



Te Kāhui Tika Tangata
Human Rights Commission



Human rights questions and complaints: We're here to help

April 2024



**Te Kāhui Tika Tangata
Human Rights Commission**

Te Kāhui Tika Tangata Human Rights Commission offers a free and confidential information and dispute resolution service.

We can help with questions about human rights issues, and complaints about discrimination, sexual harassment, racial harassment, conversion practices, harmful speech, and more. Our service is guided by tikanga and aims to be accessible to everyone in Aotearoa New Zealand.

I orea te tuatara ka puta ki waho

A problem is solved by continuing to find solutions

Te Kāhui Tika Tangata Human Rights Commission was established in 1977 and works under the Human Rights Act 1993. The Commission's purpose is to promote and protect the human rights of all people in Aotearoa New Zealand.

The information in this booklet is intended to give general guidance. It should not be relied on as legal or other professional advice.

How we can help

We provide information

We can answer questions and provide information about human rights and Te Tiriti o Waitangi. If we can't help you, we can point you in the right direction or connect you with other organisations who can help.

We help resolve disputes

We offer a dispute resolution process for complaints covered by the Human Rights Act. We help people safely communicate with each other and find ways to resolve issues, without a judge or decision-maker being involved.

We encourage harmonious relations

We offer support for people affected by broader human rights issues like harmful speech. We can provide information and, in some cases, facilitate conversations to encourage understanding and peaceful relationships between individuals and communities.

Our services are confidential, fair and free.

What can I complain about?

Unlawful discrimination

Being treated differently and unfairly compared to others because of a personal characteristic such as your sex, age or race.

Sexual harassment

Unwelcome or offensive sexual behaviour or requests for sexual activity.

Racial harassment

Racist, hurtful, and offensive language or behaviour.

Conversion practices

A practice that seeks to change or suppress your sexual orientation, gender identity or gender expression.

Victimisation

Unfair treatment because you made a complaint related to the Human Rights Act or a protected disclosure (whistleblowing).

Indirect discrimination

A policy or practice that appears to treat everyone the same but disadvantages a group of people because of a personal characteristic.

Adverse treatment of employees affected by family violence

Unfair treatment by an employer or potential employer because you are experiencing family violence or have in the past.

Harmful or hate speech

Words that express hostility against a group of people because of their race, religion, or identity.

The Human Rights Act protects you from discrimination and harassment in areas of public life, including:

- employment and applying for jobs
- education and vocational training
- access to transport and public facilities
- housing and accommodation
- provision of goods and services
- dealing with government departments or other public services (including laws and government policies).

In some cases, we can help with human rights issues in other contexts. Get in touch to find out more.

The Human Rights Act protects you from discrimination based on your:

- **Sex:** including pregnancy and childbirth, gender identity and expression, and sex characteristics
- **Marital status:** being single, married or in a civil union, in a de facto relationship, separated, divorced or widowed
- **Religious belief:** being a member of a religion, or holding a particular religious belief
- **Ethical belief:** not holding a religious belief
- **Colour, race, ethnicity, or national origins:** includes citizenship
- **Disability:** having a physical, sensory, mental, intellectual or learning impairment or long-term illness, or using a disability assist dog
- **Age:** once you are 16 years and over
- **Political opinion:** having a political opinion, or not having a political opinion
- **Employment status:** being unemployed, on a benefit or on ACC
- **Family status:** who you are related to, or whether you are responsible for children or other dependents
- **Sexual orientation:** including being straight, gay, lesbian or bisexual.

These grounds apply to present, past, or assumed circumstances. For example, it is unlawful to discriminate against someone because they have a mental illness, or had one in the past, or because you think they have a mental illness.

If you're not sure if we can help with your situation, contact us. We can provide information about your options.

I have a question or complaint. How does the process work?

Step One: Contact us

Visit our website www.tikatangata.org.nz for a wide range of resources and FAQs about human rights issues. You can fill out an enquiry or complaint form on our website. If you need support to make a complaint, email info@hrc.co.nz or call **0800 496 877** and leave us a message. We offer a call-back service and will be in touch as soon as we can.

Step Two: Information and support

We will contact you to provide information and discuss options for your enquiry or complaint. We can provide information to help you resolve the complaint yourself or refer you to other agencies who can help. If we assess that your complaint comes under the Human Rights Act, we can offer a dispute resolution process.

Step Three: Dispute resolution

We help the people involved communicate with each other to better understand each other's point of view and find ways to resolve the complaint. Depending on the situation, we may speak separately with the people involved or bring everyone together in a meeting (online or in person). Dispute resolution is free, confidential and fair to everyone involved.

Step Four: Resolution

Most complaints can be sorted out through dispute resolution. Outcomes must be agreed by everyone involved, and can include things like an apology, an agreement not to do the same thing in future, a training programme, or compensation.

Step Five: Legal options

If your complaint isn't resolved through our process, we close your complaint. You may then have the option of taking it to the Human Rights Review Tribunal. The Tribunal can hear complaints about breaches of the Human Rights Act and make findings and orders.

You can apply for free legal representation from the Office of Human Rights Proceedings.

Note: we do not investigate complaints or decide if the law has been breached.

Read how the Commission improves outcomes for people

Names and identifying details have been changed to preserve privacy.

Promoting respect for taonga

Matiu complained he was discriminated against during a job trial because of his tā moko (cultural tattoo). He said the employer told him the job may not be for him. We contacted the employer, who agreed to meet with Matiu. In a dispute resolution meeting, Matiu had the opportunity to explain how the experience impacted him. The complaint was resolved after the employer apologised to Matiu and agreed to pay him compensation and to change their practice to recognise religious and cultural tattoos.

Tackling sexual harassment

Kylie complained she was consistently subjected to sexual comments and jokes at work. The staff seemed to take the lead of the supervisor, so Kylie felt she couldn't complain. Eventually, she left the job and made a sexual harassment complaint to the Commission. We arranged a dispute resolution meeting and ensured a safe space so that Kylie and her employer could talk about what happened and how it had impacted Kylie. The company agreed to make sexual harassment training an explicit part of its induction processes, and to pay Kylie compensation for hurt and stress.

Speaking up against racism

Anika was on public transport and heard the driver make racist comments about other passengers. While the comments weren't directed at her, she was upset and concerned about the impact they might have on others.

She made a harmful speech complaint to the Commission. We facilitated a conversation between Anika and the transport company. The driver apologised to Anika for their comments, and the company agreed to contact all staff to reinforce its anti-discrimination policy.

Removing barriers at work

Terry was a dedicated volunteer at an NGO (non-government organisation). When a compulsory training course was introduced for all staff, Terry's managers thought Terry couldn't complete the course due to his dyslexia. They told Terry he could no longer be on the roster.

Terry made a disability discrimination complaint to the Commission. After we contacted the NGO about Terry's complaint, the NGO realised they had made a mistake. They reached out to Terry directly to apologise and reiterated his value to the team. Terry was able to complete a modified version of the course and return to volunteering.

Encouraging peaceful communities

Jay complained her neighbour was harassing her because of her sexual orientation. We contacted the neighbour to discuss the complaint, hear their perspective, and share Jay's views. As a result of the conversation, the neighbour apologised and agreed to change their behaviour. Jay was pleased to have the opportunity to safely voice her concerns and resolve the matter in a peaceful way.

Other agencies who can help

Office of the Ombudsman

www.ombudsman.parliament.nz

Investigates complaints about government agencies.

MBIE's Employment Mediation Service

www.employment.govt.nz

Information and mediation services for employment issues.

Health and Disability Commissioner

www.hdc.org.nz

Investigates complaints about health and disability services.

Privacy Commissioner

www.privacy.org.nz

Investigates complaints about potential breaches of privacy.

Lifeline Aotearoa

A free 24/7 mental health support and counselling service.

Call 0800 LIFELINE (0800 543 354) or free text HELP (4357)

Contact us:

www.tikatangata.org.nz

Email: infoline@hrc.co.nz

Phone: 0800 496 877

Text: 021 0236 4253

NZ Relay Service

We can access interpreters in 180 languages.



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