

Guidelines for Resolving Concerns and Complaints about Bullying, Harassment and/or Discrimination

Craggy Range's desire to create a legacy places an emphasis on the spirit of people who work within the Company each day. Craggy Range has a high level of concern for the wellbeing of its employees and believes that all who work here have the right to be treated with dignity and respect and to be free from fear of being bullied or harassed.

What is Bullying?

Repeated, unreasonable behaviour directed toward a person, or group of people, that creates a risk to the mental health or physical health of the person. Bullying can be overt or covert (descriptors below).

Key features of bullying behaviours are:

- deliberate (the behaviour is intentional and targeted at individual or individuals); and
- carried out repeatedly; and
- unreasonable (the behaviour is not acceptable in the circumstances); and
- perceived to have a detrimental effect upon that individual (physically, emotionally, financially, or otherwise).

For instance, a legitimate work-based request could be deliberate (i.e. purposeful in its intent), repeated, and have a perceived detrimental effect on the individual (stress or an emotional response). However, it would not be unreasonable since we need to make requests of others in order to get work done.

Overt Bullying

- abusive behaviour towards another employee such as threatening gestures or actual violence
- aggressive or abusive or offensive language, including threats or shouting
- demeaning remarks
- constant unreasonable and unconstructive criticism

Covert Bullying

- deliberate exclusion, isolation or alienation of the employee from normal work interaction, such as intentionally excluding the employee from meetings
- placing unreasonably high work demands on one employee but not on others
- allocation of demeaning jobs or meaningless tasks only
- unreasonably ignoring the employee
- undermining another employee, including encouraging others to "gang up" on the employee
- deliberately withholding information that a person needs to exercise her or his role or entitlements with Craggy Range
- repeated refusal of requests for leave or training without adequate explanation and suggestion of alternatives

What is Sexual Harassment?

Sexual Harassment includes any unsolicited, unwelcome behaviour or visual material which causes a verbal or physical affront of a sexual nature. It includes actions (spoken, written or gestures) that refer to sexual intercourse or any other form of sexual activity.

What is Racial Harassment?

Racial Harassment includes the use of language (whether written, spoken or non-verbal), or visual material, or behaviour that expresses hostility against, or brings into contempt or ridicule, any other persons(s) on the ground of colour, race, or ethnic origins which is hurtful or offensive (whether or not it is conveyed to that person) or has a detrimental effect.

What is discrimination?

To make a distinction in favour or against a person or thing on the grounds of: sex, marital status, religious and ethical belief, colour or race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation and the presence of health affecting organisms in the body. This includes intentional and unintentional discrimination.

How do we deal with these behaviours?

Craggy Range recognises that the prevention of bullying, harassment and discrimination behaviours is a collective effort, requiring the collaboration and co-operation of all members of Craggy Range to ensure that such behaviours are not tolerated.

Craggy Range will provide training opportunities for employees on how to deal effectively with behaviours they perceive as bullying, harassment and/or discrimination, provide an impartial process for dealing with bullying, harassment and/or discrimination, and assist in the resolution of complaints. Our external provider, who may be requested to support these processes, is Staples Rodway.

Employees with people management responsibilities must take all reasonable steps to ensure that the work or learning environment is free from any form of bullying, harassment and/or discrimination and deal as promptly as possible with any concerns raised.

What procedures are in place?

Employees who believe they have experienced some form of bullying, harassment or discrimination should act promptly. They are encouraged to use any of the options outlined below to try to stop and prevent future occurrences of the behaviours. The complaints processes are confidential, follow principles of natural justice and procedural fairness, and are designed to protect the integrity and self-esteem of individuals involved.

1) Initial self-help

Where employees feel confident to do so, they should communicate (face to face) or in writing if necessary) with the person they believe is bullying, harassing or discriminating them and clearly describe the behaviours they have experienced and the consequences of those behaviours on them. Clarity around how each behaviour is perceived in terms of the policy would be helpful. They should then ask the individual to stop the behaviour. It is recognised that it is not always appropriate or feasible to approach someone directly with a concern about their behaviour.

This may require some dialogue and reflection as sometimes individuals are unaware of the consequences of their behaviour on others or that some behaviours are unacceptable in some circumstances. It is an opportunity to assist individuals to change their behaviours and help create an environment which is free from bullying, harassment and discrimination.

Employees may also access the Employee Assistance Programme for support and advice about actions and approaches that they may take.

2) Raising a concern

This procedure is relatively informal and involves seeking advice from another Manager or neutral third party.

3) Making a formal complaint

Formal complaints must be made in writing to either the Human Resources Manager or the Chief Executive Officer, who will either initiate their own or instruct Staples Rodway to initiate an investigation of the complaint.

Craggy Range will not act on anonymous complaints.

Craggy Range or Staples Rodway, will inform any person who is the subject of a formal complaint about the nature of the complaint and the identity of the complainant, and will give them the opportunity to respond.

The Chief Executive Officer or Human Resources Manager has the authority to remove the complainant and/or the subject of the complaint from the work situation while an investigation is being undertaken.

An investigation, whether internal or external will involve discussion with the individuals concerned. If the investigation has been conducted by Staples Rodway, their findings will be reported to the Human Resources Manager and/or Chief Executive Officer.

The Human Resources Manager and/or Chief Executive Officer, having taken all information into consideration, will determine whether bullying, harassment or discrimination has occurred. Where a determination has been made that bullying, harassment or discrimination has occurred, disciplinary action may result.

If a recommendation from the investigative process (whether internal or external) is that mediation is appropriate then any proposed mediation must be agreed to by all parties concerned. In this context, mediation is a meeting of the individuals concerned, facilitated by either the Chief Executive Officer and/or Human Resources Manager or external Mediator. It is private, confidential and without prejudice; it aims to reach agreement, resolve the problem and ensure the behaviour does not continue or recur.

An employee, whether a complainant or the subject of a complaint, who is dissatisfied with the decision of the Chief Executive Officer or Human Resources Manager with respect to a formal complaint, has the right to either make a complaint to the Human Rights Commissioner, or raise a personal grievance (but not both) as set out under the alternative formal complaints processes below.

4) Alternative formal complaints processes

As an alternative to following the internal Craggy Range processes outlined above, employees have the right under the Human Rights Act to make a complaint to the Human Rights Commissioner about discrimination, sexual harassment or racial harassment, or, in cases of alleged racial or sexual harassment, to raise a personal grievance under the Employment Relations Act; employees may choose to pursue either option, but may not pursue both. A personal grievance under the Employment Relations Act must be raised within 90 days of the grievance occurring or coming to the employee's notice, whichever is later.

Where an employee has lodged a formal complaint with Craggy Range and subsequently makes a complaint to the Human Rights Commissioner or raises a personal grievance, Craggy Range's internal process related to the formal complaint will be terminated.

The procedure for resolving employment relationship problems and raising personal grievances is available online on the Ministry of Business, Innovation and Employment website: <http://www.employment.govt.nz/er/solvingproblems/resolving/>