



August 2021

Proposals against incitement of hatred and racism

Submission of Te Rūnanga o Ngā Toa Āwhina o Te Pūkenga Here Tikanga Mahi

“E kore au e ngaro, he kākano i ruia mai i Rangiātea” – we have an opportunity to reset and affirm the messages that Māori hear. This is how we can achieve intergenerational wellbeing for all Māori.

Who we are

1. Over 80,000 people are members of Te Pūkenga Here Tikanga Mahi, the Public Service Association (PSA). More than 8500 PSA members are Māori, working in the Public Service, the wider State services, District Health Boards, Local Government and contracted Community Public Services in all parts of Aotearoa. Founded in 1913, the PSA is the largest trade union in New Zealand and is an affiliate of Te Kauae Kaimahi The New Zealand Council of Trade Unions, Public Services International and UniGlobal.
2. This submission has been prepared by Te Komiti o [Te Rūnanga o Ngā Toa Āwhina](#), the body that represents and coordinates Māori members within the structures of the PSA as part of advancing the Te Tiriti o Waitangi principles of partnership, protection and participation in activities to achieve the purpose and objects of the union as they relate to the working lives of PSA members.
3. We are proud to share the way in which we have created Ngā Kaupapa as a framework for Māori by Māori that encapsulates the essence of Te Ao Māori within our union. These are the core values that Māori live by in our everyday lives as whānau, hapū and iwi. Rangatiratanga, Manaakitanga, Kotahitanga, and Whanaungatanga are a few of which are expressed by our members in dealing with their public service mahi.

Our response to the proposals

4. Te Rūnanga o Nga Toa Āwhina supports the main proposed legislative changes of changing the language in the incitement provisions in the Human Rights Act so that they protect more groups that are targeted by hateful speech; and clarifying the behaviour the law prohibits and increasing the consequences for breaking the law, however we note that the most important changes will be in how this is enforced, policed and rolled out in practice: We know that Māori and people of colour experience discrimination by the Police and within the justice system and racism towards them is not treated as a priority in our current system.

5. Legislative changes, such as those proposed here, will primarily only address blatant and extreme forms of hatred and discrimination. Many of Aotearoa's issues with racism are much more subtle and insidious and will need more work to achieve long lasting change. We hope there are opportunities to engage in the next steps including the National Action Plan Against Racism, which is in its early stages of development.
6. We support increasing the consequences for breaking the law, but we would also like to see these consequences including education and rehabilitation which we know the current prison system is inadequately equipped to provide.

Adequacy of acknowledgement of Te Tiriti o Waitangi issues in the proposals document

7. The proposals document asks whether the proposals present any further Treaty of Waitangi issues than those mentioned in the document. We believe the document does not sufficiently acknowledge Te Tiriti, which needs to be at the forefront of all these discussions and work.
8. Across the employment system structural and institutional racism shapes the experiences of Māori. This informs what Māori hear about what they can achieve. In a report released by the office of the Children's Commissioner in 2018, many of our tamariki reported experiences of racism and unequal treatment of other children and educators. While some areas outcomes may be improving, our tamariki are growing up within system traditionally organized around Pakeha values, that don't always support them or encourage them to flourish on their own terms. This results in heart-breaking statistics about our tamariki and rangatahi. These include:

He Whakaaro: What do we know about discrimination in schools? MoE, 2019

- *Māori, Samoan and other Pacific students are far more likely to report discrimination on the basis of their ethnicity from adults than from their peers, with unfair teacher behaviour the most frequently reported issue.*
- *Over 20% of Māori students surveyed reported experiencing ethnic discrimination.*
- *Māori students report more frequent experiences with bullying in general.*
- *Disabled students and students with health conditions make up more than a quarter of all students, and experience substantially worse bullying outcomes than their peers (for a range of discriminatory reasons).*
- *About half of all LGBTQIA+ students report having ever been bullied, and about one in five transgender students report being bullied on a weekly basis.*

Survey of Working Life 2018, Statistics NZ, 2019

- *About 11% of workers said they had experienced discrimination, bullying or harassment at work in the past 12 months. Māori reported a rate of discrimination, bullying or harassment of 13%*
- *Women reported higher rates of discrimination, bullying or harassment than men. The biggest gap was among employed Māori, with the rate for Māori women (17%) twice that of Māori men (8%).*

9. The world of work is also set up around Pakeha norms, and our people experience discrimination in employment settings, both in gaining employment as well as in employment. Other relevant government initiatives that can address these issues include:

- Human Rights Commission, Employment Services: provide information, tools, and resolution services. Diversity Works also has tools and information.
- Te Hurihanganui: education programme to support communities to address racism and inequality. MOE will support 6 communities to develop action plans to address racism and inequality incorporating design principles critical for transformative education reform. What works will be built into the education system.
- MBIE Review of Bullying and Harassment at Work and the Systems for Preventing and Responding to such Behaviour.