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The Government of Tonga

Public Service Commission

SEXUAL HARASSMENT POLICY

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I. POLICY STATEMENT

(1) Premise

1. This Policy reflects and reinforces the following principles and practices and applies them to conduct in all Government workplaces:
2. Cultural Pillars – There are four golden pillars (faa'ikaveikoula) that underpin Tongan society:
 - i. respect
 - ii. humility
 - iii. reciprocity; and
 - iv. loyalty and commitment
3. Biblical Foundation – The basis for respect and reciprocity is founded on the biblical premise that we are all human beings created by God in His image, therefore having inherent value and worth.
4. *Constitution of Tonga* – The Constitution, Clause 1 - Declaration of Freedom states that “Since it appears to be the will of God that man should be free as He made all men of one blood...” If the author of the Constitution prioritised the freedom of all Tongans by virtue of the fact that men and women have the same rights, created by God, it is important for that truth to be embodied in this policy.
5. Statutory Obligation - The Public Service Commission has a responsibility to provide a safe workplace environment for all employees by virtue of the *Public Service Act 2010* section 4C (i) and its Regulations.
 - i. The Public Service Commission has a responsibility to ensure that employees uphold / comply with all Policies.
 - ii. The Code of Ethics and Conduct prescribes the type of behaviour expected of all employees.
 - iii. This Policy binds all employees.
 - iv. All employees have the right to work in a work environment that is free of all forms of sexual harassment.

6. It is hereby confirmed that a breach of this Policy by any employee is breach of the Code of Conduct 2010. Such employee shall be disciplined in accordance with the *Public Service (Disciplinary Procedures) Regulations*.

(2) Purpose

1. To ensure that employees are protected from sexual harassment.
2. To provide clear guidance to all employees in any Government Ministry regarding sexual harassment in the workplace.
3. To raise awareness among all employees about how to identify the behaviours, actions and circumstances known to be associated with sexual harassment.
4. To provide clear guidance for processing sexual harassment complaints within the Public Service.
5. To promote and maintain safe and healthy workplaces, where all employees, irrespective of sex or status, are treated with fairness, dignity and respect.

(3) Rationale

When sexual harassment is left unaddressed in the workplace, there will be significant impacts that affect not only the complainant but the overall workplace culture. These include the following:

1. Stress experienced by the complainant which may lead to poor work performance and/or absenteeism;
2. An intimidating hostile and offensive working environment negatively affecting the workplace and service delivery, including specifically increased physical risks and accidents;
3. Damaging and negative perception of the Public Service and Ministries by both employees and the general public;
4. Affects a person's psychological, physical and sexual health, dignity, and family and social environment;

5. Affects the quality of public services, and may prevent prospective employees from accessing the Public Service, and existing employees from remaining, and advancing in employment opportunities;
6. Impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, loss of employees, and overall productivity;
7. Affects women disproportionately, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending sexual harassment in the workplace;
8. Affects employment, productivity and health and safety, and that Government, employers' and workers' organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of sexual harassment, and a breakdown in communication, trust and transparency in work relationships thereby affecting productivity.

(4) Policy Statement on Sexual Harassment

1. Sexual harassment is not to be tolerated or condoned in any Government workplace.
2. The Commission has an obligation, both statutory and ethical to:
 - i. take all appropriate steps to prevent and respond to sexual harassment in the workplace of the Public Service.
 - ii. protect all employees from any act(s) of sexual harassment.
3. The Commission is committed to ensuring that all Ministries, contractors, suppliers, and partners maintain a 'zero-tolerance' position on sexual harassment.
4. All forms and expressions of sexual harassment are prohibited in the Public Service.

(5) Scope

1. This Policy will apply to all employees¹. Position and seniority will not confer impunity. Any employees who engages in sexual harassment will be subject to disciplinary sanctions up to and including criminal prosecution and dismissal.

2. This Policy:
 - i. supports those who have been affected by sexual harassment as well as those who report or witness it;
 - ii. ensures accountability of those who perpetrate sexual harassment;
 - iii. supports the creation of a safe, equal and inclusive working environment for employees.

(6) Prevention of Retaliation Against Complainants

The Government of Tonga has a 'zero-tolerance' of retaliation against and intimidation of those who speak up or report on sexual harassment in the workplace.² Any person found to be retaliating against or intimidating those who speak up or report sexual harassment will be dealt with in accordance with the law³ and the appropriate policies of the Commission.

1. Any evidence of retaliation or intimidation shall be considered a separate violation of this Policy.

2. Any person found to be in retaliation against or intimidating those who speak up or report sexual harassment will be dealt with accordingly.

¹CEOs and employees in a Government Ministry as listed in Schedule 1 of The Public Service (Amendment) Act 2010. Employees who are appointed under Schedule 2 of the Public Service (Amendment) Act 2010 who are alleged to have committed sexual harassment will be subject to action in accordance with the terms and conditions of any contract they may have with the PSC, and also any other rules regulations codes and policies regarding them.

² The Public Service (Amendment) Act 2010 s19A(4) prohibits retaliation and intimidation. ss(6) outlines the obligation of the CEO and the Commission to inform the person making a report (complaint) of the protections available to the them under this section.

³The Public Service (Amendment) Act 2010 s19A(4) protects employees who report serious breaches of discipline from victimization and discrimination by the employer. The provisions of s19A(4) (5) and (6) of the Public Service (Amendment) Act 2010 may apply to this situation as applicable.

II. SEXUAL HARASSMENT – DEFINITION

(1) Definition

- i. “Sexual harassment” is unwelcome behaviour of a sexual nature that leads to a person feeling offended, humiliated or intimidated, where that person’s reaction is reasonable in the circumstances, and is between an employee with greater authority and one with lesser authority. This harassment is used as a basis for a decision which affects the employment and career advancement of that employee (For instance, a employee is pressured by a superior to engage in sexual activity to keep his or her job or advance his or her career e.g. a supervisor either offers improved terms and conditions of employment to the employee in exchange for sexual favours or threatens to take negative action in regard to the employees employment situation if the request for sexual favours is refused.) However, it should be noted that sexual harassment between an employee with greater authority and one with lesser authority can also create an intimidating, hostile or humiliating workplace environment, and /or
- ii. between co-workers and has the effect of unreasonably interfering with the victim’s work performance or creates an intimidating, hostile or humiliating workplace environment for other employees. (For instance, where one or more co-workers subject another co-worker / colleague to comments of a sexual nature that are offensive and that have a negative impact upon the colleague’s work performance or the working environment.)
- iii. “quid pro quo” (this for that) sexual harassment is committed when an employer, supervisor, manager or co-worker, undertakes or attempts to influence the process of recruitment, promotion, training, salary increment or other benefit of an employee in exchange for sexual favours, or to threaten to discipline or dismiss an employee if sexual favours are not given.

2. An employee is sexually harassed in the course of his employment if an employer, a representative of the employer, or another employee directly or indirectly;
 - (a) makes a request of the employee for sexual intercourse, sexual contact or subjects the employee to any other form of sexual activity which contains an implied or overt:
 - i. promise of preferential treatment in that employees employment;
 - ii. threat of detrimental treatment in that employees employment; or
 - iii. threat about the present or future employment status of that employee.
 - (b) uses words (whether written or spoken), engages in physical behaviour, shows visual material, or any other actions of a sexual nature, which is unwelcome or offensive to another employee, and that other employee's reaction is reasonable in the circumstances, and is either through repetition or of such a nature that it has a detrimental effect on an victim's employment, job performance, or job satisfaction.
3. Where a complaint of sexual harassment has been made by an employee, details of the complainant's previous sexual experience or sexual reputation must not be taken into account by the employer.

(2) WHERE SEXUAL HARASSMENT CAN OCCUR

- 2.1 For the purposes of this Policy, 'sexual harassment' includes behaviours that can take place including [but not limited to]:
 - (a) in the physical workspace within the Public Service
 - (b) in any workplace, regardless of its physical location, used by employees for work
 - (c) during any work-related travel
 - (d) unwanted behaviour where one employee targets another through any form of social media, email, mail or any other vehicle for the transmission of communications whether or not it originates in the actual place of work.

(3) FORMS OF SEXUAL HARASSMENT

3.1 Sexual harassment may take various forms including [but not limited to]:

(a) Verbal Conduct:

Sexually harassing verbal conduct may include the following:

- i. Aggressive, repetitious demands and requests for social engagements after it has been made clear that such requests are denied and not welcomed;
- ii. unwanted requests for sexual intercourse/intimacy, including unwelcome sexual advances;
- iii. inappropriate or sexually oriented comments about physical appearance;
- iv. jokes of a sexual nature, sexually offensive, flirtatious or lewd remarks;
- v. sexual innuendo, insults or taunts based on a person's sexual orientation;
- vi. inappropriate or intrusive questions about an employees private life or body or remarks of a sexual nature such as expressions of sexual interest that are addressed directly to the person.

Verbal conduct of a sexual nature do not necessarily need to be addressed directly to a person for sexual harassment to occur – e.g. an employee (A) who makes offensive remarks out loud to another employee (B) about another employee (C) while they are within earshot.

(b) Non-Verbal Conduct:

Sexually harassing non-verbal conduct may include the following:

- i. the display of sexually explicit (or suggestive) pictures, screen savers or posters;
- ii. the sending of sexually inappropriate or suggestive images or videos in any format;
- iii. sending sexually explicit emails, SMS messages, or any communication in visible or audible form.

(c) Physical Conduct

Sexually harassing physical conduct may include the following:

- i. Unwelcome touching, rubbing, patting, pinching, hugging and kissing,
- ii. Sexual gestures such as pelvic thrusts, and facial gestures,
- iii. Unwelcome physical familiarity, closeness,
- iv. or any other unsolicited physical contact of a sexual nature.

Sexually harassing physical conduct may also include any behaviour leading to an offence under the *Criminal Offences Act* such as indecent assault or rape, including any attempt. Such conduct must be reported to the Police for normal process of criminal investigation and separate criminal prosecution.

3.2 'Sexual harassment' may be a single event, a series of events or an ongoing pattern of behaviour.

3.3 It is possible for sexual harassment to be directed against a person of the opposite or same sex as the alleged harasser, and against a person of any age.

III. ROLES AND RESPONSIBILITIES

(1) Public Service Commission

1.1 The Commission and all Ministries are committed to promoting and maintaining a safe working environment free of sexual harassment in which all employees and other individuals covered by this Policy are expected to comply with.

1.2 Commission shall ensure that the Policy is understood and enforced and that all employees are responsible and accountable for their conduct.

- 1.3 Commission will undertake diligent reference checks during recruitment processes to ensure that individuals who have violated this Policy are identified, and may not be considered for hiring, depending on the seriousness of the violation.
- 1.4 The Commission will provide targeted training for employees designated to provide support on issues involving sexual harassment, building the skills necessary to effectively communicate and respond appropriately to sexual harassment.
- 1.5 The Commission will provide information and training to employees to ensure a full understanding of this Policy and procedures through awareness-raising programmes supporting gender mainstreaming and the prevention of sexual harassment.
- 1.6 The Commission and all Government Ministries responsible for implementing this Policy shall provide to victims of sexual harassment effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies.

(2) Chief Executive Officers and Senior Managers of Individual Ministries

- 2.1 The Chief Executive Officer (CEO) of a Ministry shall inform all staff of the existence of this Policy, make it available for them to read and ensure that they understand it and to take immediate action where sexual harassment is observed.
- 2.2 Senior officers in Ministries shall demonstrate their commitment to the prevention of and response to sexual harassment incidences:
 - i. by educating themselves about sexual harassment issues,
 - ii. treating all employees with professionalism, courtesy and respect, and
 - iii. as far as is reasonably possible, ensuring confidentiality in all matters relating to the reporting and investigation of sexual harassment incidences and cases.
- 2.3 Senior leaders and senior managers must ensure that there is a workplace culture in which employee feel free to express concerns about inappropriate behaviours and they

must encourage employee to use, without fear of reprisal, the mechanisms available to them through the Public Service.

(3) Employee

3.1 All employees must comply with this Policy.

3.2 All employees shall be responsible to assist in the prevention of sexual harassment by:

- i. refraining from knowingly participating in or encouragement of acts that could reasonably be perceived as sexual harassment,
- ii. reporting observed acts of sexual harassment to a supervisor, and assisting in the provision of information they are aware of, for cases where allegations of sexual harassment have been made,
- iii. encouraging any employee who confides that he or she is being harassed to report the situation to a supervisor.

3.3 Employees shall familiarise themselves with the Policy and attend awareness programmes and training provided by their Ministries or the Commission.

3.4 Employees may contribute to the development and revision of this Policy by providing information, and comments.

IV. FORMAL PROCEDURES

1. Process

1.1 A complaint of sexual harassment can be made by any employee who, in accordance with this Policy, believes that he or she has been sexually harassed. Such complaint shall be treated as a possible breach of the *Code of Conduct*, and be processed according to the procedures of the *Public Service (Disciplinary Procedures) Regulations 2010*.

1.2 In cases where the complainant and/or alleged sexual harasser is not subject to the *Public Service (Disciplinary Procedures) Regulations 2010*, the complaint may be

processed in accordance with the informal procedures outlined below or through a Court of Law's civil and criminal process.

1.3 A complaint should be:

- i. taken seriously,
- ii. treated confidentially,
- iii. investigated thoroughly,
- iv. handled quickly.

1.4 Employees are encouraged to inform an alleged sexual harasser that his or her actions are unwelcome, and offensive.

1.5 The employee wishing to lodge a complaint is encouraged to make written notes, recorded audio, or video of relevant events. These should be made as soon as possible after the incident has occurred, noting the identity of the alleged sexual harasser, dates, locations, a short description of what happened and the names of any witnesses and/or of any third parties to whom the incident might have been mentioned.

1.6 A complaint of sexual harassment will not be dismissed simply because the complainant failed to inform the alleged harasser that the conduct was not welcome at the time that it occurred.

1.7 A complainant of sexual harassment, who knowingly lodges a false report or is found to be in fabrication of such an event shall be disciplined according to the *Public Service (Disciplinary Procedures) Regulations 2010*.

2. Independent Investigations for Formal Complaints

2.1 If the complainant has been unable to reach a satisfactory resolution through the informal process outlined below or does not wish to pursue informal resolution, he or she should submit a formal complaint under this Policy per the *Public Service (Disciplinary Procedures) Regulations 2010*.

- 2.2 The complaint should be submitted to the Commission through the Chief Executive Officer of the Ministry concerned. In the case where the alleged harasser is the CEO the complaint may be made directly to the Commission by the alleged victim.
- 2.3 Because of the sensitive nature of sexual harassment, all formal complaints made in terms of this Policy must be promptly and thoroughly investigated, subject to the time requirements of the *Public Service (Disciplinary Procedures) Regulations 2010*.
- 2.4 All investigations of formal complaints may be conducted by an independent investigator appointed by the Commission in accordance with the *Public Service (Disciplinary Procedures) Regulations 2010*. Investigators engaged by the Commission must be well suited to conduct a sexual harassment investigation.
- 2.5 The investigator must draw up a report which must contain the following information;
- i. a summary of the allegations against the harasser;
 - ii. any complaint made against the employee;
 - iii. the investigative measures undertaken;
 - iv. the facts gathered from the investigation;
 - v. official records or documents relevant to the investigation;
 - vi. any statements from witnesses;
 - vii. any record of previous offenses committed by harasser;
 - viii. any other evidence in any form or format, that is relevant to the investigation;
and
 - ix. the findings and recommendations on the allegations.
- 2.6 During the formal investigation period, the CEO may need to make a decision regarding the work placement of the alleged harasser and/or the complainant in order to reduce the likelihood of any increased tension in the workplace.
- 2.7 The investigator must complete the report within 1 month from receiving the instruction from the Commission to investigate.

- 2.8 Based on the investigation report, the Commission, in close consultation with the concerned Ministry, must make a decision on the appropriate actions to be undertaken within 30 days of having received the independent investigator's report.
- 2.9 The decision of the Ministry or the Commission must be transmitted to the complainant and to any other party directly implicated in the complaint, together with a copy of the report, subject to the deletion of any confidential information necessary to protect third parties as directed by the Ministry or the Commission.
- 2.10 The Ministry or Commission must establish a mechanism for monitoring the progress of the complaint so that at any time, the complainant may be able to enquire as to the progress of the investigation.

V. INFORMAL PROCEDURES

1. Process

- 1.1 The Commission encourages employees to first attempt to resolve harassment-related issues through informal consultation and conflict resolution.
- 1.2 The complainant may wish to write a letter describing the inappropriate behaviour and its effect, that it is unwelcome, unacceptable and must stop. A third party such as HR advisor / counsellor may assist a complainant with planning what to say or write in the letter to the alleged harasser.
- 1.3 The alleged harasser should cease the objectionable conduct immediately.
- 1.4 If the situation permits, employees should attempt to resolve sexual harassment-related issues through informal consultation and conflict resolution.

- 1.5 This includes the complainant writing a letter describing the inappropriate behaviour and its effect, that it is unwelcome, unacceptable and must stop, to the harasser.
- 1.6 The alleged harasser should cease the objectionable conduct immediately. Continued sexual harassment should result in the matter being processed formally.

2. Ways for Ministry Management to Assist Procedures and Provide Effective Intervention

- 2.1 If the complainant does not feel comfortable addressing the alleged harasser directly (e.g. because the complainant does not feel safe having such a conversation or the alleged harasser is a senior official), the complainant may consult informally with the CEO, or senior officer, or any relevant officer who has been designated to oversee and deal with issues related to sexual harassment in the Ministry.
- 2.2 The complainant may wish to ask questions to the CEO, or senior officer, or any relevant officer about sexual harassment or have issues clarified before proceeding with any direct report of alleged sexual harassment. A complainant should be able to discuss questions or clarifications in confidence.
- 2.3 If it emerges from the discussion that sexual harassment has occurred, the CEO, senior officer or any relevant officer has an obligation to inform the complainant that information, advice and assistance is available from the appropriate Division in the Ministry and the Commission.
- 2.4 Depending on the circumstances, third party intervention may be attempted. Third parties may be:
 - i. the HR manager/supervisor
 - ii. other Ministry officials trained in addressing sexual harassment
 - iii. specifically professionally trained Commission staff

- 2.5 They should meet privately with each person involved, understand each party's view on the alleged incident, clarify perceptions⁴ and develop an acceptable and appropriate way forward for resolving the complaint.
- 2.6 The intervention should allow for the matter to be addressed promptly at the managerial level or via submission to the Commission.
- 2.7 A written record must be maintained about the discussions and any managerial involvement.
- 2.8 If a manager/supervisor cannot perform this role for any reason, the manager/supervisor, must, in consultation with the Human Resources Division, or PSC, refer the affected individuals to another trained and trusted point of contact for assistance.
- 2.9 The CEO, senior officer or any relevant officer must also inform the complainant of the options available under the Commission's legal framework to address the alleged sexual harassment and provide the information in a timely, sensitive and impartial manner.

VI. SANCTIONS AND SUPPORT

1. Once the Commission has made a decision that the alleged sexual harasser breached this Policy, the harasser will be sanctioned in line with the provisions of the *Public Service (Disciplinary Procedures) Regulations 2010*.
2. If it appears from the investigation that a criminal offence may have been committed, the CEO or the Commission shall report the matter to the Police.⁵

⁵ Regulation 5 (4). Public Service (Disciplinary Procedures) (Amendment) Regulations 2010

3. Intentionally making a false complaint of sexual harassment or providing false information in relation to an allegation of sexual harassment is grounds for discipline.
4. Employees found to have committed sexual harassment may also be referred to appropriate counselling and support in order to address the root causes that led to the sanctioned conduct.

VII. DATA AND MONITORING

1. Data and information for internal monitoring and analysis of sexual harassment complaints shall be maintained within the responsible Division in Ministries and the Commission.
2. Ongoing monitoring should be undertaken on an annual basis. It should include: analysing data collected through formal and informal mechanisms, undertaking surveys of officials/staff on sexual harassment, conducting interviews, monitoring staff absenteeism, with the aim of seeking to better understand the workplace culture and the employee's responses to sexual harassment.
3. The Policy should be reviewed regularly every 3 years. Reviews should involve consultation with employees and take into account the impacts of changes in legislation and other policies that may affect this Policy.

VIII. OTHER DEFINITIONS

“Chief Executive Officer” means any person in charge of the administration of a Ministry, who is employed under a fixed contract of employment under this Act

“Commission” means the Public Service Commission established under this Act;

“daily paid worker” means a person who is employed on a daily basis

“employee” or **“public servant”** means all persons employed by the Public Service, including interns and/or volunteers

“employer” means the Public Service or all persons employed in any Ministry listed in Schedule I of the Public Service Act

“Ministry” means any ministry, department or office as listed in Schedule I of the Public Service Act

“workplace” means not only the specific location where work is being performed, such as an office, but also to locations where work-related business may be conducted. These could include, but are not limited to: Work related social activities, including, receptions, social gatherings organized by the Office for staff; Conferences and training sessions; Official business travel; Business meals; Work related telephone conversations or messages; and Work related communications through electronic media.



Ko e Puleanga 'o Tonga

Ko e Tu'utu'uni Fekau'aki mo e Fakakina Fakalielia ma'ae Ngāue Faka-Pule'anga

Konga I	Ko e Tu'utu'uni
Konga II	Faka'uhinga, Faka-fōtunga, Ngaahi 'Ulungaanga
Konga III	Ngaahi Lakanga mo e Fatongia
Konga IV	Founga Ngāue ki hono Lipooti, Solova, mo e fai Tu'utu'uni
Konga V	Ngaahi Fakamatala mo e Founga Muimui'i
Konga VI	Ngaahi Fehu'i Angamaheni
Konga VII	'Uhinga'i Lea

I. KO E TU'UTU'UNI

(1) Tefito'i Fakakaukau

1. Ko e Tu'utu'uni ni 'oku 'ne fakafōtunga mo paotoloaki 'a e ngaahi mo'oni'i me'a mo e ngaahi founga mo e tō'onga ngāue 'oku fe'unga mo ha ngāue'anga fakapule'anga.
2. Ko e Poutuliki 'o e Tala 'o e Fonua - ko e Faa'i-kavei koula 'oku 'ne fataki e nofo 'a e Tonga' 'a ia ko e:
 - i. faka'apa'apa
 - ii. lototō
 - iii. feveitokai'aki
 - iv. mamahi'i me'a
3. Ko e Mo'oni Faka-Tohitapu - Ko e fefaka'apa'apa'aki mo e feveitokai'aki, ko e ongo mo'oni faka-Tohitapu 'oku makatu'unga 'i he akonaki 'oku pehē: Ko e tokotaha kotoa pē na'e fakatupu 'i he 'imisi 'o e 'Otuá pea 'oku tuha ke fakamahu'inga'i.
4. Ko e Konisitutone 'o Tongá – Ko e Konga I 'o e Konisitutoné 'oku pehē, "Ko e me'a 'i he hā ko e finangalo 'o e 'Otua ke tau'atāina Hono kakai he 'oku toto tatau 'a e tangata mo e fefine kotoa pē ..." Kapau na'e fakamu'omu'a 'a e tau'atāina 'a e Tonga 'e he'ene 'Afió na'a 'ne fatu e Konisitutoné koe'uhī 'oku tatau pē 'a e totonu 'a e tangatá mo e fefiné, pea tā 'oku taau ke fakakau 'a e mo'oni ko ení he fa'u 'o e Tu'utu'uni 'ní.
5. Ko e Fatongia Tu'upau - Ko e fatongia 'o e Komisoni Ngāue Fakapule'angá, ke fakapapau'i 'oku malu 'a e ngāue'angá ki he kau ngāue kotoa pē, 'a ia 'oku fiema'u 'i he *Lao ki he Ngāue Faka-Pule'anga 2010, konga 4C(i)* kae 'uma'āa hono ngaahi Tu'utu'uni.
 - i. Ko e fatongia ia 'o e Komisoni Ngāue Faka-Pule'angá ke fakapapau'i 'oku muimui pau 'a e kau ngāue ki he ngaahi Tu'utu'uni.

- ii. 'Oku Tu'utu'uni 'e he Tu'utu'u 'ni ki he Ngaue mo e 'Ulungaanga ki he Ngaue Faka-Pule'anga 2010 (Code of Ethics and Conduct for the Public Service 2010) 'a e tō'onga ngāue 'oku fe'unga mo e kau ngāué.
 - iii. Ko e ngaahi Tu'utu'uni 'ni, 'oku fiema'u ke muimui pau ki ai 'a e kau ngāué hono kotoa.
 - iv. 'Oku 'iai 'a e totonu 'a e kau ngāue kotoa pē ke 'i ha ngāue'anga 'oku malu mo hao mei he fakakina fakalieliá.
6. 'Oku fakapapau'i heni ka maumau'i á e Tu'utu'uni 'ni é ha tokotaha ngaue óku hoko ia ko e maumau'i ó e Tu'utu'u 'ni ki he Ngaue mo e 'Ulungaanga ki he Ngaue Faka-Pule'anga 2010. Pea é tautea'í ia ó fakatatau ki he Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010.

(2) Ko e Taumu'a

- 1. Ke fakapapau'i 'oku malu mo hao 'a e kau ngāue mei ha fa'ahinga fakakina fakalielia pē.
- 2. Ke fakahoko ha takitala mahino ki he kau ngāue kotoa pē 'i ha Potungāue Faka-Pule'anga, fekau'aki moe fakakina fakalielia 'i he ngāue'anga'.
- 3. Ke fakatupulekina mo lau'ilo 'a e kau ngāue kotoa pē, ki he founga te nau 'ilo mo fakatokanga'i ai ha ngaahi faka'ilonga, 'ulungaanga, pea pehē ki ha fa'ahinga tō'onga fekau'aki mo e fakakina fakalielia.
- 4. Ke fai ha takitala mahino ki he founga 'e fakahoko 'aki ha lāunga fekau'aki mo e fakakina fakalieliá 'i he Ngāue Faka-Pule'anga.
- 5. Ke pātoloaki 'a hono tokangaekina 'o e malu moe hao 'a e ngāue 'anga, ki he kau ngāue hono kotoa, tangata pe fefine, 'i he tu'unga ngāue kotoa pē, ke fai tatau 'a hono toka'i hono ngeiá, mo hono faka'apa'apa'i.

(3) Ko e Ngaahi 'UHINGA 'O HONO FOKOTU'U 'A E TU'UTU'UNI 'NI

Kapau 'e tukunoa'i 'a e fakakina fakalielia 'i he ngaahi ngāue'anga', 'e 'iai 'a e ngaahi uesia lahi 'o 'ikai ngata pē 'i he tokotaha lāunga, ka 'e uesia kotoa e 'ātakai fakahoko fatongia 'i he ngāue'angá. 'Oku kau ki heni 'a e:

1. Ongoi faingata'a'ia 'a e tokotaha lāunga pea ala tupu ai 'a e 'ikai ke ne fakahoko lelei 'ene ngāué, pe ko 'ene li'aki ngāue.
2. Ko ha 'ātakai fakangāue 'oku 'ikai ke ongo'i malu, fakamanavasi'i pe fakatupu tāiliili, 'o uesia kovi ai 'a e feitu'u ngāué mo e fakahoko fatongiá, kau ai 'a e lahi ange 'a e ngaahi fakatu'utamaki fakaesino mo e fakatu'utamaki 'oku malava hoko 'i he feitu'u ngāue'anga.
3. Hoko 'a e maumau ki he ongoongo' pea kovi mo e vakai ki he Ngāue Fakapule'anga' pea mo e ngaahi Potungāue faka-Pule'anga', tatau pē ki he kau ngāue pea mo e kakai 'o e fonua'.
4. Uesia faka-'atamai', sino', veitapui fakasinó, ngeiá, fakafāмили' kae 'uma'ā 'a e 'ātakai fakasōsiale 'o ha tokotaha.
5. Uesia-tamaki 'a e tu'unga lelei 'o e fakahoko fatongá, pea malava ta'ofi ai ha ni'ihi 'oku nau fie tohi mai ki he ngāue faka-Pule'anga' pea mo e kau ngāue lolotonga' mei ha'anau kei nofo pea mo 'enau kei hoko atu pe hiki hake 'i ha faingamālie ngāue.
6. Uesia-tamaki 'o e fokotu'utu'u ngāué, fekau'aki fakangāué, fekau'aki fakakaungāué, ongoongo fakangāué, mole 'a e kau ngāué, pea mo e ola fakalūkufua 'o e ngāué.
7. Uesia fakapalataha 'a e kau ngāue fefiné, pea fakatokanga'i ai 'a e mahu'inga 'a e fakakau mai 'a e tokotaha kotoa, fakakaukau'i fakataha mei he tafa'aki 'a e kakai fefine' pehē ki he kakai tangata', ke fakalelei'i ai e ngaahi tupu'anga mo e

vaivai'anga, kau ai e siolalo', ngaahi founa ki hono tukuhifo'i ha tokotaha, pea mo e 'ikai ke potupotu tatau 'a e mafai 'oku ma'u 'e fafine fakahoa kia tangata. Pea 'oku mahu'inga eni ki hono ta'ofi 'o e fakakina fakalielia 'i he ngāue'anga'.

8. Uesia 'a e fakahoko ngāué, ola 'o e ngāué, 'a e mo'ui lelei', malu mo e hao 'a e kau ngāué, 'o mahino 'e malava 'e he Pule'anga' kae'uma'ā 'a e ngaahi kupu fengāue'aki fakangāué ke tokoni ki hono tuhu'i pau, fakahoko ha tali mo ha ngāue ki he ngaahi uesia kovi mei he fakakina fakalielia', pehē foki ki he maumau 'oku hoko ki he fetu'utaki fakangāué, fefalala'aki', mo e 'ata ki tu'a 'o e vā fakangāué, 'o uesia ai 'a e ola 'o e ngāue'.

(4) Ko e Tu'utu'uni Pau ki he Fakakina Fakalielea

1. 'Oku 'ikai 'aupito ke ngofua 'a e fakakina fakalielia' 'i ha fa'ahinga feitu'u pē 'i he ngāue Faka-Pule'anga'.
2. 'Oku 'iai 'a e fatongia pau 'o e Komisoni' ke fakahoko 'a e fatongia fakalao pea mo faka'ēfika ko eni':
 - i. ke fakahoko 'a e ngaahi sitepu kotoa 'oku taau ki hono ta'ofi pea fakafepaki'i 'o e fakakina fakalielia' 'i he feitu'u ngāue kotoa pē 'a e Ngaue Faka-Pule'angá.
 - ii. ke malu'i 'a e kau ngāue kotoa pe mei he fakakina fakalielia'.
3. 'Oku tukupā 'a e Komisoni' ke fakapapau'i ko e ngaahi Potungāue kotoa 'a e Pule'angá, mo e ngaahi kupu fengāue'aki kotoa pē, kau ai 'akinautolu 'oku ngaue aleapau, fakatau koloa pe sēvesi mei ai 'a e Pule'anga' pea mo hono ngaahi hoa ngaue, he'ikai 'aupito te nau tali 'a e fakakina fakalielia'.
4. 'Oku tapu 'aupito 'i he Ngāue FakaPule'angá ke fakahoko ai ha fa'ahinga tō'onga, lea pe fakafōtunga 'o e fakakina fakalielia'.

(5) Ko e Mafai mo e Fakangatangata 'o e Tu'utu'uni' ni'

1. Ko e Tu'utu'uni ko eni' 'e ngāue'aki ki he kau ngāue kotoa pē¹. 'E 'ikai faka'atā ha tokotaha 'i he 'uhinga ko hono tu'unga mā'olunga pe tu'unga taki. 'E a'u pē ki hono tautea'i ha tokotaha ngāue 'oku ne fakahoko ha fakakina fakalielia 'o kau kiai hano faka'ilo hia pē kapusi mei he ngaue'.
2. Ko e Tu'utu'uni' ní:
 - i. 'oku ne taukapo'i 'akinautolu kuo uesia koe'uhi ko e fakakina fakalielia' pea pehē foki kiate kinautolu na'a nau lipooti pe fakamo'oni'i na'e hoko 'a e fakakina fakalielia'.
 - ii. 'oku fakapapau'i 'e he Tu'utu'uni' ni 'e taliui mo fakahoko ha ngāue kiate kinautolu 'oku nau fakahoko 'a e fakakina fakalielia'.
 - iii. 'oku poupou ki hono fokotu'u ha 'ātakai malu mo hao, vahevahe tatau, pea 'atā 'a e ngaahi faingamālie' ke 'inasi tatau ai 'a e kau ngāue.

(6) Ko e Ta'ota'ofi Hono Fakafe'ātungia'i pe fakailifia'i 'o ha tokotaha lāunga

'Oku tapu 'aupito 'i he Pule'anga 'o Tonga' 'a hono fakafe'ātungia'i pe fakailifia'i kiate kinautolu 'oku nau lāunga pe lipooti pe tokoni ki hono lāunga'i 'a e fakakina fakalielia 'i he ngāue'anga'². Ko ha tokotaha 'e ma'u 'oku'ne fakafe'ātungia'i, I faka ilifia'i 'akinautolu 'oku nau lāunga'i pe lipooti ha fakakina fakalielia, 'e fakahoko atu leva kiai 'a e ngāue 'a e laó³ pea mo e ngaahi tu'utu'uni 'a e Komisoni'.

¹ Kotoa 'o e kau 'ofisa pule ngāue mo e kau ngāue 'i ha Potungāue 'a e Pule'anga, 'i he'ene ha 'i he Konga 1 'o e Tepile I 'o e Lao ki he Ngāue Fakapule'anga 2010 (Fakatonutonu). Kau ngāue kuo fakanofu ki ha ngāue 'i ha Potungāue 'a e Pule'anga 'i he'ene ha 'i he Tepile II 'o e Lao ki he Ngāue Fakapule'anga 2010 (Fakatonutonu) kuo lāunga'i 'i he'ene fakahoko ha fakakina fakalielia, 'e tautea'i 'a e tokotaha koia 'o fakatatau ki he ngaahi makatu'unga 'oku ha 'i he aleapau mo e PSC, pea mo ha ngaahi lao mo e ngaahi tu'utu'uni ngaue 'oku felave'i moia.

² Ko e Lao ki he Ngāue Fakapule'anga 2010 (Fakatonutonu) Konga 19A (4) 'oku ne ta'ota'ofi hono fakafe'ātungia'i pe fakailifia'i 'o ha tokotaha lāunga. ss (6) Kuo pau ke tuku atu 'e he 'Ofisa Pule Ngaue pe ko e Komisoni ha fakamatala 'o fekau'aki mo e ngaahi malu'i 'oku 'atā 'i he kupu ni ki he ni'ihī 'oku nau fakahoko 'a e ngaahi lipooti.

³ Ko e Lao ki he Ngāue Fakapule'anga 2010 (Fakatonutonu) Konga 19A(4) 'oku ne malu'i 'a e taha ngaue 'oku laungá, pea kuo pau ki he 'Ofisa Pule Ngaue ke 'ikai fakamamahi'i (victimise) pe filifilimanako ki ha taha ngaue koe'uhi ko e lipooti 'e he taha ngaue ko ia ha maumau'i mamafa, pe ko ha tukuaki'i 'o ha maumau'i mamafa 'o e tu'utu'uni ki ha 'Ofisa Pule Ngaue pe ko e Komisoni. Ko e Konga 14A (4), (5) mo e (6) 'o e Lao ki he Ngāue Fakapule'anga 2010 (Fakatonutonu) 'e malava ke ngaue'aki.

1. Ka 'iai ha fakamo'oni 'o ha fakafe'atungia'i pe fakailifia'i, 'e lau ia ko ha maumau'i makehe 'o e Tu'utu'uni.
2. Ka 'iai a ha tokotaha te ne fakafe'atungia'i pe fakailifia'i á e ni'ihi 'oku nau lipooti 'a e fakakina fakalielia', 'e fakahoko leva ha ngāue 'oku totonu ke fai kiai.

II. KO E FAKAKINA FAKALIELIA – KO HONO FAKA'UHINGA'I

(1) Faka'uhinga

- i. Ko e "fakakina fakalielia", 'oku 'uhinga ia ki ha fa'ahinga 'ulungaanga fakalielia'oku 'ikai taau, 'a ia 'oku ne fakatupu ha ongo'i mamahi, ongo'i ngalivale, ongo'i mā, pe ongo'i ilifia 'i he tokotaha 'oku fakahoko kiai 'a e fakakina fakalielia', pea koe me'a te ne fai 'oku mahu'inga malie he 'ataakai 'oku hoko ai, pea 'oku hoko 'i he vaha'a 'o e tokotaha ngaue mafai lahi ange pea moe tokotaha ngaue 'oku si'i ange. 'Oku ngaue'aki leva 'ae fakakina fakalielia ni koe makatu'unga ki ha tu'utu'uni te ne uesia 'ae faingamalie ngaue moe hiki ki ha ngaahi lakanga ma'olunga ange 'ae tokotaha ngaue koia.(Hange ko eni: ko hano fakamālohi'i 'e ha tokotaha taki ngāue ha tokotaha he'ene 'aki 'ene tala'ofa ke hiki hake hono tu'unga fakangāué, pe 'oange ha ngaahi monū'ia fakangāue, 'o kapau 'e loto ke fakahoko ha fe'auaki, pē ko hono fakamanamana'i 'e fakahoko ha me'a ke kau kovi ki he'ene ngāué 'okapau 'e 'ikai loto ki he fe'auaki). Kaekehe, 'oku totonu ke fakamahino'i ko e fakakina fakalielia'i 'e ha tokotaha ma'u mafai ha tokotaha ngāue 'e malava hoko 'a e ngaue'angá ko ha feitu'u fakatupu ilifia, fakatupu mamahi, fakatupu fu'ia pe ongo'i mo'ulaloa 'e he tokotaha 'oku fakakina'i', pe ko e
- ii. hoko 'a e me'a ni 'i he vaha'a 'o ha ongo kaungāngāue pea ne ne uesia tamaki 'a e tu'unga ngāue 'a e tokotaha 'oku fai kiai 'ae fakakina fakalielia, , pe 'oku fakatupu ai ha 'ātakai fakatupu ilifia, fakatupu mamahi, fakatupu fu'ia pe fakatupu mo'ulaloa ki he kau ngaue kehe (hange ko eni, kapau 'e 'i ai ha tokotaha pe ko ha kau ngāue te nau talanoa fakalielia ki hanau kaungā ngāue

pea fakatupu ai ha uesia tamaki ki he lelei 'o e fakahoko fatongia 'a ha tokotaha ngaué, pe ko e 'ātakai fakangaue .

- iii. (fakafetongi faingamālie) hoko ia 'i ha hanga 'e ha pule ngāue'anga, supavaisa, takingāue pe ko ha kaungā ngāue 'o foaki ha faingamālie ngāue, pe ko e hiki hake 'o ha tu'unga ngāue, pe ko e faingamālie ako, pe ko ha hiki vāhenga pe ko ha fa'ahinga faingamālie fakangāue pē ki ha tokotaha ngāue, kae fakafetongi 'aki e faingamālie ke fakahoko ha fe'auaki, PĒ ko hono fakamanamana'i 'aki ha tautea, pe ko hono fakanofu he ngaué 'o ka 'ikai loto ke fakahoko ha fe'auaki.
3. Kuo fakahoko ha fakakina fakalielia ki ha tokotaha ngāue lolotonga 'a 'ene ngāue' kapau ko e pule ngāue'anga', ha fakafofonga 'o ha tokotaha pule ngāue'anga, pē ko e tokotaha ngāue kehe kuo ne –
 - (a) fakahoko fakahangatonu pē 'ikai fakahangatonu ha kole fe'auaki ki he tokotaha ngāue', fetu'utaki fakalielia pe ha fōtunga kehe 'o e fakalielia' 'a ia 'oku 'i ai ha faka'uhinga pe fakamahino 'o ha –
 - i. palōmesi ke tokanga'i makehe 'i he ngāue 'a e tokotaha ngāue;
 - ii. fakamanamana 'o e ngaohi kovia 'i he ngāue 'a e tokotaha ngāue ko ia'; pē
 - iii. fakamanamana fekau'aki mo e tu'unga ngāue lolotonga 'o e tokotaha ngāue ko ia' mo e kaha'u'; pē
 - (b) ngāue'aki fakahangatonu pe 'ikai fakahangatonu 'a e ngaahi lea (tatau 'i he tohi pe lea), 'ulungaanga 'i he fakafōtunga, naunau 'ata pē ha ngaahi ngāue kehe 'oku natula fakalielia, 'a ia 'oku 'ikai talitali lelei pe kovi ki ha tokotaha ngāue 'aki hono toutou fakahoko pē ko hono natula mahu'inga 'oku ne uesia kovi 'a e ngāue 'a e tokotaha ngāue', fakahoko ngāue', pē fakahoko lelei 'a e ngāue', pea ko 'ene me'a 'e fakahoko 'oku mahu'inga malie pe ia 'i he 'ataakai koia.

3. Kuo pau 'e 'ikai fakakau 'e he pule ngāue'anga' , kapau kuo fakahoko ha lāunga fakakina fakalielia 'e ha tokotaha ngāue 'i he kupu ni, 'a e fakalielia ne fakahoko pe ongoongo kimu'a 'o ha tokotaha kuo lāunga'i.

(2) Ngaahi Feitu'u 'e Ala Hoko ai 'a e Fakakina Fakalieia

2.1 Koe'uhí ko e Tu'utu'uni ko 'ení, 'oku lau ko e fakakina fakalielia 'a e fa'ahinga tō'onga fakalielia 'oku hoko 'i he ngaahi feitu'u ko ení [kae 'ikai ke fakangatangata pe ki heni]:

- (a) ko ha feitu'u ngāue'anga 'a e Ngāue Faka-Pule'anga'
- (b) ko e feitu'u kotoa pē 'oku ngāue'aki 'e he kau ngāue ke fakahoko ai ha ngāue,
- (c) ko ha feitu'u 'oku fai ki ai ha folau fakangāue,
- (d) ko ha fa'ahinga tō'onga fakalielia ta'efe'unga 'oku fai 'e ha tokotaha ngāue ki ha kaungā-ngāue, 'o fou he mītia fakasōsialé, pe 'imeili', pe ko e meili' pe ko ha toe founa kehe, 'o tatau pē pe na'e fakahoko mei he ngāue'angá pē 'ikai.

(3) Ngaahi akafōtunga 'oe Fakakina Fakalielia

3.1 Ko e ngaahi fakafōtunga eni 'oku fa'a hoko ai 'a e fakakina fakalielia', (kae 'ikai ke fakangatangata pe ki heni):

(a) Talanoa pe Lea Fakakina Fakalielia:

'Oku kau heni 'a e lea fakakina:

- i. Ko e toutou fakaafe 'i he founa fakakina 'o ha tokotaha ki ha feohi'anga fakasōsiale, ka 'oku mahino 'oku 'ikai tali e fakaafe', pea 'oku 'ikai fiema'u ke toe fai ange ha fakaafe;
- ii. Ko ha kole ke fakahoko ha fe'auaki, pe ko e tō'onga fakalielia ke fakahoko 'oku 'ikai tali pe fiema'u he tokotaha koia;
- iii. Ko ha huakovi, hua fakalielia fekau'aki mo ha fōtunga 'o ha tokotaha,

- iv. hua pe fakakata fakalielia, hua fakalielia fakatupu fakamamahi, lumoluma'i fakalielia;
- v. Heliaki fakalielia, lau pe fakamatalili fakalielia fekau'aki mo e manako tangata pe fefine;
- vi. Lea ta'efe'unga pe fie'i'ilo ki he mo'ui fakatāautaha 'o ha tokotaha ngāue, pe ko hono sinó, mo e ngaahi fokotu'u fakalielia fakahangatonu ki ha tokotaha ngāue.

'Oku mahu'inga ke fakatokanga'i ko e fakakina fakalielia' 'oku 'ikai fiema'u ke fakahoko hangatonu pē ki he tokotaha 'oku fakakina'í kae toki hoko ko e fakakina fakalielia – hange ko éni', neongo 'oku lea fakalielia 'a (A) ki ha tokotaha kehe (B), ka 'oku le'olahi pea ongo'i mai ia 'e he tokotaha kehe (C), 'e malava ke hoko ia ko e fakakina fakalielia ki he tokotaha kehe' (C).

(b) Ngaahi Tō'onga Fakalielia kae 'I kai Fakahoko 'i he Leá:

'Oku kau ki heni:

- i. Á hono faka'asi mai ha fakatātā fakalielia (pe fakatupu fakalielia), pe 'oku faka'asi mai he komipiutá pe ko ha pepa,
- ii. Á hono 'ave holo ha ngaahi 'ata pe vitió fakalielia 'i he founga 'ilekitolōnika' pe ko ha fa'ahinga founga pē,
- iii. Á hono 'ave holo ha áta pe vitiō fakalielia 'i he 'imeili', popoaki faka'ilekitolōnika, pe ko ha fa'ahinga founga pē, 'o malava ha sio pe fanongo kiai..

(c) Ko e Ngaahi Tō'onga Fakalielia fakahoko 'i he Ala':

'Oku kau ki he to'onga fakafkina fakalielia 'ae ngaahi me'a koeni:

- (i) Ko e ala ki ha feitu'u 'i he sino 'o ha tokotaha, kau ai hono amohi, pe la'usi, pe ko e fā'ofua, pe 'uma ki ha tokotaha 'oku 'ikai te ne loto kiai.
- (ii) 'E kau kiai mo e fa'ahinga mio'i pe ūe'i fakalielia e sino' ki ha tokotaha kehe, 'aia 'oku 'ikai tali pe fiema'u 'e he tokotaha koia'.
- (iii) Ko ha fa'ahinga ala ngali fakamaheni ka 'oku fakalielia, pea 'oku 'ikai tali pe fiema'u 'e he tokotaha koia'.

- (iv) Ko ha fa'ahinga tō'onga pē 'oku ala mo'ua ai ha tokotaha 'i he lao', 'o hangē ko e ala kovi, fakamālohi, feinga tohotoho, pe ko e tohotoho.

Ko e to'onga fakalielia fakahoko 'i he ala' 'e ala iku ai ha fa'ahinga tō'onga ke fakamaau'i 'i he malumalu 'o e *Lao Hia* hange ko e alakovi pe ko e tohotoho. Ko e fa'ahinga to'onga pehe'ni kuo pau ke lipooti ki he Potungāue Polisi ke vakai'i heénau founga ngaue ki ha hia pea 'e fakahoko makehe pe 'a e fakaékeéke ia ko eni.

- 3.2 Ko e fakakina fakalielia' 'e malava pē ke hoko tu'o taha pē, pe 'oku hokohoko, pe ko e tō'onga mo'ui faka'aho pē ia 'o ha tokotaha fakakina.
- 3.3 'Oku malava pē ke fakahoko e fakakina fakalielia' ki ha tokotaha fefine pe tokotaha tangata, neongo ko e tangata pē ko e fefine 'oku ne fakahoko e fakakina fakalielia'.

III. LAKANGA MO E FATONGIA

(1) Komisoni Ngāue Faka-Pule'anga

- 1.1. Ko e fatongia 'o e Komisoni' pea mo e ngaahi Potungāue 'a e Pule'anga' ke tukupa mo fakapapau'i 'oku 'i he 'ataakai ngaue 'oku malu mo hao 'a e kau ngāue' pea mo e kakai kotoa pē 'oku kau kiai 'a e Tu'utu'uni ko'eni' mei hano uesia 'e he fakakina fakalielia' pea ko e kau ngāue kotoa pē ke talangofua ki he Tu'utu'uni.

1.2. Kuopau ke fakapapau'i 'e he Komisoni' 'oku mahino lelei pea lava ke fakahoko 'a e Tu'utu'uni' ni pea kuo pau ke taliui 'a e tokotaha ngāue kotoa ki he me'a 'oku ne fakahoko'.

- 1.3 'E mātu'aki tokanga 'a e Komisoni' ki hono sivilivi'i 'a e ngaahi tohi fakaongoongo lelei 'a ha nī'ihī 'oku nau tohi kole ngāue mai, ke lava ke 'ilo'i 'akinautolu na'a nau maumau'i 'a e Tu'utu'uni ko'eni', pea 'e malava pē ke 'oua 'e tali ke ngāue 'a kinautolu ko'eni' 'o makatu'unga pē ia mei he mafatukituki 'o e maumau'i 'a e Tu'utu'uni' ni.

- 1.4. 'E fakahoko 'e he Komisoni' ha ako makehe ma'ae kau ngāue kuo fili ke nau tokanga mavahe ki he ngaahi 'isiū fekau'aki mo e fakakina fakalielia', pea ke fakatupulaki 'a 'enau 'ilo', pōto'i mo taukei ngāue, fekau'aki mo e fakakina fakalielia' pea mo e ngaahi founa ki hono fakamatala ki he kau ngaue mo ngaue ki he hoko 'ae fakakina fakalielia'.
- 1.5. 'E tuku atu 'e he Komisoni' ha ngaahi fakamatala pea fakahoko mo ha ngaahi ako ma'ae kau ngāue' ke fakapapau'i 'oku mahino 'aupito 'a e Tu'utu'uni', pea pehē ki hono fokotu'u ha ngaahi founa ngaue, 'o fakafou ha ha ngaahi polokalama ke faka'ilo atu mo poupou'i 'a e tokoni makehe ki hono paotoloaki 'a e ngaahi fiema'u kehekehe 'a e kakai fefine' pea moe kakai tangata', pea mo hono ta'ofi 'a e fakakina fakalielia'.
- 1.6. Ko e fatongia 'o e Komisoni' pea mo e ngaahi Potungāue kotoa 'a e Pule'anga' 'a ia 'oku fakafatongia'i kinautolu ke nau fakahoko 'a e Tu'utu'uni ni', ke tokoni'i 'a kinautolu ne hoko kiate kinautolu ha fakakina fakalielia', ke mahino 'oku nau 'ilo 'ae ngaahi founa ki hono tokangaekina tatau pē 'a tangata mo fafine, ha founa lāunga 'oku pau, pea mahino 'a e ngaahi founa fakatonutonu', founa poupou' kae'uma'ā ha ngaahi ngāue ki ha fakalelei.

(2) Kau 'Ofisa Pule Ngāue mo e kau Taki Ngāue Mā'olunga 'o e Ngaahi Potungāue Faka-Pule'anga'

- 2.1 Ko e 'Ofisa Pule Ngāue 'o e Potungāue' kuo pau ke ne fakahoko ki he kau ngāue 'a e Tu'utu'uni ni', fakafaingofua 'a 'enau ma'u mo 'ilo kiai' pea fakapapau'i 'oku nau mahino'i pea mo fakahoko he taimi pe koia' ha ngāue kapau 'oku 'i ai ha fakakina fakalielia 'oku nau 'ilo kiai.
- 2.2 Kuo pau ke fakahā 'e he kau 'Ofisa Ngāue Mā'olunga' 'i he Ngaahi Potungāue 'a 'enau fai tukupā ke ta'ofi pea mo fakahoko ha ngāue ke ta'ofi ha ngaahi fakakina fakalielia;

- i. 'aki ha'a nau fakaloloto ange 'a 'enau 'ilo fekau'aki pea mo e fakakina fakalielia',
- ii. 'aki ha'a nau tō'ongafai fakamatāpule, feveitokai'aki mo faka'apa'apa ki he tokotaha ngāue kotoa pē,
- iii. 'aki e fakapotopoto tahá ke nau fakapapau'i 'oku malu 'a e ngaahi fakamatala fekau'aki mo ha lipooti mo e fakatotolo 'o ha lāunga fekau'aki mo ha fakakina fakalielia.

2.3 'Oku fiema'u ke fakapapau'i 'e he kau taki ngāue ma'olunga' 'oku faingofua ki he kau ngāue ke nau talanoa mo alea'i ha fa'ahinga 'ulungaanga ta'efe'unga, pea ke nau faka'ai'ai e kau ngāue' ke 'oua tenau manavahē ki he fakamanamana pea ke nau ngāue'aki 'a e ngaahi founga ngāue 'oku 'atā kiate kinautolu 'i he Ngāue Faka-Pule'anga'.

(3) Taha Ngāue

3.1. Ko e Tu'utu'uni ko 'eni' kuo pau ke fai pau 'a e tokotaha ngāue kotoa pē kiai.

3.2. Ko e fatongia 'o e kau ngāue kotoa pē ke tokoni ki hono ta'ofi ha ngaahi fakakina fakalielia, 'aki 'enau;

- (i) ta'ofi 'aupito 'a 'enau kau ki ha fakakina fakalielia, pe ko 'enau faka'ai'ai ha ngaahi 'ulungaanga ngali 'oku felave'i pea mo e fakakina fakalielia,
- (ii) lipooti ha ngaahi fakakina fakalielia ki he supavaisá mo fakahoko ha ngaahi fakamatala 'oku nau 'ilo kiai 'o felāve'i mo ha fakakina fakalielia na'e lāunga'i,
- (iii) fakalotolahi ki he kau ngāue 'oku nau a'usia 'a e fakakiná kenau lipooti ki ha supavaisa.

3.3. 'Oku fiema'u ke tokanga 'a e kau ngāué ke mahino kia kinautolu 'a e Tu'utu'uni', mo nau kau ki he ngaahi polokalama ako mo fakataukei fekau'aki mo e Tu'utu'uni', 'a ia 'oku fakahoko 'e he Ngaahi Potungāué mo e Komisoní.

- 3.4. 'Oku malava ke tokoni 'a e kau ngāue' ki hono fatu mo hono toe vakai'i 'a e Tu'utu'uni ní, 'aki 'enau fakahoko mai ha ngaahi fakamatala pē fale'i fekau'aki moia.

IV. FOUNGA NGĀUE KI HONO LIPOOTI, SOLOVA, MOE FAI TU'UTU'UNI

1. Founga Faka'ofisiale ki hono Lipooti mo Aofangatuku

1.1. E lava ke fakahoko 'e he tokotaha ngāue, fakatatau ki he Tu'utu'uni' ha lāunga 'i ha'ane tui 'oku fakahoko kiate ia ha fakakina fakalielia. Ko e launga pehē 'e vakai'i ia ko ha maumau'i 'o e Tu'utu'uni Faka'ulungaanga ki he Ngaue Faka-Pule'anga pea fakafou 'i he founga fakahoko 'o e *Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010*.

- 1.2. 'Okapau ko e tokotaha launga' pe ko e tokotaha fakakina fakalielia' 'oku 'ikai kena 'i he malumalu 'o e *Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010*, 'e ala fakahoko hono vakai'i 'a e launga 'o fakatatau ki he founga faka-lotofale 'oku fakamatala 'i lalo pe koe Fakamaau'anga ki ha 'eke sivili pe koe faka'ilo hia. .

1.3. Ko e lāunga' kuo pau ke:

- i. Fakamātoato 'a hono vakai'i,
- ii. Tauhi malu 'a e fakamatala',
- iii. Vakai'i faka'auliliki,
- iv. Fakahoko 'i he founga vave.

1.4. . Faka'ai'ai 'a e kau ngāue kotoa pē ke nau fakahoko ki ha tokotaha pē 'oku ne fakahoko ha tō'onga fakakina fakalielia, tatau pe ko e tangata pe fefine, 'oku 'ikai ke tali 'a e 'ulungaanga koia' pea 'oku 'ikai ke tāau.

1.5. Ki ha kau ngāue 'oku nau fakakaukau pe 'amanaki fakahoko ha'anau lāunga', 'oku tapou atu ke nau tānaki ha ngaahi fakamatala tohi fekau'aki

mo e me'a ni, pe hiki tepi, pe hiki vitiō 'o e ngaahi me'a na'e hokó. 'Oku totonu ke fakahoko eni 'i he faingamālie vavetaha' 'i he hili 'o e hoko 'a e fakakina fakalielia', pea hiki ai 'a e hingoa 'o e tokotaha na'a ne fakahoko 'a e fakakina', 'aho', feitu'u', fakamatala nounou ki he me'a na'e hoko', fakataha moe hingoa 'o e kau fakamo'oni', mo ha nī'ihī kehe pē na'e 'ilo ki he me'a na'e hoko'.

1.6. He'ikai ke fakata'e'aonga'i ha lāunga'i 'o ha fakakina fakalielia, 'i he 'uhinga na'e 'ikai fakahā 'e he tokotaha lāunga ki he tokotaha fakakina fakalieliá, na'e 'ikai te ne loto, pe tali, pe te ne talitali lelei e me'a na'e hoko' 'i he taimi na'e hoko ai'.

1.7. Ka 'i ai ha tokotaha te ne fakahoko ha lāunga fakakina fakalielia 'oku ne 'ilo 'oku 'ikai mo'oni, 'e ala tautea ia 'o fakatatau ki he *Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010.*

2. KOE HONO FAKATOTOLO TAU'ATAINA 'O E NGAHI LAUNGA FAKA'OFISIALE

2.1 Kapau kuo 'ikai a'u ki ha tu'unga fakafiemālie ki he tokotaha lāunga' 'a e fakalelei fakalotofale 'oku fakahoko ki he 'ene lāunga' 'o hangē ko ia 'oku hā atu 'i lalo ', pe kapau 'oku 'ikai loto ke hoko atu 'a e fakalelei fakalotofale', pea 'oku tonu leva ke ne fai 'ene tohi lāungá 'o fakatatau ki he Tu'utu'uní' ni pea moe *Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010.*

2.2 'Oku tonu ke 'ave 'a e tohi lāunga' ki he Komisoní', 'o fakafou atu 'i he 'Ofisa Pule Ngāue 'o e Potugāue'. Kapau ko e tokotaha 'oku tukuaki'i kiai 'a e fakakina fakalielia' ko 'ene 'Ofisa Pule Ngāué 'o e Potungāue, kuopau ke fakahoko fakahangatonu 'a e lāunga' ki he Komisoní'.

2.3 Koe'uhí ko e natula pelepelengesi 'o e fakakina fakalielia', ko e lāunga kotoa pē 'oku fakahoko fakatatau ki he Tu'utu'uní' ní, kuo pau ke fakahoko

'i he vave taha' pea mo faka'auliliki hono fakatotolo'i', 'o fakatatau ki he taimi oku tuhu'i mai 'e he *Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010*.

2.4 Koe fakatotolo kotoa pē 'o ha lāunga, 'e lava pe ke fakahoko ia 'e ha tokotaha tau'atāina 'e fili 'e he Komisoni', 'o fakatatau ki he *Ngaahi Tu'utu'uni ki he (Founga Tautea) Ngāue Faka-Pule'anga 2010*. Ko ha kau fakatotolo 'e ngaue'aki 'e he Komisoni', kuo pau ke nau taau pea taukei 'i he ngāue fakatotolo'.

2.5 Ko e lipooti 'a ha tokotaha fakatotolo, 'e pau ke kau ai 'a e ngaahi me'a ko eni':

- i. Ko ha fakamatala nounou 'o e ngaahi me'a 'oku tukuaki'i kiai 'a e tokotaha na'a ne fakahoko 'a e fakakina'.
- ii. Ha lāunga pē kuo fakahoko fekau'aki mo e tokotaha ngāue';
- iii. Ko e ngaahi founga 'oku fakahoko'aki 'a e fakatotolo';
- iv. Ko e ngaahi mo'oni'i me'a kuo tākaki mei he fakatotolo';
- v. Ko ha ngaahi lekooti faka'ofisiale pe tohi 'oku kaunga tonu ki he fakatotolo';
- vi. Ko ha ngaahi fakamatala mei he kau fakamo'oni';
- vii. Ko ha ngaahi lekooti faihia kimu'a 'a e tokotaha na'a ne fakahoko 'a e hia';
- viii. Ko ha ngaahi fakamooni kehe 'oku kaunga tonu ki he fakatotolo';
- ix. Ko e ola 'o e fakatotolo', pea moe ngaahi fokotu'u fekau'aki mo e tukuaki'i na'e fakahoko'.

2.6 Lolotonga 'a e fakatotolo', 'e 'i he mafai 'o e 'Ofisa Pule Ngāue' 'o e Potungaue ke tu'utu'uni ha feitu'u ke ngāue ai 'a e tokotaha kuo lāunga'i', pea pehē ki he tokotaha lāunga', koe'uhí ke 'oua 'e fu'u uesia 'a e ngāue'anga'.

2.7 Kuopau ke kakato e lipooti 'a e tokotaha fakatotolo', 'i loto 'i he māhina 'e taha (1) mei hono fakahā kiate ia 'e he Komisoni' ke fakahoko 'a e fakatotolo'.

2.8 Makatu'unga 'i he lipooti fakatotolo', 'oku 'i he Komisoni', 'i he feongoongoi mo e Potungāue 'oku fakahoko ai 'a e fakatotolo', ke fakahoko e tu'utu'uni lelei taha fekau'aki mo e ngāue ke fakahoko', 'i loto 'i he 'aho 'e 30 hili 'ene ma'u 'a e lipooti 'a e tokotaha fakatotolo tau'ataina'.

2.9 Ko e tu'utu'uni 'a e Potungāue' pe ko e Komisoni', kuo pau ke fakahoko ia ki he tokotaha lāunga' pea mo ha toe taha 'oku kaunga tonu ki ai 'a e lāunga', fakataha moe tatau 'o e lipooti', 'i he 'osi hono tamate'i mei ai ha ngaahi fakamatala oku tonu ke fakapulipuli ke malu'i ha tokotaha mei tu'a, 'i ha tu'utu'uni 'e he Potungāue' pē Komisoni'.

2.10 Kuo pau ke fokotu'u 'e he Potungāue' pe ko e Komisoni' ha founa ngāue 'e lava ke tokanga'i mo fakapapau'i 'a e ngāue 'oku fakahoko ki ha lāunga; pea lava ke ma'u mei ai 'e he tokotaha lāunga', ha fakamatala 'i ha taimi pē, fekau'aki mo e tūkunga 'o e fakatotolo 'oku fakahoko'.

V. FOUNGA NGAUE FAKALOTOFALE KI HONO LIPOOTI MOE 'AOFANGATUKU

1. Founa

1.1 'Oku pou pou 'a e Komisoni' ki hono fuofua fakahoko pē 'e he kau ngāue' ha feinga solova pe fakalelei, 'iate kinautolu pē, 'i ha fōunga pōtalanoa/fealēlea'aki fakalotofale mo hono fakalelei 'o e ta'efemahino'aki'.

1.2 'E malava ke fakahoko 'e ha tokotaha lāunga ha tohi 'o fakamatala'i ai 'a e tō'onga ta'etāau na'e fakahoko ange kiate ia' pea mo hono uesia ia', pea 'oku 'ikai pē ke ne tali pea kuopau ke ta'ofi leva. 'Oku malava pē ha sino kehe mei tu'a, hangē ko ha tokotaha fale'i ke tokoni kihe tokotaha lāunga' ki hono fa'u 'a e fakamatala ke ne lea'aki, pe me'a ke fakakau 'i ha fakamatala ki he tokotaha kuo tukuaki'i ki he fakakina fakalielia'.

1.3 Ko e tokotaha kuo tukuaki'i kihe fakakina fakalielia' 'oku tonu ke ta'ofi leva 'a 'ene 'ulungaanga ta'efe'unga pehee.

- 1.4 Kapau 'oku faingamālie 'a e 'ātakai koia', 'oku totonu ke feinga 'a e kau ngāue koia' ke nau fakalelei'i 'a e ngaahi me'a fekau'aki mo ha fakakina fakalielia, 'aki 'a 'enau fealēlea'aki/feongoongoi pea mo fakalelei 'o e ta'efemahino'aki'.
- 1.5 'Oku kau heni 'a e faitohi 'a e tokotaha lāunga' ki he tokotaha fakakina fakalielia' 'o fakamatala'i 'i he 'ene tohi' 'a e 'ulungaanga ta'efe'unga' pea mo hono ngaahi iku'anga' 'a ia 'oku 'ikai ke tali pea ke ta'ofi leva.
- 1.6 'Oku totonu ki he tokotaha 'oku tukuaki'i ki he fakakina fakalielia', ke tuku leva 'a 'ene 'ulungaanga ta'etāau'. Ka hokohoko atu 'a hono fakahoko 'a e fakakina fakalielia', 'e malava ke iku ke fakahoko 'a e ngāue 'a e Tu'utu'uní' ní.
- 2. Founga Ngaue ma'ae Kau Taki Ngaue ki Hono Tokoni'i 'a e Founga Fakahoko Ngaue moe Ngaue ke Fakahoko**
- 2.1 Kapau 'e ongo'i faingata'a'ia 'a e tokotaha lāungá 'oku 'ikai te ne lava ke talanoa hangatonu ki he tokotaha na'ane fakahoko 'a e fakakina fakalielia', (koe'uhí 'oku 'ikai te ne ongo'i malu pe koe'uhí ko e tokotaha 'oku tukuaki'i' ko e 'ofisa mā'olunga ia he Potungāue') 'e lava pē ke fakatalanoa 'a e tokotaha lāungá ki he 'Ofisa Pule Ngāue' 'o e Potungaue pe ko ha 'ofisa mā'olunga, pe ko ha 'ofisa pē kuo fakafatongia'aki ke ne tokanga'i 'a e ngaahi me'a fekau'aki mo e fakakina fakalielia' 'i he Potungāue'.
- 2.2 'Oku malava ke fakahoko 'e ha tokotaha lāunga ha'ane fehu'i kihe 'Ofisa Pule Ngāué' 'e Potungaue , pe 'ofisa mā'olunga, pe ko ha 'ofisa pē, fekau'aki pea moe fakakina fakalielia' pe ko ha ngaahi me'a ke fakamahino ange kiate ia ki mu'a pea ne toki fakahoko fakahangatonu 'a 'ene lipooti 'o ha fakakina fakalielia. 'Oku malava ke fakahoko ha fepōtalanoa'aki mo e tokotaha lāunga' kau ki he ngaahi fehu'i pe ko ha ngaahi me'a ke fakama'ala'ala 'o 'ikai toe 'ilo ki ai ha toe taha.
- 2.3 Kapau 'e mahino mai mei he pōtalanoa', 'oku mo'oni na'e fakahoko ha fakakina fakalielia, 'oku 'i ai 'a e fatongia 'o e 'Ofisa Pule Ngāué' 'o e Potungaue , 'ofisa mā'olunga', pe ko ha 'ofisa pē ke fakahā ki he tokotaha lāunga 'oku 'atā ke ma'u 'a e

fakamatala, fale'i, mo e tokoni mei he va'a totonu ko ia 'o e Potungāue' pea mo e Komisoni'.

- 2.4 Fakatatau ki he me'a 'oku hokó, ko e ngaahi sino makehe eni 'e malava ke nau fakahoko ha tokoni:
- i. Pule ki he kau ngāue / supavaisa'
 - ii. Kau 'ofisa mei ha Potungāue kehe kuo 'osi hono ako'i ke fakahoko fatongia ki he fakakina fakalielia'
 - iii. Kau ngaue 'a e Komisoni' kuo 'osi teu'i fakapalofesinale kinautolu kiai
- 2.5 'Oku totonu ke nau fakataha fakatāautaha mo e tokotaha kotoa pē 'oku 'i ai 'enau kaunga fekau'aki mo e me'a na'e hokó, ke fai e fēmahino'aki mo e fa'ahi takitaha fekau'aki pea mo e me'a kuo tukuaki'i ne hokó, fakama'ala'ala 'a e tūkunga fakakaukau mo e tuí, pea fakahoko ha ngāue ki ha fōunga ki he hoko atu 'a ia 'oku tali lelei mo fakafiemālie kae lava hono fakalelei'i 'a e me'a na'e lāunga'i'.
- 2.6 Ko e ngāue ki hono fakalelei'i 'o ha lāunga, 'oku totonu ke fakavave 'a e kau mai kiai 'a e kau taki ngāue', pē ko hono fakahū 'a e me'a ni ki he Komisoni'.
- 2.7 Kuopau ke tauhi ha lekooti tohi fekau'aki mo e ngaahi potalanoa' pea mo ha ngaahi ngāue na'e kau ai 'a e kau taki ngāue'.
- 2.8 Kapau he'ikai lava 'e ha taki ngāue pe ko ha supavaisa ke fakahoko 'a e fatongia ko eni' koe'uhi' ko ha fa'ahinga 'uhinga, kuopau ke talanoa 'a e taki ngaue' mo e Va'a ki hono Tokanga'i 'o e Kau Ngāue' 'o e Potungāue pe ko e Komisoni' ke tukuatu 'a e nī'ihi ko 'eni 'oku hukitonu ai 'a e me'a ni ki ha tokotaha tokoni falala'anga pau, ke toe fakahoko hano tokoni'i.
- 2.9 Kuopau ke fakahā 'e he 'Ofisa Pule Ngāue' 'o e Potungāue, 'ofisa mā'olunga', pe ko ha 'ofisa pē ki he tokotaha lāunga', 'a e ngaahi faingamālie ke ne fili 'i he malumalu 'o e tu'unga ngāue fakalao 'a e Komisoni', ke vakai'i 'a e tukuaki'i 'oku fakahoko ki

he fakakina fakalielia', pea ke 'oatu 'a e fakamatala' 'i ha founa 'oku vave, malu mo ta'efilifilimānako.

VI. KO E NGAHI TAUTEA MO E NGAHI TOKONI 'E MALAVA FAKAHOKO

- (1) 'I he hili hono fakahoko 'e he Komisoni' 'a e tu'utu'uni aofangatuku ki he maumau'i 'e he tokotaha kuo lāunga'i' 'a e Tu'utu'uni'ni, 'e tautea leva 'a e tokotaha koia' o fakatatau ki he *Ngaahi Tu'utu'uni ki he (Founa Tautea) Ngāue Faka-Pule'anga 2010*.
- (2) Kapau 'e mahino mai mei he fakatotolo kuo fakahoko', kuo ngalingali na'e maumau'i 'e he tokotaha kuo tukuaki'i' ha hia 'i he lao 'o e fonua', 'e fakahoko leva ha lipooti 'e he 'Ofisa Pule Ngāue' 'o e Potungāue pe ko e Komisoni' ki he Potungāue Polisi'.
- (3) Ko ha tokotaha 'e 'ilo kuo ne fakahoko ha lāunga ta'emo'oni 'o ha fakakina fakalielia, pe ko ha fakamo'oni loi ki ha lāunga'i 'o ha fakakina fakalielia, koe makatu'unga ia ke tautea'i ai 'a e tokotaha koia.
- (4) Ko ha kau ngāue kuo fakapapau'i ne nau fakahoko e fakakina fakalielia', 'e 'oatu kinautolu ki ha nī'ihī taukei ke fakahoko hanau talatalaifale, pea tokoni'i kinautolu ke lava hano fakalelei'i 'a e tupu'anga pē ko e 'elito 'o e tō'onga mo'ui hala kuo fakahoko hono tautea'i'.

VII. KOE NGAHI LEKOOTI KE TANAKI MO E NGAHI NGAUE KI HONO MUIMUI'I 'OKU FAKAHOKO LELEI 'A E TU'UTU'UNI NI

- (1) Ko e ngaahi fakamo'oni pau mo e ngaahi fakamatala fakaikiiki ki hano tokangaekina 'o e fakakina fakalielia', 'e tauhi 'i he va'a totonu 'i he ngaahi Potungāue', pea mo e Komisoni'.

- (2) 'E fakahoko fakata'u hono tokanga'i e hokohoko lelei 'a e ngāue fekau'aki mo e fakakina fakalielia'. Ko e ngaahi ngāue 'eni 'e fakahoko': ko hono tānaki mo 'analaiso 'a e ngaahi fakamatala' 'i ha founga ngāue pau; ko e fai e savea 'o e kau ngāue' fekau'aki mo e fakakina fakalielia', ko e fai ha ngaahi faka'eke'eke , ko e vakai'i 'a e ma'u ngāue 'a e kau ngāué, 'i he taumu'a ke ma'u ha fakatātā mahino ange 'o e tō'onga ngāue 'i he 'ātakai 'o e ngāue'anga', kae 'uma'ā e ongo'i 'a e kau ngāue' fekau'aki mo e fakakina fakalielia'.
- (3) Koe Tu'utu'uni' ni 'oku totonu ke vakai'i 'i he ta'u 'e 3 kotoa pē. 'Oku totonu ke kau ai 'a e talanoa mo e kau ngāue' pea fakatokanga'i mo e ola 'o ha ngaahi liliu ki he lao' pea mo e ngaahi Tu'utu'uni kehe tene uesia 'a e Tu'utu'uni' ni.

VIII. 'UHINGA'I LEA

“**Ofisa Pule Ngāue**” ‘oku ‘uhinga ki ha taha ‘oku ne pule‘i ‘a e fakahoko ngaue ‘o ha Potungae, ‘a ia ‘oku fakangaue‘i ‘i he aleapau ngaue tu‘unga pau ‘i he Lao ni;

“**Komisoni**” ‘oku ‘uhinga ki he Komisoni Ngaue Fakapule‘anga;

“**taha ngāue lau‘aho**” ‘oku ‘uhinga ki ha taha ‘oku fakangāue‘i faka‘aho;

“**taha ngāue**” ‘oku ‘uhinga ki he taha kotoa ‘oku fakangāue‘i ‘i he Ngāue Fakapule‘anga’;

“**taha pule ngaue**” ‘oku ‘uhinga ki he Ngaue Faka-Pule‘anga pe ni‘ihi kotoa kuo fakangaue‘i ‘i ha potungae kuo ha ‘i he Tepile I ‘o e Lao ki he Ngaue Fakapule‘anga;

“**Potungae**” ‘oku ‘uhinga ki ha potungae (ministry), potungae (department) pe ‘ofisi ‘oku lisi ‘i he Tepile I ki he Lao ni;

“**faitu‘u ngāue**” koe‘uhi ko e ngaahi taumu‘a ‘o e Lao ni ‘oku ‘uhinga ki ha faitu‘u, pē ‘i ha langa pē fa‘unga pē ‘ikai, pea kau ki ai ha vaka, salote misini pe vakapuna ‘oku ngāue ai ‘a e kau ngāue

FREQUENTLY ASKED QUESTIONS¹

1. What is Sexual Harassment?

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated. Sexual harassment can take various forms. It can involve conduct such as:

- unwelcome touching, hugging or kissing
- staring or leering
- suggestive comments or jokes
- unwanted invitations for sex or persistent requests to go out on dates
- intrusive questions about another person's private life or body
- unnecessary familiarity, such as deliberately brushing up against someone
- insults or taunts of a sexual nature
- displaying to another person sexually explicit pictures, posters, screen savers, emails, twitters, SMS or instant messages
- showing to another sexually explicit internet sites
- inappropriate advances on social networking sites
- behaviour which would also be an offence under the criminal law, such as physical assault indecent exposure sexual assault, stalking or obscene communications

2. What is the test for sexual harassment?

There are three elements to determine if there is sexual harassment:

- (1) the conduct must be unwelcome
- (2) it must be of a sexual nature
- (3) it must be such that a reasonable person would anticipate in the circumstances that a person who was harassed would be offended, humiliated and/or intimidated.

¹ Not part of the instructions. They are explanatory notes.

NGAAHI FEHU'I 'OKU 'EKE MA'UPE¹

1. Ko e hā á e 'uhinga 'o e Fakakina Fakalielia?

Ko e fakakina fakalieliá, 'oku 'uhinga ia ki ha fa'ahinga 'ulungaanga fakalielia mo taumu'a ke fakahoko ha fe'auaki, 'a ia 'oku 'ikai tali 'e he tokotaha ko ia 'oku fakahoko ki aí – pea fakatupu ai ke ne ongo'i 'ita, ngalivale pea mo / pē manavahē. 'Oku 'i ai e ngaahi fa'ahinga tō'onga mo e ngaahi fōtunga kehekehe 'o e fakakina fakalielia. 'E lava ke kau ai e ngaahi 'ulungaanga ko 'eni:

Ko e fakakina fakalieliá, 'oku 'uhinga ia ki ha fa'ahinga 'ulungaanga fakakina, 'oku natula faka'ai'ai ha fe'auaki, 'a ia 'oku ne fakatupu e ongo'i 'ita, ongo'i ngalivale pe ongo'i mā 'a e tokotaha 'oku fakakina'i. 'Oku 'i ai e fa'ahinga tō'onga mo e ngaahi fakafōtunga kehekehe 'o e fakakina fakalielia 'o hangē ko eni:

- ala-kovi, pe ko e fā'ofua 'o kuku, 'uma – ka 'oku 'ikai tali
- alanoa ki ha feitu'u he sino 'o ha taha, ko e amohi, pe la'usi, pe ko e fa'ofua, 'uma
- Sio kovi
- hua fakalavetala ke faka'ai'ai fakalielia
- hua kovi / fakalavetala 'o faka'ai'ai e loto fe'auaki
- toutou fakaafe fe'auaki pe vili-ta'e'unua ke ō 'o 'eva faisō – ka 'oku 'ikai tali
- toutou fakaafe ke fe'auaki mo 'eva faisō, 'osi 'oku 'ikai oli'ia mai e taha kuo toutou fakaafe'i'
- fa'a'eke pe fehu'i fie'ilo ta'e-faka'apa'apa ki ha ngaahi me'a faka-e-ia pe kau ki he mo'ui fakafo'ituitui pe sino 'o ha tokotaha
- pālahi noa ta'efiema'u, 'o kau ai hangē ko ha olo'i mo fa'aki ofi 'o fakalalave noa pe ki ha tokotaha
- ngaahi kape pe lea kovi natula fe'auaki mo fakalielia
- ko hono faka'ali'ali atu ki ha tokotaha – 'o ha ngaahi 'ata fakalielia, mei ha ngaahi tā, ngaahi fakatātā tu'uaki, ngaahi peesi he komipiuta, ngaahi meili komipiuta, pe toe ngaahi me'a

¹ 'Ikai ko ha kongā 'o e ngaahi fakahinohino. Ko e ngaahi fakamatāla fakamahino.

fetu'utaki / fetohi'aki faka-komipiuta kehe ('twitters', SMS, pe 'instant messages')

- ko hono faka'ali'ali atu ki ha taha kehe 'o ha ngaahi peesi mo ha ngaahi 'ata 'o e fe'auaki mo e fakalielia mei he 'initaneti
- ngaahi fakalalalave ta'etāau mo e feinga fe'auaki he ngaahi peesi faka-fetaulaki faka-Sōsiale 'i he 'initaneti)
- ha toe fa'ahinga 'ulungaanga pē 'a ia 'e mahino ko ha hia ia 'i he Lao ki he Ngaahi Hia, 'o kau ai 'a e tā, telefua fakalielia, ala fakalielia, muimui'i noa ta'eloto-ki-ai mo e ngaahi fetu'utaki fakalielia.

2. Ko e hā e me'afua 'o e fakakina fakalielia?

'Oku tolu (3) 'a e ngaahi 'elemeniti ke fai 'aki hono sivi 'o e fakakina fakalieliá:

- (1) kuopau ke natula fakalielia mo 'ikai tali 'a e tō'onga 'ulungaanga 'oku fakahoko 'e he tokotaha ko ia 'oku fakahoko ki ai
- (2) kuopau ke 'i ha natula fakalielia mo taumu'a faka'ai'ai fe'auaki
- (3) kuopau ke 'i ha tū'unga fakafōtunga 'a ia 'e fe'unga ke lava ke 'amanaki ai ha tokotaha 'a ia tene fakakaukau'i lelei mo fuatautau e ngaahi me'a ne hokó – tā na'e tāau pea mo'oni pé ke ongo'i 'ita mamahi, fakangalivale'i, pea mo / pe manavahé 'a e tokotaha ko ia ne fakahoko ki ai e fakakina fakalieliá.

Ko hono sivi ko ia pe 'oku 'ikai tali 'a e tō'onga 'ulungaanga kuo fakahoko – 'oku fua 'aki pe ia 'a e ongo'i pē (*subjective*): 'a ia ko e fakahoko'aki pē ia pe na'e fēfē 'a e anga 'o e sio pea mo e ongo'i 'a e tokotaha ne fakahoko ki ai – ka e 'ikai ha fu'u mamafa ia ki he 'uhinga pea mo e taumu'a 'o e tō'onga ne fakahoko.

Ka ko hono sivi ko ia pe na'e fakatupu 'ita, ongo'i tukuhifo'i pe fakamanavahē 'a e tō 'onga 'ulungaanga ko ia, 'e fakahoko'aki leva ia 'a hono ola hā mahino mai (*objective*): 'a ia 'e 'uhinga leva ia pe ne 'i ha tu'unga fe'unga 'a ia 'e tāau ke lava ai ke fakapapau'i ko e ola ko eni kuo hā mai – 'oku hoa pe ia pea mo e natula mo tūkunga 'o e 'ulungaanga ne fakahokó.

Pea 'e lava pe foki ke toe tānaki atu ki heni kotoa – “Pe ko e ngaahi 'ulungaanga ko ia ne fakahoko 'i he feitu'u ngāue'angá (*workplace*) ko ha sivi nai ia ki he ola hā mai (*objective*) [pea fakataha mo ia foki hano fakamā'opo'opo mahino 'o e 'uhinga 'o e 'feitu'u ngāue'angá (*workplace*), 'a ia 'e kau fakataha ai ha ngaahi fakataha 'anga faka-sōsiale 'i tu'a ia mei he ngaahi feitu'u fai'anga ngāue angamahení pea mo e ngaahi fefolau'aki ki muli 'i he ngaahi taumu'a faka-e-ngāue pe).

Ko hano sivi ko ia pe 'e uesia 'e he tō'onga 'ulungaanga ko eni ne fakahokó 'a e tū'unga faka-e-ma'u-ngāue 'a e tokotaha ko 'eni ne fakakina'i fakalielia'i 'e lava ke fakatou vakai'i ia 'o fakatou makatū'unga pe 'i he anga 'o e tū'unga ongo'i (*subjective*) pea mo e ola hā mai (*objective*)

3. Ko e hā e felāve'i 'a e fakakina fakalielia pea mo e tokotaha "atamai lelei"?

'Oku mahu'inga ke fakatokanga'i 'oku fa'a kehekehe ma'u pe 'a e sio pea mo e tō'onga tali 'e he kakai kehekehē ha ngaahi 'ulungaanga 'oku fakahoko mai kiate kinautolú.

'Oku lava 'o fakatupu heni ke hoko e fakakina fakalielia ko ha 'elia faingata'a 'aupito ke pule'i 'e he kau taki ngāue'. Kapau 'e fakatātā 'aki eni – 'e lava pe ia ke pehē pē 'e ha tokotaha ia 'oku ala lava tali lelei pe hono 'ulungaanga 'o 'ona ia pea 'ikai fakatupu 'ita, ka e lolotonga ia 'oku mātu'aki fakalili'a 'aupito ki ai e tokotaha ia ko é 'oku fakahoko ki ai e tō'onga ko ia - neongo te ne feinga pe ke kātaki'i ko e 'uhi ke 'oua na'a hoko ha fepakipaki. 'Oku fa'a lava ke hoko eni kapau 'oku faikehekehe e ta'u motu'á, tū'unga faka-e-matakali pe faka-e-'ulungaanga faka-fonua, tū'unga faka-e-lakanga ngāué, pe faka-e-mafai.

Taimi e ni'ihi 'oku fa'a ongo'i 'e he kau ngāué 'oku fiema'u ke nau kau atu ki he ngaahi fakafahafaha'i koe'uhi ke nau hao ai mei hano ngaohi-kovia, fakamatalili'i, pe fakakehekehe'i kinautolu 'e honau ngaahi kaungā ngāué. 'E lava pe ke movete pe liliu ha ngaahi fekainga'aki, pe 'e fehālaaki ha ma'u ia ki ha ngaahi fetu'utaki ne fakahoko pea hoko ai 'o fepūlingaki e ngaahi fakangatangata ia 'i he vaha'a 'o e ngaahi tō'onga 'e ala lava ke tali lelei pea mo ia ko é 'e 'ikai fiema'ú.

'E 'i ai e ngaahi me'a ia 'e tali lelei pe ia 'i he 'ātakai faka-sōsiale mo e mo'ui faka-fo'ituitui – ka 'e ta'ehoa 'aupito ia 'i he 'ātakai faka-e-ngāué.

Kuopau ke mātu'aki tokanga 'aupito e ngaahi ngāue'angá ke fakapapau'i 'oku tauhi ha ngaahi tu'unga ngāue faka-e-palofesionale mātu'aki mā'olunga 'aupito 'i he ngāue'anga pea ke 'oua na'a tupulekina ha fa'ahinga 'ulungaanga faka-e-ngāue ta'etāau.

4. Kohai 'e lava ke lau kuo fakamamahi'i 'i he fakakina fakalielia?

Tangata mo fefine. 'Oku lava pe ia 'o hoko pea lau 'oku fakamamahi'i fakatou'osi pe ha tangata pe fefine. Pea 'oku 'ikai ko e tokotaha tonu pē ko é 'oku fakamamahi'i, 'e ngata ai ke lau ko ia tokotaha pē kuo fakamamahi'i,

ka 'e lava pe ke kau atu ai mo ha toe tokotaha pe ia 'a ia ne uesia kovi 'e he tō'onga 'ulungaanga fakakina ko iá.

5. Ko hai 'e lava lau ko ia kuo ne fai e fakakina fakalielia?

Tangata mo fefine. 'E lava pe ke fakahoko 'e he Supavaisa 'a e tokotaha kuo fakamamahia, 'e ha fakafofonga 'o e ngāue'angá, 'e ha Supavaisa mei ha tafa'aki ngāue 'e taha, 'e ha kaungā-ngāue pe 'e ha taha 'oku 'ikai ngāue 'i he ngāue'angá ko ia. Kaneongo ia, 'oku fa'a lahi ange pe e taimi 'oku fakamamahia ai 'a fefine 'i he fakakina fakalielia 'o tupu pe pea mei ha ngaahi me'a faka-sosiale pe faka-e-'ulungaanga faka-fonua.

6. Kapau 'oku fakamamahi'i au 'i he fakakina fakalielia – pea ko e hā leva ha me'a 'e totonu ke u fai?

Kapau leva 'oku fakakina'i fakalielia'i koe 'i he ngāue, pea 'oku totonu ke ke fakahā ki ha tokotaha – pe ko ha supavaisa, taki ngāue pe ko ha kaunga-ngāue. Pea kapau leva 'oku ke ongo'i te ke lava pe 'o talanoa mo e tokotaha fakakiná, pea 'e lava pe ke ke fakamahino ki he tokotaha fakakina - tangata pe fefine - 'oku 'ikai te ke tali 'a 'ene tō'onga 'ulungaanga 'oku fakahoko atu kiate koe. Pea 'i he taimi kotoa pē, 'oku totonu ke ke muimui ki he ngaahi tu'utu'uni koia 'a e ngaahi Tu'utu'uni Ngāue ki he Fakakina Fakalieliá.

Kapau leva kuo te'eki ai te ke ma'u ha fakamatala mahino ki he Ngaahi Tu'utu'uni Ngāue ki he Fakakina Fakalieliá, 'e ke ki ho'o supavaisa', taki ngāue' pea ko ha fakafofonga 'iunioni ngāue ke ma'u mei ai ha fakataukei.

7. Ko e hā ha fakatātā 'o hono fakatapui ko ia 'o e fakafepaki pea mo hono fakamanavahē'i ko ia 'o kinautolu 'oku nau launga'i 'a e fakakina fakalieliá.

Fakatātā 1: Fakahū atu 'e Mele ha lipooti launga'i fakakina fakalielia 'o Sione. Kamata'i leva 'e Sala, ko e Supavaisa ia 'a Mele, ha lau 'i he ngāue'angá 'o tukuhifo'i ai 'a Mele ia pea fakatupu ai mo hano ngaohi-kovia 'o Mele 'e he kaungā-ngāue. Ko e me 'a ko ia ne fai 'e Salá 'oku totonu ke ta'ota'ofi pea

'oatu mo ha fakatokanga ai ki a Sala, pea ka 'ikai tuku pea ke fakahoko leva ha tautea ki a Sala.

Fakatātā 2: Ne sio 'a Paula ki hono fakakina'i fakalielia 'e Pita 'a Tina. Ne lipooti 'e Paula e me'a' ni ki he Va'a ki hono Tokanga'i 'o e Kau Ngāué (HR). Ne hanga leva 'e he Supavaisa ia 'a Paulá mātu'aki li'aki pea 'ikai pe ke ne fakakau 'e ia 'a Paula 'i he ngaahi fehikitaki hoko mai ko ia ki he ngaahi lakanga mā'olunga ange , mo ne talaange 'e ia ki a Paula kapau ne 'ikai te ne lipooti 'e ia 'a Pita ne mei 'i ai hono faingamalie lelei 'aupito ke fakahiki hake ia ki he lakanga mā'olunga. 'Oku totonu mo taau ke fai hano tautea fakatokanga mātu'aki mamafa 'aupito 'o e Supavaisa 'a Paula koe'uhi' ko 'ene faka'efihia'i 'a Paula 'aki 'a e me'a' ni.²

8. 'E lava fēfē 'e he ngāue'angá ke tu'uaki mo poupu pea ke vahevahe atu 'a e Tu'utu'uni Ngāue ko eni ki he Fakakina Fakalieliá?

'Oku lahi 'aupito e ngaahi fōunga 'e ala lava ngāue'aki 'e ha ngāue'angá ke mahino ai ki he 'enau kau ngāue 'a e Ngaahi Tu'utu'uni Ngāue ki he Fakakina Fakalieliá. 'A ia 'oku kau 'i he ngaahi fōunga ni 'a é:

- Fakahoko hano faka-'atā pea tufaki atu mo kamata ngāue'aki 'o ha Ngaahi Tu'utu'uni Ngāue ki he fakakina fakalieliá 'i ha fakataha kakato 'a e kau ngāue pea mo fai hano toutou vakai'i mo 'ohake ki he ngaahi tu'unga fakamuimui tahá,
- Ke mātu'aki fakamātoato 'a e kau Taki Ngāue mā'olunga 'i hono fakahoko mo ngāue'aki 'o e Ngaahi Tu'utu'uni Ngāue ki he fakakina fakalieliá pea mo fakamamafa'i foki 'a e fiema'u ke muimui e kotoa 'o e kau ngāue ki aí.
- Tufaki 'imeili ha ngaahi tatau 'o e Ngaahi Tu'utu'uni Ngāue ki he kau ngāue kotoa, fakahū ha tatau 'e taha ki he 'initaneti – pea mo fokotu'u ha ngaahi komipiuta 'a e kau ngāue ke fakapapau'i tenau sio ai ki he ngaahi tu'utu'uni ni.
- Tufaki ha ngaahi tatau 'o e ngaahi tu'utu'uni ki he kau ngāue hū fo'ou' 'i he 'enau polokalama fakataukeí,
- Fakahā ki he kotoa 'o e kau ngāué; kau ngāue aleapau faka-taimi tukupau, mo e kau ngāue aleapau kehe, kenau fakamo'oni hingoa 'i

²Ko e kupu s19A(4) (5) mo e (6) ó e Lao Ngaue Faka-Pule'anga 2010 óku ngaueáki ia ki he ú fakatātā ko éni.

ha tatau 'o e ngaahi tu'utu'uni ke fakamahino kuo nau ma'u ia pea 'oku mahino lelei kiate kinautolu,

- Fokotu'u e Ngaahi Tu'utu'uni 'i he ngaahi papa fanongonongó pea fakakau foki 'i he ngaahi tohi polokalama ako fakataukei 'o e kau hū fo'ou.