

Bullying, Harassment & Discrimination Policy

ClearPoint aims to provide a safe and healthy work environment, so far as is reasonably practicable, in which everyone is treated fairly, with dignity and respect.

This Policy outlines ClearPoint's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees, clients, contractors or public are not subjected to any form of bullying, harassment or discrimination while working for and with us. It aims to assist in the resolution of any harassment or bullying complaints by providing a clear policy and fair procedure that are well known and understood by all employees and contractors. It also details the legal responsibilities of ClearPoint and work place participants in relation to preventing bullying, harassment and discrimination in the workplace.

ClearPoint wishes to maintain an organisation in which the entire team enjoy mutual respect. Any form of harassment, including sexual harassment and bullying, is a breach of that mutual respect. Any unreasonable and repeated behaviour (by employees or contractors) towards a person or group that can lead to physical or psychological harm will not be tolerated in the ClearPoint workplace. Harassment of any kind, if proven, constitutes unacceptable behaviour and will attract disciplinary action up to and including termination of employment.

1. Harassment

Harassment may be based on gender, marital status, religious or ethical belief, disability, age, political opinion, employment status, family status, sexual orientation, or involvement in the activities of an employee organisation. If such behaviour makes you feel offended, humiliated, intimidated or uncomfortable at work, then it may be considered as harassment.

2. Sexual Harassment

Sexual Harassment consists of any physical or verbal sexual behaviour that is unwelcome, uninvited, and unwarranted.

Under the Human Rights Act two types of sexual harassment are prohibited. They are:

- A request for sex together with an implied or overt promise of preferential treatment or a threat of detrimental treatment
- Sexual behaviour, language or visual material which is unwelcome or offensive and either repeated or significant enough to have a detrimental effect on the person subjected to it

It is a situation that, directly or indirectly, subjects someone to sexual behaviour that is unwelcome or offensive to them and that, either by its nature or through repetition, has a detrimental effect on that person's ability to engage in normal work activities. Sexual harassment may include but is not limited to:

- Personally, sexually offensive verbal comments
- Sexually orientated jokes or innuendo
- Repeated comments or teasing about someone's alleged sexual activities or private life
- Persistent, unwelcome social invitation
- Following someone home from work

- Offensive hand or body gestures
- Displays of offensive material
- Unnecessary physical contact
- Hints or promises of preferential treatment in exchange for sex
- Threats of negative treatment if sex is not offered
- Derogatory comments
- Offensive messages, emails or phone calls at work or at home
- Sexual assault and/or rape

Sexual harassment is prohibited by sections 62 and 69 of the Human Rights Act 1993 and is grounds for a personal grievance under sections 103, 108 and 117 of the Employment Relations Act 2000.

Mutual social interactions or relationships freely entered into do not constitute sexual harassment.

3. Racial Harassment

Racial Harassment involves the use of language, visual material or physical behaviour that may directly or indirectly express hostility against or bring into contempt or ridicule someone on the grounds of their race, colour or ethnic or national origins.

Racial harassment may be unintentional. The person who is being offensive may be unaware of its effect, but they can still be held responsible. What is important is how the behaviour affects employees or others.

4. Bullying

Bullying involves repeated, deliberate, and targeted conduct by a person towards another employee or contractor which is offensive, intimidating, or humiliating and which detrimentally affects that person's well-being.

| Examples of Bullying Behaviours | |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Personal Attacks – Direct | Task Related Attacks – Indirect |
| Belittling remarks, undermining integrity, lies being told, sense of judgment questioned, opinions marginalised. | Giving unachievable tasks, impossible deadlines, unmanageable workloads, overloading, 'setting up to fail'. |
| Ignoring, excluding, silent treatment, isolating. | Meaningless tasks, unpleasant jobs, belittling a person's ability, undermining. |
| Attacking a person's beliefs, attitude, lifestyle or appearance, gender references, accusations of being mentally disturbed. | Withholding or concealing information, information going missing, failing to return calls or pass on messages. |
| Ridiculing, insulting, teasing, jokes, 'funny surprises', sarcasm. | Undervaluing contribution, no credit where it's due, taking credit for work that is not their own. |
| Shouted or yelled at | Constant criticism of work |
| Threats of violence | Underwork, working below competence, removing responsibility, demotion |
| Insulting comments about private life | Unreasonable or inappropriate monitoring |
| Physical attacks | Offensive sanctions e.g. denying leave |

| | |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Public humiliation | Excluding, isolating, ignoring views |
| Persistent and/or public criticism | Changing goal posts or targets |
| Using obscene or offensive language, gestures, material | Not giving enough training or resources |
| Ganging up, colleagues, clients, encouraged to criticise you or spy on you, witch-hunt, dirty tricks campaign, singled out. | Reducing opportunities for expression, interrupting when speaking |
| Intimidation, acting in a condescending manner | Sabotage |
| Intruding on privacy, e.g. spying, stalking, harassed by calls when on leave or at weekends | Supplying incorrect or unclear information |
| Unwanted sexual approaches, offers, or physical contact | Making hints or threats about job security |
| Verbal abuse | No support from manager |
| Inaccurate accusation | Scapegoating |
| Suggestive glances, gestures, or dirty looks | Denial of opportunity |
| Tampering with personal effects, theft, destruction of property | Judging wrongly |
| Encouraged to feel guilty | Forced or unjustified disciplinary hearings |
| | Lack of role clarity |
| | Not trusting |

Bullying isn't:

- One off or occasional instances of forgetfulness, rudeness or tactlessness
- Setting high performance standards because of quality or safety
- Constructive feedback and legitimate advice or peer review
- A manager requiring reasonable verbal or written work instructions to be carried out
- Warning or disciplining employees
- A single incident of unreasonable behaviour

5. Preventing Bullying & Harassment at ClearPoint

At ClearPoint, we will do the following to minimise and respond to workplace bullying and harassment:

- Establish respect for diversity
- Actively look for ways to create a positive workplace that everyone feel is fair, rewarding and positively challenging
- Encourage positive leadership styles and invest in our managers to achieve this
- Direct attention towards behaviour rather than people, and aim to promote harmonious relationships across the organisation
- Provide anyone who believes they've been bullied with a range of options to resolve the issue
- Openly discuss bullying, in both formal and informal settings
- Identify factors that contribute to bullying, and put effective control measures in place
- Ensure our processes and systems are fit for purpose and regularly reviewed
- Have regular surveys on our culture

6. Procedures for Dealing with Bullying & Harassment at ClearPoint

If you who believe you have experienced any form of harassment, you should act promptly. This may be done directly or through a representative. You may:

- Tell the person or persons, in private that their behaviour is offensive and request that it stop
- Write to the person or persons, about their behaviour in confidence
- Speak to person or persons, in private, in the presence of an independent and senior member of the ClearPoint team
- Talk to your manager (if your manager is involved, talk to another member of the leadership team)

If any of the above steps have not worked or if the allegation is, in your view serious enough to warrant formal disciplinary action, you can submit a detailed written complaint to the CEO (if the CEO is the subject of the complaint, to the Chair of the Board).

If your manager, a member of the leadership team, or the CEO receive a complaint of bullying or harassment, they commit to:

- Treat all complaints as extremely serious
- Take all practicable steps to retain confidentiality of all parties involved
- Take reasonable steps to protect the complainant from reprisals
- Investigate the complaint promptly and objectively and inform the employee of the expected timetable for investigating and resolving the complaint (the investigation should start within seven working days of receiving the complaint)
- Inform the complainant how the complaint will be investigated, (i.e. interviews with the complainant, the alleged bully or harasser, any witnesses, viewing relevant documents, etc.)
- Inform all parties what support is available to them and the right to have a support person present at any meetings
- Take interim measures, if required, to ensure the safety of all the team
- Document all evidence gained in the investigation
- Take objective and independent advice if appropriate, and if appropriate appoint an independent person to investigate the matter
- Consider all circumstances before reaching a conclusion and taking remedial action
- Keep the everyone informed on the progress made in investigating the complaint

Possible remedial actions are:

- Informal – the person against whom the complaint is made may not be aware of their behaviour and the consequences. An agreement may be reached that the behaviour will cease.
- Counselling – an appropriate counsellor may be appointed to give both parties the opportunity to resolve the situation where the investigation has concluded that no disciplinary action is required but individuals would benefit from expert advice on how to communicate and behave in the work situation.
- Mediation – an independent third person or mediator may be used to resolve the issue. This would be a voluntary process where the mediator helps the parties involved to find a solution to the issues that both can agree on.

- Disciplinary – as a result of the investigation, ClearPoint may decide disciplinary action is required. Any employee believed to have bullied or harassed a member of the ClearPoint team, may have their employment terminated. Also, any allegation found to have been false, malicious or misleading would be treated as serious misconduct and may also lead to termination of employment.

Please accept that perceptions of bullying and harassment may need to be negotiated.

You may wish to speak to a representative. The alleged offender may also wish to speak to and/or have a representative present at subsequent meetings.

Any employee wishing to discuss any issue will not be discriminated against by ClearPoint.

If a harassment complaint cannot be resolved through discussion, mediation could be an option. Mediation is a service that is available to assist in the resolution of employment relations problems. Alternatively, you may make a complaint to the Human Rights Commission. The Commission can offer dispute resolution services, which may include mediation. More information can be found on their website www.hrc.co.nz or by phoning the Human Rights Commission's toll-free Info line on 0800 496 877.

The Human Rights Act protects you from being victimised because they contacted the Human Rights Commission about harassment, were involved in a dispute or supported another person to make a complaint.

7. Discrimination

Sexual, racial, political, social, or religious discrimination will not be tolerated in the ClearPoint workplace. We want everyone to feel empowered to raise any concerns and challenge discriminatory behaviour if you see it. If anyone in the team feels they have been subjected to any form of discrimination (sexual, racial, political, social, or religious) it may be discussed (confidentially) with your manager (or one of the leadership team).

We expect everyone in the ClearPoint team to act fairly and show respect towards others, including being aware of cultural sensitivities and knowing your responsibilities under the law regarding equal opportunity.