaders are responsible for ensuring that appropriate measures for preventing and responding to relevant unlawful conduct are developed, recorded in writing, communicated to workers and implemented. Senior leaders regularly review the effectiveness of these measures and update workers.</p> <p>Senior leaders are visible in their commitment to safe, respectful and inclusive workplaces that value diversity and gender equality. They set clear expectations and role model respectful behaviour</p>
2. Culture	<p>Organisations and businesses foster a culture that is safe, respectful and inclusive and that values diversity and gender equality. This culture empowers workers (including leaders and managers) to report relevant unlawful conduct, minimises harm and holds people accountable for their actions</p>
3. Knowledge	<p>Organisations and businesses develop, communicate and implement a policy regarding respectful behaviour and unlawful conduct. Organisations and businesses support workers (including leaders and managers) to engage in safe, respectful and inclusive behaviour through education on:</p> <ul style="list-style-type: none"> • expected standards of behaviour, including actions and attitudes that foster equality and respect • identifying behaviours that constitute relevant unlawful conduct, and the consequences for engaging in such conduct • their rights and responsibilities in relation to safe, respectful and inclusive workplaces and working relationships. This includes their role in preventing and responding to relevant unlawful conduct
4. Risk management	<p>Organisations and businesses recognise that relevant unlawful conduct is an equality risk and a health and safety risk. They take a risk-based approach to prevention and response.</p>
5. Support	<p>Organisations and businesses ensure that appropriate support is available to workers (including leaders and managers) who experience or witness relevant unlawful conduct.</p> <p>Workers are informed about the available support, and can access the support, regardless of whether they report the conduct</p>

Standard	Description of expected practice against the standards
6. Reporting and response	<p>Organisations and businesses ensure that appropriate options for reporting and responding to relevant unlawful conduct are provided and regularly communicated to workers and other impacted people.</p> <p>Responses to reports of relevant unlawful conduct are consistent and timely. They minimise harm to, and victimisation of, people involved.</p> <p>Consequences are consistent and proportionate</p>
7. Monitoring, evaluation and transparency	<p>Organisations and businesses collect appropriate data to understand the nature and extent of relevant unlawful conduct concerning their workforce.</p> <p>Organisations and businesses use the data they collect to regularly assess and improve the work culture, as well as to develop measures for preventing and responding to relevant unlawful conduct.</p> <p>Organisations and businesses are transparent about the nature and extent of reported behaviours that could constitute relevant unlawful conduct concerning their workers and actions taken to address it.</p>

Source: Australian Human Rights Commission. (2023b).

