

Serious and On-going Harassment Policy - Policy Number 113

Edited August 2021

1. Purpose

This policy outlines Pacific Community Housing's commitment to deal with all incidents involving the harassment, intimidation and victimisation of its tenants and residents promptly and positively.

2. Scope

This policy applies to all Pacific Community Housing tenants.

3. Policy Details

Pacific Community Housing's vision is 'a better future for those in need, through safe affordable housing'. Pacific Community Housing will therefore not tolerate harassment, discrimination or intimidation.

Pacific Community Housing will:

- Support victims of harassment in resolving issues related to their tenure and safety by taking the following steps
 - Take a victim centred approach to reports of harassment
 - give priority to the safety of victims and children
 - take action to evict perpetrators of harassment where appropriate
 - except what victims say until evidence suggests otherwise
- only take action in support of victims with their consent

where there is evidence of criminal or violent activity, Pacific Community Housing encourages tenants to refer the issue to the police.

3.1 Definition of Harassment

Harassment is unwanted, unwelcome and uninvited behaviour, which is intimidating, humiliating, degrading, offensive or distressing to the recipient.

Harassment can consist of acts of intimidation against a person because of their race/ ethnicity, sexual orientation, gender, age, religion/ belief or disability [there may be other reasons].

General examples of harassment may include:

- Verbal abuse or taunting
- leering or insulting gestures
- embarrassing comments
- intrusion or pestering, stalking, spying etc
- graffiti
- damage to home or personal property
- display or circulation of offensive materials
- intrusive or persistent questioning
- persistent unwanted telephone calls and text messages

3.2 Nuisance behaviour

Nuisance behaviour is behaviour that unreasonably interferes with other people's rights to use and enjoy their home and community such as:

- excessive noise
- intimidation

- aggressive or abusive behaviour or language
- vandalism
- nuisance caused by pets
- vehicle nuisance such as where they are parked

people may be unaware that an issue has occurred until you bring it to their attention in a friendly manner. Once aware, most people are reasonable and will take your request into consideration prior to repeating the behaviour.

3.3 Distinction between Harassment and Nuisance

Whilst all acts of harassment will be acts of nuisance, few acts of nuisance will be harassment.

Nuisance is usually antisocial behaviour committed by people who do not care who suffers, while perpetrators of harassment will single out their victim(s). (For example, an owner who allows their dog to urinate outside a neighbour's door would be creating a nuisance; an owner who deliberately took their dog to the neighbour's door to urinate there would be committing an act of harassment).

3.4 Impact of Serious and Ongoing Harassment

Pacific Community Housing recognises that harassment affects the well-being of a person and can result in:

- isolation
- humiliation and feeling ridiculed
- low self-esteem and confidence
- depression and/ or other symptoms of ill health
- inability to cope with day-to-day activities
- anxiety and stress

3.5 Tenant Relocation from Serious and ongoing Harassment

Where serious and ongoing harassment has been proven, Pacific Community Housing will take action to evict perpetrators under breaches of the Residential Tenancies Act.

Pacific Community Housing also recognises that due to personal circumstances there may be occasions where tenants will seek a transfer as a result of serious and ongoing harassment.

To be eligible for a transfer resulting from serious and ongoing harassment, tenants need to show that:

- the risk is serious and ongoing
- the risk means that they cannot remain in the current dwelling and/ or location beyond a medium length of time (generally six months)
- the property and/ or location significantly increases the risk and reduces their safety
- apart from transferring, there are no practical steps that can be taken by the tenant's household to lower or remove the risk
- being relocated will help or resolve the situation and remove or significantly decrease the risk

4. Legislative Framework and Related Policies

- Residential Tenancies Act 2010
- The Anti-Discrimination Act 1977
- Complaints and Appeals Policy 110

6. Privacy and Confidentiality

Pacific Community Housing will be mindful of its responsibilities under its privacy and confidentiality policy. Information released will be on a need-to-know basis only unless required by law. Wherever possible special arrangements will be made without informing contractors or external parties of the reason why.

7. Complaints and Appeals

A tenant who is not happy with the decision made by Pacific Community Housing or who believes that Pacific Community Housing has not followed this policy may complain or appeal using the Complaints and Appeals policies.