

Human Resources : Harm to staff  
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12 June 2018

██████████  
██████████  
NZ Herald

E-mail: ██████████

Dear ██████████,

### **Official Information Act (1982) Request**

I write in response to your Official Information Act request, dated 15 May 2018. You requested information related to sexual assaults on staff in the workplace, and we have answered these below each question:

For context, CM Health Services provide health services to more than 540,000 people residing in South Auckland, both in hospitals and community settings. Obviously, many of these people are acutely unwell and / or in distress when they require care, and that can result in inappropriate behaviours being exhibited, which our staff needs to manage and respond to. We employ over 7,000 staff and are constantly working to create a safe work environment for all of them. We are clear that we have zero tolerance for any inappropriate behaviours (verbal, physical or sexual) towards any staff in our services, and encourage the reporting of all incidents, so that they can be fully investigated.

We note that information of this nature should be interpreted with caution. Given the differences in reporting systems, and in the different DHB sizes and services, comparisons between DHBs may also be misleading. We have combined your requests on “complaints made” and “substantiated complaints” in each of the sections below.

- 1. The number of Sexual Assault complaints made by DHB staff against other DHB staff members, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017).**
- 2. The number of sexual assault complaints made by DHB staff against other DHB staff members, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017) which were substantiated, with all details available regarding the outcome including any employment action.**

No complaints have been made by staff members related to being sexual assaulted by another staff member in this period.

3. The number of Sexual Assault complaints made by DHB staff against patients, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017).
4. The number of sexual assault complaints made by DHB staff against patients, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017) which were substantiated, with all details available regarding the outcome including any employment action.

The data source for all patient-related incidents of this nature at CM Health facilities is the Incident Reporting System (IRS). In the system, there is separate coding classifications for sexual assault and harassment. The data we are providing is derived from staff self-selection of incident codes and may not reflect a consistent severity of incidents.

Please refer to the table below with numbers of reported incidents by staff related to patient's behaviours.

Incident Date Year	Incident Date Month	assault - sexual	inappropriate sexual behaviour	Grand Total
2014	November	1		1
2015	June	1		1
2016	March	1		1
	June	1	1	2
	August	1		1
2017	March	1		1
	June	1		1
	August	2		2
	December	2		2
<b>Grand Total</b>		<b>11</b>	<b>1</b>	<b>12</b>

Of the incidents reported, nine were against female staff, and three did not specify this detail. Brief review of narrative details identified that most incidents involving patients referred to inappropriate language or touching of a staff member. One incident occurred in Hospital grounds, and one community incident involved a more serious assault.

We do not believe it is appropriate to provide further narrative details of each reported incident, as this may potentially enable identification of individuals (both employees, and the patients involved, some of whom may not have been aware of their actions at the time of the incident due to their clinical condition) and unnecessary distress.

We accept that employees across all our services do at times experience and tell us of incidents of inappropriate behaviour by patients towards them. We actively encourage staff to report all types of incidents that occur, and to seek support in dealing with these, both at the time and if they feel this is affecting them subsequently. We see the increase in reported incidents as part of a wider improvements in acknowledging and dealing with exposure to this type of behaviour in the workplace.

Irrespective, every incident that is reported is automatically notified to the appropriate manager for investigation and follow-up. Employees will be offered further support, including counselling and access

to the funded Employee Assistance Programme (EAP) if appropriate. We also provide staff with opportunities for professional training to learn risk assessment, de-escalation and effective communication techniques that aim to reduce the number of incidents any inappropriate behaviours, and the adverse impacts that can result. If appropriate, we support individuals who need to work with Police, as they pursue investigations.

5. The number of Sexual Harassment complaints made by DHB staff against other DHB staff members, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017).
6. The number of sexual harassment complaints made by DHB staff against other DHB staff members, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017) which were substantiated, with all details available regarding the outcome including any employment action.

When answering these questions regarding staff complaints of sexual harassment, we are using the definition of sexual harassment in Section 108 of the Employment Relations Act.

- That definition of sexual harassment is that actions involve the misuse of power (i.e. a threat of detrimental behaviour, a promise of preference, or a threat about future employment status).

Sexual harassment (as defined in Section 108) is not the same as inappropriate behaviour which has sexual connotations or is overtly sexual.

Using the definition of sexual harassment in section 108 of the Employment Relations Act, there have been no sexual harassment complaints in the period. There have been complaints of conduct of “a possible sexual nature” which are set out below. These were investigated and substantiated.

	Complaint	Accused	Hospital	Outcomes
2013	nil			
2014	nil			
2015	nil			
2016 Nov	Female	Male	Middlemore	Substantiated
2017 May	Female	Male	Middlemore	Substantiated

7. The number of Sexual Harassment complaints made by staff against patients, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017).
8. The number of sexual harassment complaints made by staff against patients, broken down by gender, hospital, month and calendar year every year, for the last five years (2013 - 2017) which were substantiated, with all details available regarding the outcome including any employment action.

This detail is incorporated in the responses to question 3 and 4 (above). However, we would note that those reported incidents were ‘single episodes’ of inappropriate behaviour related to different staff, rather than describing ongoing harassment. In most cases, there will be changes made to care plans and staff allocations to reduce harms. Again, we urge caution in comparing this type of data between health

providers, as each DHB will have different parameters of classification of incidents, size of services and employee numbers.

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'G. Johnson', with a long, sweeping horizontal line extending to the right.

Gloria Johnson  
**Chief Executive (Acting)**