

TOPIC:

4

HEALTHY,  
SAFE &  
EQUITABLE  
WORKPLACE

# HARASSMENT, BULLYING & DISCRIMINATION POLICY

*This policy explains IR commitment and approach to preventing and managing unacceptable workplace behaviour*

IR is committed to maintaining a positive working environment and culture, where diversity is appreciated, and all people are respected and valued.

IR regards discrimination, bullying or harassment of any kind as unacceptable.

This applies whether this behaviour comes from, or is directed at, an employee, contractor, consultant, customer or a visitor to IR.

We put prevention at the centre of our approach, and expect all our people to model appropriate standards of conduct and report any breaches. If possible, behaviour can be adjusted and the working relationship can be repaired. We have robust processes in place to manage breaches if they occur.

## Why we have this policy

It makes good sense for IR to address undesirable behaviours, as they can be detrimental to both the health of the affected employee/s and business productivity. In addition, undesirable behaviours in the workplace can constitute a work-related hazard, which IR has a legislative duty to manage.

Our Code of Conduct notes IR's obligation to be a "good employer" translates to a specific commitment to ensure "freedom from harassment and discrimination in the workplace", and establishes specific responsibilities for all our people to "not discriminate against or harass any colleague or customer...".

## Who this policy applies to

This policy and the guidelines which support its application apply to all IR employees and contracted individuals (referred to as "all staff" or "a staff member").

The policy covers behaviours that may occur in the workplace, between work associates, during work events (such as a conference or training) and outside the workplace if it is in the context of the employment relationship or affects the workplace.

## Specific practice -harassment, bullying & discrimination

*In this policy, discrimination and harassment have the definitions as set out in the Human Rights Act 1993 and the Employment Relations Act 2000, which are summarised below. The bullying definition is from WorkSafe NZ's definition in their best practice guidelines (2014).*

**Discrimination:** Where a person is disadvantaged on the grounds of sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation.

**Harassment:** Where a person is subjected to repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, at the place of work and/or in the course of employment that:

- expresses hostility against or intimidates or ridicules them
- is unwanted, hurtful and offensive to the employee, and affects their performance or job satisfaction.

This is most commonly sexual or racial harassment (both specifically defined in ERA) but can include other forms.

**Bullying:** Unreasonable and repeated behaviour towards a person or group that creates a health and safety risk.

- Repeated behaviour is persistent and can include a range of actions.
- Unreasonable behaviour covers actions which a reasonable person wouldn't do in a similar circumstances, including victimising, humiliating, intimidating or threatening a person. A single incident isn't considered bullying but can escalate if ignored.

Bullying includes cyberbullying - where technology (internet, mobile phone, digital camera etc.) is used as a means to bully. The Harmful Digital Communications Act (2015) sets out serious consequences if electronic communications are used with the intent to cause harm, and includes 10 communication principles, many of which relate specifically to harassing, discriminatory or bullying behaviour.

NOTE: These terms are not mutually exclusive, so harassment and discrimination can be part of bullying.

## PREVENTION AND MANAGEMENT

This policy, and the guidelines which support its application, look to ensure all staff:

- understand IR's commitment to a positive workplace and that unacceptable behaviour will not be tolerated under any circumstances
- have access to the information and resources they need to better understand harassment, bullying and discrimination
- know how to raise a concern or complaint, and the options available to them.

## MANAGING COMPLAINTS

IR has procedures in place for making and managing complaints to ensure any complaint or query is treated confidentially, taken seriously and acted on promptly.

There is a preference for appropriately tailored solutions. For example, exploring low-key solutions before formal actions are taken if this is appropriate, or proceeding straight to a formal investigation if necessary.

IR will ensure the principles of natural justice are applied and both parties are treated fairly, and respected and supported through the process. The options, reporting and process steps are detailed in the 'Making a complaint' guidelines. (Topic 4)

## DISCIPLINARY ACTION

If an allegation of harassment, bullying or discrimination is proven through a formal employment investigation process, the behaviour may amount to misconduct or serious misconduct, and could result in disciplinary action up to and including summary dismissal. IR's disciplinary investigation guidelines (topic 3), provide details about this process and the potential outcomes.

IR would not expect any negative consequence for a staff member making a complaint (known as victimisation). However, if a staff member raises a complaint that is found to be fictitious or vexatious, IR may take disciplinary action against them.

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