



EXTERNAL RESOLUTION OPTIONS

When sexual harm has happened, there are a range of options for people to take both within their workplace and outside their workplace. This page provides information about some of the external options available in the community to help people resolve complaints, reports or issues about sexual harm when it has happened. Here we lay out some of the options.

MEDIATION

Mediation is a process to help people work through issues and try to come up with solutions themselves. Mediation can only happen if both people agree to take part. Mediation can take place in person, over the phone, by email or by other forms of communication. The person who's been harmed doesn't have to be in the same room as the other person involved. The mediator will discuss which option is most suitable and will work to keep everyone safe through the process.

Free mediation is available through:

- **Human Rights Commission** - 0800 496 877 infoline@hrc.co.nz www.hrc.co.nz. For more information about the services available check out [this HRC document](#)
- **Employment New Zealand (MBIE)** - 0800 20 90 20 info@employment.govt.nz www.employment.govt.nz

Note: Employment NZ provides services for employees, while the Human Rights Commission provides services for employees, contractors, volunteers etc.

RESTORATIVE PROCESSES

A restorative approach involves appointing a practitioner to facilitate a discussion in a safe and supportive way using the principles of restorative justice. This approach provides the opportunity for people who have been harmed, and those responsible for the harm, to come together to talk about what happened and why; how they have been harmed; who else has been harmed, including any ripple effects in the wider community; and how the impact or harm can be repaired or addressed. A restorative approach requires acknowledgement of responsibility and everyone agreeing to participate. If you

are unsure whether this approach is right for your situation you may want to discuss it with a restorative practitioner before deciding. Restorative practitioners will usually charge for their services and so you will need to discuss and agree fees and who pays before appointing them.

Restorative Justice Practitioners:

- **Project Restore** www.projectrestore.nz phone 09 3089712

Specialising in safe restorative justice for people affected by sexual harm, Project Restore works with all involved to tailor make a process that meets the needs of all participants while remaining driven by the victim/survivor's needs at all times.

- **Jon Everest** – www.orangeumbrella.co jon@orangeumbrella.co

Auckland-based independent restorative justice practitioner with experience working with sexual harm cases.

- **Aspen Restorative Consulting** www.aspenrestorativeconsulting.com
info@aspenrestorativeconsulting.com

A team of Wellington-based restorative facilitators with experience in working with sexual harm.

INDEPENDENT INVESTIGATION SERVICES

If the PCBU decides to undertake an independent investigation into a complaint, it will first need to identify and appoint a suitable person to act as the investigator. This should be someone who is trained to carry out investigations into sexual harassment complaints and not biased or otherwise involved. There are a number of lawyers and licensed workplace investigators who offer these services across Aotearoa. You can email [us for contact details](#) of potential investigators in your region. Independent investigators will charge for their services and so you will need to discuss and agree fees before appointing the investigator. Email: info@screensafe.co.nz

MAKING A COMPLAINT ABOUT SEXUAL HARASSMENT

Sexual harassment is a breach of both the Human Rights Act 1993 and the Employment Relations Act 2000. This means that employees, contractors and volunteers can make a complaint about the harassment. The relevant external agency will depend on whether you are an employee or a contractor:

- If you're an independent contractor or volunteer, you can make a complaint to the **Human Rights Commission**. Such complaints usually have to be raised within one year. For more information about the

services available check out the [Human Rights Commission Info Document on Sexual Harassment](#) or contact the Human Rights Commission on - 0800 496 877 infoline@hrc.co.nz www.hrc.co.nz.

- If you're an employee, you can either make a complaint to the **Human Rights Commission** (see above) or you can raise a personal grievance under the Employment Relations Act 2000 with the employer and lodge a claim with the **Employment Relations Authority**. Employees must choose one of these but not both. Personal grievances should be raised within 90 days of when the personal grievance arose or first came to the employee's attention (whichever is the later). For more information about the process check out www.employment.govt.nz

[Click here](#) to learn more about making a complaint about sexual harassment or contact the above services.

When making a complaint to either the Human Rights Commission or Employment Relations Authority the first step is that you will be offered free mediation (see Mediation above).

REPORTING A CRIMINAL OFFENCE

Some sexual harassment is also a criminal offence. For example touching the sexual parts of another person's body without their consent is indecent assault and is also against the Human Rights Act 1993 and the Employment Relations Act 2000. Criminal offences can be reported to the Police, NetSafe and the Department of Internal Affairs depending on which law has been broken. For more information about whether sexual harassment is also a criminal offence and reporting processes please contact [HELP](#) on 0800 6231700 or the National Sexual Harm Helpline – [Safe to Talk](#) on 0800 044 334.

Contact details for external agencies:

- **NZ Police:** in an emergency call 111. For non-urgent calls please call 105
- **Netsafe – Text 'Netsafe' to 4282, call 0508 NETSAFE (0508 638 723),** email help@netsafe.org.nz or report online at www.netsafe.org.nz/report . NetSafe can provide help and support with online challenges including breaches of the Harmful Digital Communications Act like online bullying, unwanted sexual activity online and online abuse.
- **Department of Internal Affairs:** <https://www.dia.govt.nz/Classification-Overview>. Department of Internal Affairs can receive complaints about objectionable content, like images of bestiality or child sex abuse images under the [Films, Videos and Publications Classification Act](#).

Please note that sexual harassment can ripple out into a community or workplace. Before thinking about external resolution options, it can be useful to

ensure that all parties have support. Look at our [Support: How To Get Help](#) page to check out the various support options available.

Thank you to SoundCheck Aotearoa for their generous sharing of this External Resolutions webpage.