

## POLICY

NZPM is committed to ensuring the workplace is free from harassment and unlawful discrimination. Harassment or unlawful discrimination of co-workers, customers or suppliers is unacceptable and will not be tolerated. It is the Company's expectation that employees are treated fairly and equitably and that managers take positive steps to prevent harassment and unlawful discrimination. Complaints will be acted upon immediately and investigated thoroughly and the Company encourages, and is committed to achieving, internal resolution of issues where possible.

This policy applies to behaviours that occur within the workplace, during work hours, in connection with work, and on social media. It sets out the actions and behaviours that could be considered harassment or unlawful discrimination and how NZPM may respond.

## DEFINITIONS

**Harassment** occurs where a person is subjected to behaviour that is unreasonable, unwanted or offensive, and that either by its nature or through repetition, has a detrimental effect on the person's health and safety, employment, job performance or job satisfaction. Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. Examples of harassment include:

- Threats and intimidation;
- Verbal abuse including jokes, suggestive comments and offensive gestures relating to a person's disability, religious conviction, race, colour, ethnic or national origins or sexual characteristics;
- Humiliation and/or degrading comments;
- Distribution or display of material regarded as offensive; and
- Repeated, unwanted and deliberate physical contact.

Harassment can be a one-off serious incident or can be repeated behaviour of a less serious nature, or a combination of behaviours. Harassment can also occur through social media, written material such as notes, electronic messages, voicemail, phone and/or video calls inside or outside of the workplace and/or work time.

**Sexual harassment** includes any unwanted or unwelcome sexual behaviour that makes a person feel offended, humiliated or intimidated. Sexual harassment in the workplace includes:

- Use of language (written or spoken), visual material or physical behaviour of a sexual nature that is unwelcome or offensive; and
- Requests for sexual intercourse, sexual contact or other form of sexual activity that is unwanted, offensive or, if that request is accompanied by either a promise of some kind of preferential treatment, or a threat (or implied threat) of some kind of detrimental treatment, either directly or by implication.

**Racial harassment** includes unwanted, hurtful or offensive behaviour towards another person on the grounds of their race, colour, or ethnic or national origins. Racial harassment in the workplace includes use of language (written or spoken), visual material or physical behaviour expressing hostility, contempt or ridicule towards a person's race, colour or ethnic or national origins, religious or political beliefs.

**Workplace bullying** is a form of harassment that intimidates, humiliates or undermines and, creates a risk to health and safety. Behaviour is generally repeated or persistent and can involve a range of behaviours over time. Bullying behaviour can range from verbal or physical assault to subtle psychological abuse and includes direct violence, physical assault or intimidation, abusive language and behaviour that insults, victimises, or threatens.

Genuine and reasonable performance management and/or disciplinary action are not considered to be workplace bullying. One-off incidents of unreasonable behaviour including forgetfulness, rudeness or tactlessness are also not considered to be workplace bullying. A single serious incident however, may constitute harassment and/or a breach of company policy, and accordingly such behaviour is not acceptable.

**Discrimination** occurs when a person is treated less favourably than others either directly or indirectly, in the same or similar circumstances. Unlawful discrimination occurs where the reasons for that discrimination are prohibited under human rights legislation. Prohibited grounds include:

- Sex
- Age
- Marital status
- Family status
- Race
- Colour
- Ethnic or national origin
- Religious or ethical belief
- Political opinion
- Employment status
- Disability
- Sexual orientation

### RESPONSIBILITIES

Managers are responsible for ensuring a workplace free from harassment and discrimination. This responsibility includes the behaviour of themselves, company representatives, employees, customers and suppliers.

Employees are responsible for ensuring their behaviour is consistent with this policy and are not expected to tolerate any form of harassment or discrimination. Should harassment occur, the complaints procedure is to be applied.

An employee experiencing workplace harassment or discrimination is entitled to object. Employees are encouraged to tell the person that their behaviour is unwelcome and offensive and ask them to stop. Employees should then approach their manager to inform them of the issue.

The individual may, if preferred, approach a member of the Human Resource team to make a formal complaint.

### FORMAL COMPLAINTS

NZPM management has overall responsibility for the prevention of harassment and discrimination. Formal complaints will be treated seriously and investigated as fairly and as promptly as possible. Employees will be provided with necessary support while the process is resolved. The complainant, witnesses and the person accused of acting inappropriately are entitled to seek advice and support at any time.

The primary responsibility for investigating all suspected harassment and discrimination is with the Human Resource team. NZPM is committed to our legal obligations to act fairly, honestly and in good faith when conducting investigations. All instances of suspected harassment and discrimination will be thoroughly investigated. All employees must cooperate with any investigation into suspected harassment and discrimination.

If it is found that harassment or discrimination has occurred, all practicable steps will be taken to ensure that the offending behaviour is not repeated. Disciplinary action up to and including termination of employment may be taken against anyone found to be harassing or discriminating against an employee, customer or supplier.

It is important to note that NZPM may not be able to take formal action against alleged workplace harassment, unlawful discrimination or bullying unless the company can provide the person alleged to have acted inappropriately with details of who the complainant is and the behaviour(s) complained of.

NZPM may choose not to conduct an investigation or take any action where it considers the behaviour(s) complained of do not, even if proven, constitute harassment, bullying or unlawful discrimination. If an investigation reveals that the complaint has been made maliciously or that allegations are not true, NZPM may take disciplinary action against the complainant.

### CONFIDENTIALITY

Anyone involved in a harassment or discrimination issue must ensure that the circumstances and facts of the issue are disclosed only to those within NZPM who are directly involved in investigating and/or resolving the issue, or have a 'need to know' (e.g. a lawyer or external representative). In particular, it is important that anyone who either makes a complaint or may be witnesses to the circumstances giving rise to a complaint, does not discuss the matter outside of the investigation and resolution processes.

### EMPLOYEE ASSISTANCE PROGRAM

In some circumstances, an employee may wish to seek confidential counselling services. EAP can be used to address issues of a work or personal nature that may be impacting on health and wellbeing. The EAP contact details are available from your manager or HR Advisor.

### POLICY APPROVAL AND REVIEW

Approved by: NZPM Board – July 2018  
Next Review Date – July 2020