

Bullying Harassment and Discrimination Policy

1. Purpose

Contact is committed to providing a positive and inclusive working environment and culture, where all people are respected and valued, and treat each other with respect. Everyone has the right to a safe working environment free from harassment, discrimination, bullying and other unacceptable conduct.

Contact has a zero-tolerance approach to unacceptable conduct – it will be addressed. Anyone who feels they have been harassed, discriminated against or bullied in their employment should feel able to approach a people leader or People Experience representative for assistance.

The purpose of this policy is to provide the definitions of Bullying, Harassment and Discrimination and provide a high-level overview of the process of raising a complaint.

2. Application

This policy applies to all directors, and all employees (including any secondee, temp, contractor or consultant) of Contact and its subsidiaries (collectively 'employees' or 'our people'). Behaviour or actions from employees or those representing Contact that are in conflict with this policy may be considered serious misconduct or grounds for termination of contract for non-employees.

Outlined expectations also apply to visitors and other people present on Contact work sites, using our facilities, or dealing with our employees or contractors. Where these parties are in conflict with this policy, appropriate action will be taken.

This policy applies at all times in work related situations and is not restricted by work hours or other time or place considerations.

3. Key Principles

- Contact will support anyone who raises concerns about unacceptable conduct. We will act promptly and treat the matter seriously and in confidence. The concerns will be addressed appropriately, fairly and in a way that is respectful towards everyone involved.
- Bystanders have a moral responsibility to help create a positive, safe workplace. If you are a bystander of unacceptable conduct, you are expected to be a supportive bystander by speaking up and helping stop unacceptable behaviour.
- Anyone who raises a concern or participates in a process to address a concern will be protected from any retaliation or victimisation.
- Where unacceptable conduct is found to have occurred, it may lead to disciplinary action being taken against the person or people concerned. If the misconduct is sufficiently serious, it may lead to

summary dismissal. Similarly, if someone is found to have retaliated against or victimised someone who raised a concern or participated in a process to address a concern, or has not been a supportive bystander and has observed unacceptable conduct and has chosen to ignore it that may lead to dismissal or other disciplinary action.

4. Harassment, Discrimination, Bullying and Other Unacceptable Conduct

Harassment

Harassment is unwelcome and inappropriate behaviour, that makes a person feel offended, humiliated, intimidated, frightened or uncomfortable. To be considered harassment, the conduct must either be repeated, or of such a significant nature that it has a detrimental effect on the person, leaving them fearing for their own safety or feeling that their health and wellbeing or performance at work has been adversely affected.

For example, harassment may include:

- Verbal or non-verbal intimidating behaviour, such as persistent following, watching, loitering near, or accosting a person
- Entering, or interfering with, property in a person's possession
- Giving offensive material to a person, or leaving it where it will be found by, given to, or brought to the attention of a person
- Perpetrating or circulating persistent and malicious gossip about a person
- Direct or indirect insults against a person
- Acting in a way that causes a person to fear for their safety, and would cause any reasonable person in the same situation to fear for their safety

In addition, Contact will not tolerate the harassment of employees on the grounds of discrimination as set out in the Human Rights Act. This includes but is not limited to sex; marital status; religious belief; ethical belief, colour; race; ethnic or national origins; disability; age; political opinion; employment status; family status.

Sexual Harassment

Sexual harassment is behaviour of a sexual nature (including through the use of words, actions or visual material) that is unwanted by the complainant, and is either repeated or of such a significant nature that it has a detrimental effect on the complainant's work, performance or job satisfaction. It may be perpetrated by anyone at work, including our colleagues or clients.

Sexual harassment also occurs if a person directly or indirectly asks the complainant for sexual intercourse, sexual contact, or another form of sexual activity, and their request contains an implied or overt promise of preferential or detrimental treatment, or an implied or overt threat about the complainant's present or future employment status.

For example, sexual harassment may include:

Physical behaviour such as:

- Any unwanted physical contact
- Unnecessary physical closeness
- Offensive facial, hand or body gestures
- Sexual assault.

Verbal conduct such as:

- Teasing or comments about a person's alleged sexual activities, sexual orientation, or sexual experience
- Inappropriate or excessive comments on clothing, appearance or other physical characteristics

- Inappropriate or excessive questions about a person's private life
- Personally sexually offensive comments or crude remarks, including sexual or smutty jokes, name calling and wolf whistles
- Unwelcome social attention or phone calls at home or at work
- Threats of detrimental treatment if sexual advances are refused.

Non-verbal conduct such as:

- Obscene or pornographic email messages
- Display of pornographic or sexually suggestive pictures, items or images
- Obscene graffiti.

Harassment and sexual harassment does not include:

- Behaviour based on mutual attraction, including the development of appropriate and consensual relationships
- Occasional and appropriate compliments on a person's appearance
- Appropriate performance management and feedback.

In saying this, it is important to remember that people react in different ways, and what one person may find acceptable or funny, another person may not. It is important also to be mindful of the context, the people you're with and your position in Contact relative to others.

Racial Harassment

It is unlawful to use language (whether written or spoken), visual material or physical behaviour that directly or indirectly expresses hostility against or brings into contempt or ridicules any other person on the grounds of their race, colour, or ethnic or national origins. To be considered racial harassment, the conduct must also be offensive or hurtful to the other person, and must, by its nature or through repetition, have a detrimental effect on the person's work, performance or job satisfaction.

For example, racial harassment may include:

- Jokes, remarks, insults, songs, innuendos or direct comments about cultural differences, ethnic origin or race
- Name calling or deliberately mispronouncing names
- Making fun of the way people dress, speak or look relating to their ethnic origin
- Offensive publications or letters
- Threatening behaviour based on cultural differences, ethnic origin or race.

All staff are encouraged to speak up and address behaviour they feel is racist.

Discrimination

The Human Rights Act 1993 and the Employment Relations Act 2000 both prohibit discrimination on the following grounds:

- Sex (gender identity), including pregnancy and childbirth
- Marital status
- Religious belief (including lack of religious belief)
- Ethical belief
- Colour
- Race
- Ethnic or national origins
- Disability
- Age
- Political opinion
- Employment status

- Family status
- Sexual orientation
- Refusal to do work on health and safety grounds
- Union involvement.

Discrimination in employment on any of the prohibited grounds of discrimination is unlawful, unacceptable and will not be tolerated by Contact. Examples include where anyone directly or indirectly, based on any of the prohibited grounds of discrimination:

- Refuses or fails to offer a person the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion or transfer as are made available for other employees of the same or substantially similar qualifications, experience, or skills employed in the same or substantially similar circumstances
- Dismisses a person or subjects him/her to any detriment, in circumstances where other employees who perform the same work are not or would not be dismissed or subjected to such detriment
- Requires or causes a person to retire or resign.

Discrimination can be indirect. This occurs where any conduct or practice has the effect of discriminating against a person even though it was undertaken for other, non-discriminatory reasons. Indirect discrimination can be lawful, if there is good reason for the practice or conduct. Contact encourages employees to ask questions or raise concerns if they think a particular practice or conduct is having a discriminatory effect.

Bullying And Other Unacceptable Conduct

Workplace bullying is repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to their health and safety or has a detrimental effect on that employee or group of employees. 'Unreasonable behaviour' means actions that a reasonable person in the same circumstances would see as victimising, humiliating, intimidating or threatening towards a person.

Generally, bullying will be intentional, with the aim being to gain dominance over another person or to cause fear or distress to that person. Bullying can also occur where the perpetrator did not intend to cause fear or distress by their unreasonable behaviour, but they recognised that could be the outcome and continued nonetheless.

A single incident of unreasonable behaviour is not considered workplace bullying, but it is nevertheless unacceptable, could escalate and should be addressed.

Bullying behaviour may include:

- Abusive, belittling or degrading remarks or gestures, either directly to the employee or behind their back, undermining the integrity of another person
- Job related harassment, such as being given unachievable tasks, or impossible deadlines, nit picking and fault finding without justification, withholding information, work overload, not being given work unfairly, or unfairly having responsibilities removed
- Manipulating or coercing someone into doing particular tasks
- Attacking a person's beliefs, attitude, lifestyle, appearance, gender identity, sexual orientation
- Being ridiculed, insulted, teased, made fun of
- Being shouted or yelled at, using a raised voice and unpleasant tone or other obscene or offensive language or gestures
- Unjustified threats of dismissal or other disciplinary procedures
- Personal attacks, threats, intimidation, misuse of power
- Public humiliation
- Being singled out, ganged up on, excluded marginalised or isolated from workplace activities
- Spreading misinformation, malicious gossip or rumours about someone.

Bullying does not include:

- One-off or occasional instances of forgetfulness, rudeness or tactlessness - although such instances should nevertheless be addressed.
- Neither does it include reasonable management of work performance or work-related behaviour of an employee or team. Examples of reasonable management include:
 - Setting high performance goals and standards, or reasonable deadlines because of quality or safety
 - Constructive feedback and legitimate advice or peer review
 - A supervisor requiring reasonable verbal or written work instructions to be carried out
 - Informing an employee about inappropriate behaviour in an objective and confidential way
 - Fair and reasonable performance management processes
 - Appropriate disciplinary processes and outcomes
- Discussion or debate that leads to differences of opinions and/or disagreements.

Conduct that falls short of bullying may nevertheless be harmful or otherwise unacceptable, and should be addressed.

WorkSafe New Zealand provides advice, guides and checklists for employees which are useful to read if you think you may be experiencing or observing bullying or other unacceptable conduct. Please visit <https://worksafe.govt.nz/the-toolshed/tools/bullying-prevention-toolbox/>.

What To Do If You Have Concerns

If you believe you are being harassed, bullied or discriminated against, or if you observe or experience any behaviour that makes you uncomfortable or concerned for yourself or others, you can and should take action to stop this behaviour.

If you see any of our people experiencing any of the above, encourage them to speak to a people leader, People Experience Team member. If they don't feel comfortable doing so, you can offer to provide support on their behalf.

Often concerns can be resolved informally through discussion between the parties concerned or with the assistance of a third party. Other times, concerns will need to be dealt with using a formal investigation process.

We have set out some options below to address concerns about unacceptable conduct. Note that there is no 'one size fits all' approach. In every case the people leader or People Experience Team member will need to consider the best approach to fit the particular circumstances.

Regardless, Contact will treat all such concerns seriously and will deal with them impartially, confidentially and within a reasonable timeframe.

Think also about how you raise your concerns. Focus on the behaviours and the impact, rather than labels. People are sometimes fearful about raising concerns. Contact will support you through any process. We will also protect you from retaliation or victimisation.

Self-help

This approach may resolve the matter quickly and in a low-key manner. It involves letting the person know that the identified behaviour is unacceptable to you and needs to stop. This can be done in a number of ways:

- Approaching the person directly (if you feel safe in doing so), identifying the behaviour that is unacceptable to you and requesting that it stop
- Writing to the person (on a confidential basis) about their behaviour and requesting that it stop

- Speaking to the person in private in the presence of a designated support person or other trusted support person.

Many situations are resolved in this way, but sometimes it is not an option. If you do not want to use this approach, or cannot achieve a satisfactory outcome in this way, you may need to raise your concerns with your people leader or a People Experience Team member to discuss other options.

The Restorative Approach

To explore a restorative approach, find a time to meet with a people leader or People Experience Team member and explain the situation. You may decide to go back to the self-help option after this discussion, or the people leader or People Experience Team member may assist you in taking other action to resolve the matter.

The aim of the restorative approach is to achieve resolution through a facilitated discussion or mediation between you and the person you are raising concerns about. This can be done in different ways, can have different stages and may not require that people be in the same room at every stage, if at all.

The people leader or People Experience Team member will help you find a way forward within this approach that best suits the circumstances, but typically the following will apply:

You and the people leader or People Experience Team member:

- Will meet to discuss the substance of your concerns. You will need to be prepared to discuss them in detail.
- We will then approach the person or people concerned and advise them about your concerns. The people leader or People Experience Team member will also advise the person that you wish to try and resolve the matter informally between the parties.
- We will then provide an opportunity for the person or people concerned to think about their options and explain from their perspective what occurred. Time will also be allowed for that person to seek support and advice. A response may not be immediate.
- We may suggest that the parties meet with either the people leader or People Experience Team member or another appropriate person present to facilitate a discussion or mediate more formally.
- If there is agreement between the parties about a resolution, this can be recorded by the people leader or People Experience Team member. The resolution will be tailored to the circumstances. It may involve an apology and an agreement about how the parties will work together going forward. It may also include ongoing support or oversight by Contact.

A restorative process will not necessarily result in disciplinary action for the respondent – it is Contact's responsibility to decide whether a disciplinary process should be undertaken.

If you do not feel that the matter can be satisfactorily resolved via a restorative approach, an alternative option is to make a formal complaint.

Making a formal complaint

A formal complaint can be made to your people leader or a People Experience Team member.

A formal complaint cannot be made anonymously. This is because the person you are complaining about has a right to know who made the complaint, in order to allow them to fully recall the events surrounding the complaint, and respond to the complaint against them. However, all information obtained and considered in the context of a formal complaint will be treated as confidential, and will only be disclosed to others in consultation with you and on a 'need-to-know' basis.

The complaint should be in writing and should include:

- Your identity and the identity of the person complained about.
- As many details as you can provide of the behaviour complained about including what, when and where the behaviour occurred. If you can't recall precise dates and details, that is okay, provide as

much information as you can. Explaining the context often helps to identify the incident being complained about.

- Your response to the behaviour.
- Whether anyone else witnessed the behaviour, and who that person is/those people are
- What would amount to a satisfactory resolution of the situation for you.
- You can refer to [WorkSafe's complaint forms](#) for the detail that should be included in the complaint.
- Alternatively, you can make a report via the “non-anonymous” form on the SharePoint [ReportIt!](#) page

Contact will typically investigate formal complaints. The nature and scope of any investigation will depend on the circumstances. Contact may also suggest a restorative or other remedial process before, during or at the end of an investigation. The primary aims are to address the concerns raised and ensure that there is no unacceptable conduct at Contact.

A formal complaint may result in disciplinary action being taken against the person you are complaining about. Again, however, it is Contact's responsibility to decide this.

Questions

If you have any questions, please ask a member of the People Experience team. As above, you are also welcome to use [Clearhead](#) (Contact's Employee Assistance Programme). In addition to personal counselling and support, they can provide helpful advice on the approach you might take to address concerns about unacceptable conduct, such as bullying, harassment or discrimination.

5. Compliance

Contact requires [all of its employees *and directors*] to comply with this policy. Compliance with this policy will be periodically monitored by the People Experience team.

Any known or suspected instances of non-compliance should be discussed with your manager, your Leadership Team member, or the General Counsel. Alternatively, any employee who is aware of a breach of this policy can take action in accordance with Contact's [Whistleblowing](#) Policy.

6. Document control

Approved

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Document owner

Chief People
Experience Officer