



# Guidance on social cohesion for workplaces

This document provides guidance to help employers and people leaders across Aotearoa foster safe and inclusive practices for their staff, and to ensure diversity in all forms is accepted and celebrated in the workplace.

## Introduction

### **Ka whakamana tāngata – A life of dignity for all**

In times of uncertainty, increased polarisation, and pressing social challenges, it is imperative that we are all helping to create and maintain safe, inclusive and harmonious spaces.

Individuals, communities, businesses and institutions must actively champion social cohesion, including in workplaces, schools, places of worship, public institutions and spaces. As the cornerstone of a harmonious and inclusive society, social cohesion fosters unity, respect and understanding among all members of our evolving multi-cultural society and is a realisation of our human rights. In the context of Aotearoa New Zealand, social cohesion is underpinned by Te Tiriti o Waitangi as our founding constitutional document. Taking action to uphold Te Tiriti o Waitangi is an important part of promoting social cohesion in Aotearoa New Zealand.

Workplaces are critical environments for social cohesion to be put into action. When social cohesion is a priority people feel safe bringing their full self to work, are respected, connected to each other, and are willing to work together towards common goals. When social cohesion is strong there is a sense of trust, shared purpose and an improved collective wellbeing which can lead to increased job satisfaction, retention and productivity.

People spend a lot of time at work. Colleagues, people leaders and employers all play a role in ensuring employees feel valued, safe, included and celebrated in their diversity. It is important that both employers and employees model behaviour that values, respects and embraces individual differences.



## Employment Relations Act 2000

The Employment Relations Act 2000 promotes positive employment relations and good faith behaviours between employers and employees. This means being honest and open. Acting in 'good faith' is its central principle. A socially cohesive workplace supports this by fostering positive relationships and trust between employers and employees. The Act also prohibits an employer or their representative from discriminating against an employee based on any of the protected characteristics in the Human Rights Act 1993.<sup>1</sup>

## Human Rights Act 1993

The Human Rights Act 1993 makes it unlawful to discriminate on the grounds of:

- sex (including pregnancy and childbirth)
- marital status
- religious belief
- ethical belief
- colour
- race
- ethnic or national origin (including nationality or citizenship)
- disability
- age
- political opinion
- employment status
- family status
- sexual orientation.

An action will be considered discriminatory under the Act if a person is treated differently on one or more of the above grounds, are disadvantaged as a result, and a statutory exception does not apply.

The Act takes effect in certain areas:

- employment (including partnerships, and discrimination by industrial and professional associations, qualifying bodies and vocational training bodies)
- access to public places and vehicles
- the provision of goods and services
- the provision of accommodation
- access to educational establishments.

The employment provisions above apply to both the private and public sectors.<sup>2</sup>

## International human rights framework

Aotearoa is bound by a number of international human rights laws which contain protections around the right to work. Importantly, there can be no discrimination in access to or maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion.<sup>3</sup> The right to work is specifically contained in articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights; article 8 of the International Covenant on Civil and Political Rights; in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination; in article 11, of the Convention on the Elimination of All Forms of Discrimination against Women and in article 27 of the Convention on the Rights of Persons with Disabilities, among others.

We aspire to a society where everyone feels they belong, can be their authentic selves, and can freely participate.

<sup>1</sup> Section 21 Human Rights Act 1993 – Prohibited grounds of discrimination <https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304475.html#DLM304475>

<sup>2</sup> More information at: Te Kāhui Tika Tangata Human Rights Commission – Frequently Asked Questions: Employment and applying for jobs <https://tikatangata.org.nz/resources-and-support/frequently-asked-questions>

<sup>3</sup> Article 2 of both the International Covenant on Economic, Social and Cultural rights and the International Covenant on Civil and Political rights



## Definition

A socially cohesive society is one in which all individuals and groups have a sense of belonging, social inclusion, participation, recognition and legitimacy<sup>4</sup>.

## Values

### Mana tangata - Human dignity

All people have dignity and rights and deserve respect, even if we do not agree with them.

### Maia, tika, pono - Courage and integrity

We can call out wrongs and discrimination in a constructive and respectful manner. We must stand up for peace and harmony and move away from prejudice and hatred.

### Whakawhanaungatanga - Relationships

We are all connected - unity is not uniformity, diversity is not division. Unity in diversity reflects the idea of kotahitanga. Communication and relationships are a way to achieve our goal of social cohesion. Relationships should be formed and nurtured through manaaki and kindness.

## Special measures

Equality does not always mean treating everyone the same. Special measures are typically actions, programmes, laws or policies to help disadvantaged or under-represented groups achieve equality with others.<sup>5</sup> They are also referred to as 'affirmative action'.

Special measures can support redress for historical injustices, structural or systemic discrimination, and encourage diversity or ensure proportional representation. In Aotearoa, special measures may also be used to uphold the Crown's obligations under Te Tiriti o Waitangi.

Examples of special measures might be:

- a healthcare measure for people of certain ethnicities to address the poorer health outcomes in those communities
- an educational scholarship open to people of Māori descent, to address the underrepresentation of Māori in a tertiary education programme

- a government target of 50% representation of women on public sector boards and committees
- employers committing to employing disabled people to address existing bias/discrimination
- designated spaces on university campuses for underrepresented groups in tertiary education such as women's, Pacific and Māori spaces and prayer rooms.

The New Zealand Bill of Rights Act<sup>6</sup> and the Human Rights Act<sup>7</sup> both have provisions that allow special measures to be used to address disadvantage resulting from unlawful discrimination. That is, discrimination against a person or group based on a protected ground such as their age, disability, ethnicity or sex.<sup>8</sup> Both acts state that these measures are not unlawful discrimination if they are done with the genuine intention of helping disadvantaged groups achieve equality with others.

<sup>4</sup> Royal Commission of Inquiry into the Terrorist Attack on Christchurch mosques on 15 March 2019 <https://christchurchattack.royalcommission.nz/>

<sup>5</sup> More information at: Te Kāhui Tika Tangata Human Rights Commission – Te Mana i Waitangi <https://tikatangata.org.nz/human-rights-in-aotearoa/human-rights-and-te-tiriti-o-waitangi>

<sup>6</sup> Section 19(2) New Zealand Bill of Rights Act 1990: Freedom from discrimination

<sup>7</sup> Section 73 Human Rights Act 1993: Measures to ensure equality

<sup>8</sup> Section 21 Human Rights Act 1993: Prohibited grounds of discrimination



# Actions

Promoting social cohesion in the workplace can look different depending on the environment. Below are some best practices to support social cohesion in your workplace by upholding human rights and Te Tiriti o Waitangi. These actions have been sourced from stakeholder engagements, research and reports by Te Kāhui Tika Tangata Human Rights Commission. Employers are encouraged to adapt the suggestions below for their workplace and consult with others to determine what these may look like in practice.

## Honour Te Tiriti o Waitangi:

- Learn what it means to honour Te Tiriti as an inclusive human rights document and hold space for staff to discuss with one another how it applies to them and their work.<sup>9</sup>
- Support all staff to learn about their organisation's connection and/or history with mana whenua and Te Tiriti o Waitangi.
- Provide opportunities for staff to upskill in their knowledge and application of Te Tiriti and te reo Māori in their work.

## Value and encourage cross-cultural awareness and inter-cultural capability

- Create opportunities for cross-cultural exchange and learning.
- Remunerate employees for the use of cultural expertise to grow your service or business.
- Invest in inter-cultural capability training for staff and people leaders.<sup>10</sup>
- Support employee-led networks and their initiatives, including allowing staff time to participate in networks.

## Promote equal opportunities

- Create and monitor strategies to ensure equal access to professional development and progression.
- Remove barriers that prevent employees and their communities participating on an equal basis with others.
- Eliminate and stand against discrimination based on actual or perceived race, gender, religion, age, disability, sexual orientation, or other inherent characteristics.
- Monitor and publicly report on your gender, ethnic and disability pay gaps.

## Protect against discrimination

- Ensure workplaces have policies and processes that protect against discrimination and harassment and that appropriate staff are trained to implement these policies.
- Provide regular training for staff on these policies and procedures.
- Provide confidential, alternative reporting mechanisms (both internal and external) for staff.

## Support workplace inclusion in policies and training materials

- Develop and maintain diversity and inclusion policies in the workplace, including in hiring and promotion practices.
- Provide training to staff to address unconscious biases and foster an inclusive work environment. However, it is important to recognise the limitations of this training and the need for it to occur alongside structural changes to address inequity and discrimination.

## Participate in diversity and inclusion initiatives

- Take active steps to promote diversity and inclusion at the Board and executive level through to frontline services. For example, organise your workplace to participate in workplace initiatives such as Pink Shirt Day, cultural, religious and ethnic celebrations where appropriate, and broader social initiatives such as various language weeks, including Mahuru Māori and Pride initiatives.
- Ensure your workplace is accessible to disabled workers and other disabled people who may come into the workplace.

<sup>9</sup> More information at: Te Kāhui Tika Tangata Human Rights Commission – Te Mana i Waitangi <https://tikatangata.org.nz/human-rights-in-aotearoa/human-rights-and-te-tiriti-o-waitangi>

<sup>10</sup> More information at: Ministry for Ethnic Communities – Introduction to Inter-Cultural Capability <https://diaethniccommunities.cwp.govt.nz/resources/intercultural-capability/index.html#/>



### Promote respectful communication

- Promote the use of clear and respectful communication between people leaders and staff, especially when having difficult conversations.
- Ensure there are policies and processes in place that support staff to speak up about wrongdoing and keep them safe from any negative impacts.<sup>11</sup>

### Encourage interfaith dialogue

- Foster conversation and understanding among staff of different faiths, including those who are non-religious.<sup>12</sup>
- Promote religious freedom and tolerance by providing spaces and opportunities for staff to observe their traditions and days of significance.

### Strengthen social support

- Promote mental health and well-being services, including being open to supporting employees accessing alternative, support services e.g. cultural, faith, rainbow based.
- Provide multiple pathways for staff to access support when needed, both internal and external to the organisation.

### Resolve issues peacefully

- Foster a culture where staff feel physically and psychologically safe in expressing all aspects of their identity (for example culturally, linguistically, spiritually, in their gender expression and identity and sexual orientation).
- Encourage people to report any racism, discrimination or harassment they see or experience, or any other instances where they feel unsafe.<sup>13</sup>
- Acknowledge that people's lives outside of work can impact their ability to work. Be flexible in approving requests for support services. Avoid minimising or comparing employees' situations to one another.
- Offer a range of options to resolve complaints or issues and seek to discuss differences in a way that does no further harm. Include the opportunity to provide feedback on the process.<sup>14</sup>

<sup>11</sup> More information at: Te Kawa Mataahi Public Service Commission – Speaking up in the Public Sector <https://www.publicservice.govt.nz/guidance/guide-he-aratohu/model-standards/speaking-up-in-the-public-sector>

<sup>12</sup> More information at: Religious Diversity Centre Aotearoa New Zealand <https://rdc.org.nz/>

<sup>13</sup> More information at: Te Kāhui Tika Tangata Human Rights Commission – Complaints <https://tikatangata.org.nz/resources-and-support/make-a-complaint>

<sup>14</sup> More information at: Employment New Zealand – Resolving problems <https://www.employment.govt.nz/resolving-problems/>



# Examples of applying the guidance to your workplace

An inclusive, safe and cohesive workplace would:

- Honour Te Tiriti by providing opportunities and professional development budget for staff to upskill in their knowledge and application of Te Tiriti in their work.
- Acknowledge the status of te reo Māori as a taonga and official language by promoting its use in the workplace through formal and informal channels (in email correspondence, posters around the office and official documents) as well as recognising it as an additional technical skill an employee may bring to the role.
- Respect the right of its workers to join and participate in their union and deal with their union in a respectful manner.
- Support and promote employee-led networks to staff and providing time and/or budget to support their initiatives.
- Senior leaders promoting and participating in commemorating days of significance for staff in the organisation, when and where appropriate.<sup>15</sup>
- Appreciate the 'representation load' staff from diverse minority communities often carry in bringing their views and lived experiences to inform their work. This may include offering additional resources, mentoring or support for dealing with the challenges related to this load.
- Ensure there are no negative repercussions for staff who have exercised their right to express their views e.g. by attending a protest in their personal capacity or posting on personal social media. While there may be cases where this is inappropriate under a code of conduct, there should be clear guidance for staff and a fair and transparent process for intervention in place.
- Make it clear that it is unacceptable to use inflammatory or dehumanising language e.g. racial slurs or animal metaphors, to describe people or population groups. If this occurs, ensure there are systems in place to take immediate and meaningful action.
- Acknowledge the existence of conflicts or tensions in society (domestic and international), its effect on people and communities in Aotearoa New Zealand, and its impact on people's work and capacity to engage in work.
- Recognise that while there may be differing views on issues and conflicts, no individual should be expected to explain or advocate for a political position or individually held belief. Everyone has a right to an opinion but consider whether it needs to be shared in the workplace if it has the potential to harm others.
- Recognise that groups will contain a range of diverse views, identities and experiences. No community or group holds a single point-of-view. Recognise that individuals from communities, whether racial, gender, ethnic, disabled, religious, rainbow or other, do not represent the full spectrum of views, actions and beliefs of that particular community.

<sup>15</sup> More information at: Ministry for Ethnic Communities – Resources <https://www.ethniccommunities.govt.nz/resources/>

Te Kāhui Tika Tangata Human Rights Commission provides a range of services if you are seeking information, support or want to make a complaint. We also provide a dispute resolution process for complaints covered by the Human Rights Act. Our services are confidential, fair and free.

## We're here to help

Call **0800 496 877**

Text **021 0236 4253**

Email **[Infoline@hrc.co.nz](mailto:Infoline@hrc.co.nz)**

Website **[tikatangata.org.nz](http://tikatangata.org.nz)**



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