

RESPECT AND RESPECTED POLICY - EXECUTIVE SUMMARY

August 2022

PURPOSE AND SCOPE

LT McGuinness Limited is a family-owned contracting company with strong family values and culture that extends throughout the company, therefore we expect all staff members, at all levels to treat others, including clients and contractors, with professionalism and respect at all times, and to provide and encourage diversity, inclusion and equality. LTM depends heavily on its reputation, and on the positive relationship staff have or build with others.

Our culture is based on mutual respect and collaboration, which is why one of LTM's core values is Respect and Respected.

Bullying, harassment, sexual harm and discrimination are unacceptable in any form at L T McGuinness Limited (LTM). Anyone who witnesses or experiences harmful behaviour can follow a formal or informal pathway. The formal pathway provides for a formal investigation that may result in disciplinary action sought (see LTM Disciplinary Policy, available upon request).

A full version of LTM's Respect and Respected Policy can be found on the intranet.

CONTENT AND GUIDELINES

The behaviours outlined in this summary are applicable to:

- in the workplace (any space where work occurs)
- during work events (e.g., training, work-based activities, work social functions)
- on social media (work or otherwise)
- outside the workplace if it impacts employment relationships or affects the workplace.

DEFINITIONS

Bullying

- Bullying is a form of harassment. It is defined by **WorkSafe New Zealand** as repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.
- Bullying can be physical, verbal or relational/social behaviour such as excluding someone. Examples may include threats, shouting and verbal abuse, rage, social exclusion, spreading rumours or gossip.
- A single incident of unreasonable behaviour is not considered workplace bullying, but it could be unacceptable behaviour that should not be ignored. Some examples include verbal abuse, unreasonable demands and rage.
- Firm-but-fair management, or justified performance management or disciplinary processes are not forms of bullying or harassment. Workplace bullying is not one-off or occasional instances of rudeness or misjudgement.

Harassment

Unwanted and unwarranted behaviour that a person finds offensive, intimidating or humiliating and is repeated, or significant enough as a single incident, to have a detrimental effect upon a person's dignity, safety, well-being, job performance or job satisfaction.

Sexual Harm

- Any kind of unwanted experience of a sexual nature or what is considered by the victim to be of a sexual nature, that negatively impacts a person's employment, job performance or job satisfaction. Sexual harm includes a spectrum of behaviours. It is important to acknowledge that the severity of the experience is defined by the person who has experienced harm and the impact this behaviour has had on them. Examples can include insinuation or demand of sexual favours, invading of person's personal space (e.g., touching), sending or displaying sexually explicit objects or messages, comments on someone's looks, dress, gender in a derogatory manner that can make them uncomfortable, jokes or gestures that humiliate or offend someone, inappropriate actions that might harm a person's professional reputation and expose them to further harassment.
- We aim to protect everyone at LTM from unwanted sexual advances and give them guidelines to report incidents. Our culture is based on mutual respect and collaboration. Sexually harmful behaviour is a serious violation of those.
- Where sexual harm is in breach of the Crimes Act 1961 we will support employees who want to make a statement to NZ Police.

Discrimination

Discrimination occurs where someone is treated less favourably due to a particular protected attribute. Such as, but not limited to, gender, sexual identity, age, race, religious beliefs and disability. Some harassing and bullying behaviours may be a form of discrimination.

CONFIDENTIALITY

Information about a complaint or query is only provided to people who need to know. This may include directors.

If a person discloses that they have experienced bullying, harassment, sexual harm or discrimination, information that identifies them will be kept confidential unless the person who has experienced harm gives permission otherwise or, there is a threat to their immediate safety or the safety of others. If there is a scenario where we believe we need to take an action against the wishes of the victim, we will always discuss and work through this in advance.

PREVENTING HARMFUL BEHAVIOUR

LTM takes harmful behaviour very seriously and our first goal is to prevent it from occurring. LTM has a responsibility for creating a positive workplace culture where gender equality and diversity are appreciated, and all people are respected and valued.

LTM's actions to prevent harm from occurring include:

- Training on cultural competencies, unconscious bias, rainbow tick, harm prevention and active bystander skills for:
 - LTM Directors and Senior Management (as guardians of LTM's culture and as part of their responsibility to H&S and Wellbeing);
 - People leaders so they role model inclusive leadership practices and appropriate behaviour;

- Wellbeing leaders will undergo training on how to manage situations of people reporting concerns.
- All staff will be inducted into LTM culture and provided training and support to understand expectations; Cultures of active bystanders will be encouraged.
- HR will provide mechanisms for reporting concerns, and ensure everyone knows their rights and responsibilities. Ensure the wellbeing of the complainant and the respondent.
- Social event organisers will provide inclusive events where there are harm minimisation plans around alcohol and other issues.

PERSONS WISHING TO RECTIFY HARMFUL BEHAVIOUR

LTM promotes individuals owning their behaviour and fronting when they get things wrong. We encourage employees who realise they may have behaved in a harmful, offensive or bullying manner to proactively seek to make amends for this.

RESPONDING TO BULLYING, HARASSMENT, SEXUAL HARM AND DISCRIMINATION

Anyone who witnesses or experiences harmful behaviour can follow an informal or a formal pathway to reporting these concerns.

1. **Taking an informal route** via direct intervention, speaking up themselves, disclosing the incident to a manager, HR, HSE representative, senior management team member.
 - Staff member may decide to deal with the situation themselves by calling out a low end behaviour they experience or witness themselves.
 - An active bystander may call a person out, and there are a range of techniques. Eg direct invention “are you ok”; “move to sit with the targeting person”; “that’s not cool”. Or delayed reaction – consider what happened and follow up. Or distraction/diffusing a situation – “I’m going to get lunch, come with me”. Delegate to someone who can act. Demonstrate the right way.
 - Active bystanders will be supported by LTM.
 - Disclosure of harmful behaviour.
 - A person who has experienced or witnessed harmful behaviour has the right to decide whether they want to disclose their experience, eg tell someone.
 - If a person discloses that they have experienced harmful behaviour, information that identifies them will be kept confidential unless the person experiencing the harm gives permission or, there is threat to their safety or safety of others.
 - If someone discloses that they have been the victim of bullying, harassment, sexual harm or discrimination, it doesn’t necessarily mean they want to make a complaint about this behaviour. The person who has experienced harm needs to give permission to disclose. However if that person or others are at immediate risk to their safety, action against the wishes of the victim may be required.
 - Disclosure to an employer is not a formal process but a way of having their experience recorded by the organisation. The organisation does not investigate but will keep confidential records. Refer to full Respect and Responsibility Policy for full details.
2. **Taking a formal route** via a complaint to one’s manager, HR or senior manager
This means the person making the complaint wants the organisation to do an investigation, because they are feeling unsafe in the workplace and what behaviour to stop. It is important to note some sexual harm may fall under the Crimes Act 1961. If so, the employee or employer on the employee’s behalf can lodge a complaint with the NZ Police.

An investigation process will follow, which will be carried out by an investigative team of typically 1-3 unbiased people, who ideally, are trained in investigating claims of bullying, harassment, sexual harm or discrimination.
To avoid conflicts of interest, the same support person should not support both parties involved.

The process is set out in the **attached** flowchart.

SIMPLE QUESTIONS TO ASK YOURSELF

Your behaviour/action –

- *Would you want your loved one (eg partner, child, mum, dad, sibling) to be spoken to/treated in this way?*
 - Answer – yes – then go ahead
 - Answer – no – then don't say/do it. Choose an alternate way of getting your message across.
- *Would you do what you're doing if your loved one (eg partner, child, mum, dad, sibling) was present?*
 - Answer – yes – then go ahead
 - Answer – no – then don't do it

Full details of investigative process are set out in LTM's comprehensive Respect and Respected Policy (found on the intranet).

Support Available

- **Employee Assistance Programme (EAP)** www.easpservices.co.nz 0800 327 669
- **MATES In Construction** mates.net.nz 0800 111 315
- **LTM Wellbeing Team – attached.**
- **1737 Need to talk?** 1737 is a free service for New Zealanders feeling down, anxious, a bit overwhelmed or just need to chat to someone. You can call or text us for free 24/7.
- **Human Rights Commission** www.hrc.co.nz
- Phone 0800 496 877
- **NZ Police** 105 non-emergency situations; 111 emergency situations

Respect & Respected

Is One of LTM's Core Values

Treat everyone with respect, encourage and support positive behaviour always.

What should you do when non-positive behaviour may be occurring? The following flowchart sets out some options available to you.

Informal

Option 1: Direct Response

- **If you are subject to harmful behaviour or language, speak up yourself and feel comfortable**
 - Call it out. Tell them their behaviour or language is not welcome or appropriate and needs to stop.
- **If you are a witness to the behaviour, be an active bystander**
 - Ask if they are OK?
 - Move to sit with the person being targeted
 - Say "that's not cool"
 - Distraction, say "come on, let's go for a break"
- **Report it to a manager**

Option 2: Confidential Reporting

If you are subject to harmful behaviour or language, you can choose to report it on a confidential basis to a manager or HR so a confidential record can be kept.

From there, your options will be:

- A facilitated meeting with the other person to try and resolve matters.
- A meeting between you and the other person without facilitation.
- A mediation with an external mediator.
- You can elect to have no further action taken.

Refer to the full Respect Policy for further details

Formal

Option 3: Make a Complaint

If you are the subject of harmful behaviour or language, make a complaint to your manager, HR or HSE (i.e. someone you trust)

- This means you are wanting an investigation to be undertaken, led by LTM or an independent person.
- If you have witnessed some unwelcome behaviour that you want to stop, you too can make a complaint.

The Investigation

A confidential investigation will take place (unbiased people with training either internal or external)

- They will be responsible for providing a report to management who will determine what happens.
- They will meet with all parties concerned.
- Both parties can have a support person if they wish.
- All parties will be treated fairly.

Refer to the full Respect Policy for further details

Further disciplinary action may follow, if necessary

As an individual or manager, if you want to talk to anyone about the above options, or to discuss any concerns, please reach out to **Marianne** (0292 447 366), **Melissa** (021 194 7255), a Wellbeing Team Member, or **EAP** 0800 327 669).

Wellbeing Team Leaders

What we do

Champion a balanced understanding and respect of health and wellbeing of all LTM staff

Provide referrals and information regarding available resources such as EAP

Encourage health and wellbeing discussions without stigma

Be someone to talk to if you want to speak in confidence

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