

# Anti-Bullying, Harassment & Discrimination Policy



1. This CEO approved policy applies to all Chorus people (including employees, temps and contractors).

## Purpose and Overview

2. Chorus is committed to providing a psychologically and physically safe working environment with a zero tolerance approach to bullying, harassment and discrimination. We will ensure Chorus is a safe place to work by establishing mechanisms to safely report bullying, harassment or discrimination issues in a way that is confidential and supportive. All steps will be taken to eliminate unacceptable behaviour that prevents our people from reaching their full potential. We will continue to implement strategies, initiatives and practices into all elements of our company to ensure we have a fully inclusive culture where our people feel safe, valued and respected.

## Background

3. This policy complements the Board Approved Diversity and Inclusiveness Policy and the CEO approved Code of Ethics. It incorporates and retires our previous Equal Employment Opportunities Policy.

## Guidance

4. Chorus does not tolerate any bullying, harassment or discrimination in the workplace. Any Chorus person found to have bullied, harassed or discriminated another Chorus person, contractor or supplier will be subject to the disciplinary provisions set out in their employment agreement.

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5. The reporting of all incidents by victims and witnesses is strongly encouraged and supported and details on the different channels for reporting incidents can be found in this policy.
6. Anyone raising a concern or allegation of actual or suspected bullying, harassment or discrimination can do so without any fear of retaliation.
7. The standards of behaviour expected are clearly outlined in our Code of Ethics and should always be in line with Chorus' values. Chorus expects the same standards of behaviour from our people when working with contractors and supplier partners and similarly, Chorus will address any concerns our people have in relation to interactions with non-Chorus employees in a work environment.

### Bullying

8. Bullying is unreasonable and repeated behaviour directed towards a person or group that can lead to physical or psychological harm. Repeated behaviour is persistent (occurs more than once) so as to have a detrimental effect on the person's dignity, safety or wellbeing and can involve a range of actions over time. Unreasonable behaviour covers actions which a reasonable person wouldn't do in similar circumstances, including victimising, humiliating, offending, intimidating, excluding or threatening a person.
9. Generally one instance of unpleasant or unreasonable behaviour, is not bullying. It is not bullying if the behaviour does not affect the Chorus person, or has no negative impact, or doesn't create a health and safety risk. People Leaders have obligations to take appropriate action and effectively manage the way work is carried out, respond to poor performance and, if necessary, take disciplinary action. In doing so, People Leaders are not bullying, but undertaking their role and responsibilities as a leader.
10. Bullying may also include harassment and discrimination and more information can be found in this policy.

### Cyber Bullying

11. Can be described as unwanted or aggressive behaviour, through electronic media, that may harm, threaten or demoralise the recipient and can occur beyond work time. Cyberbullying can take several forms, including harassment, cyberstalking, denigration and exclusion.

### Discrimination

12. Discrimination occurs when a person is treated unfairly or less favourable than another person in the same or similar circumstances. The following prohibited grounds of discrimination are set out in the Human Rights Act (1993), these include but are not limited to the following:

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- a. Sex – includes pregnancy and childbirth, and discrimination against transgender and intersex people because of their sex or gender identity.
  - b. Marital status – includes being single, married, in a civil union or widowed.
  - c. Religious belief – not limited to traditional or mainstream religions.
  - d. Ethical belief – not having a religious belief.
  - e. Colour, race, or ethnic or national origins – includes nationality or citizenship.
  - f. Disability – including physical, psychiatric, intellectual, or psychological disability or illness.
  - g. Age.
  - h. Political opinion – including not having a political opinion.
  - i. Employment status – being unemployed, on a benefit or on ACC. It does not include being employed or being on national superannuation.
  - j. Family status – includes not being responsible for children or other dependants.
  - k. Sexual orientation – being heterosexual, homosexual, lesbian, bisexual, transsexual or asexual.
13. Chorus will not discriminate against Chorus people in relation to work opportunities or conditions. Where a person believes this has occurred, for example in a recruitment and selection decision, Chorus encourages them to raise the matter with the Talent Acquisition Manager or any of the other reporting channels outlined in this policy and note they are entitled to raise that matter with the Human Rights Commission.

### Mental Health Discrimination

14. Chorus recognises its primary duty of care to protect not just physical health but also mental health from work-related stress and we do not tolerate mental illness discrimination.
15. Chorus continuously strives to improve our working environment and support our people's mental health by taking all reasonably practical steps to identify, eliminate or minimise any harmful processes, procedures and behaviours that may expose our people to the risk or cause of any cause psychological or mental harm or illness to our people we have control or influence over.
16. We will provide and promote initiatives that encourage positive mental wellbeing including predictable working hours, reasonable workloads and flexible working practices, where appropriate, as well as providing support services including the Employee Assistance Programme.
17. If our people feel they are being discriminated against for having a mental illness they should report their concerns using the process outlined in this policy.

### Harassment

18. Harassment takes place when someone engages in unacceptable or unwelcome behaviour directed against another person. It's usually repeated behaviour but even one instance can be harassment if it has a detrimental effect on the person, their work performance or their work environment. Harassment can also be part of bullying.

### Personal Harassment

19. Personal Harassment includes any behaviour which:
  - a. Explicitly or implicitly intimidates, humiliates, undermines or dominates another person; or
  - b. Involves the use of abusive and/or threatening language, verbal or physical threats; or any form of physical assault; or
  - c. Includes watching, loitering, following, accosting, interfering with another person's property or acting in ways that causes the person to fear for their safety.
  - d. Is hurtful or offensive to the Chorus person; or
  - e. Has, either by its nature or through repetition, a detrimental effect on the Chorus person's employment, job performance, or job satisfaction.

### Sexual Harassment

20. Sexual Harassment can occur on many different levels, irrespective of the recipient's gender.
21. Sexual harassment is unwanted, unwelcome or offensive sexual behaviour or conduct (verbal or physical) that is repeated or is serious enough to have a detrimental effect on a person's employment or job satisfaction. Sexual harassment can include:
  - a. Implied or overt promises of preferential treatment;
  - b. Threats of detrimental treatment or about the present or future employment status of the Chorus person;
  - c. The use of language (whether written or spoken) of a sexual nature; or
  - d. The use of visual material of a sexual nature;
  - e. Physical behaviour of a sexual nature; or
  - f. Persistent and unwelcome social invitations or contact, either at work or outside of work.

### Racial Harassment

22. Racial Harassment is language (whether written or spoken), visual material or physical behaviour that directly or indirectly expresses hostility against, or brings into contempt or ridicule, the Chorus person on the grounds of their race, colour, or ethnic or national origins.

## Gender Identity and Sexual Diversity

23. Chorus is committed to providing a safe, welcoming and inclusive workplace for all Chorus people, regardless of their gender identity and expression, sex characteristics, or sexual orientation and does not tolerate or condone discrimination in any form against anyone on these grounds.
24. Chorus people are required to maintain a workplace environment that is free of discrimination and bullying and this includes acknowledging and including same-sex spouses and partners and families in the way that opposite sex spouses and families are, and ensuring that everyone's significant relationships and whānau are recognised.
25. This includes using the titles, names and pronouns of choice of transgender and intersex people.
26. All Chorus people that decide to transition gender whilst at Chorus will be fully supported and the procedure for doing so can be discussed openly with their People Leader and the People & Culture team.

## How to report bullying, harassment and discrimination

27. Chorus will treat all reports of bullying, harassment and discrimination seriously and promptly. There are a number of options for reporting incidents including self-help, low key resolution, and formal complaint.

## Self Help

28. Early intervention when an issue or concern is raised is the best option for long term resolution. Chorus people are encouraged to raise their concerns directly with the person if they feel safe to do so. Chorus people should let them know their behaviour is unwelcome or inappropriate and ask them to stop. This allows the problem to be kept informal and for them to understand the impact of their behaviour and choose to change it. The Chorus person might also choose to talk to a trusted colleague to frame the conversation they want to have.
29. Where a Chorus person is unable to resolve the issue themselves, they are encouraged to use the different reporting channels outlined in this policy to discuss their concerns, seek advice on resolving their concerns and discuss next steps.

## Low key resolution

30. If a Chorus person is unable to resolve the situation themselves, it may be appropriate to raise the concern through the reporting channels outlined in this policy.

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31. All concerns will be treated confidentially, and an action plan will be discussed that the Chorus person feels comfortable with. A member of the People & Culture team may be involved to provide advice and support on the process.
32. A facilitator, agreed on by the Chorus person, may be assigned to meet with both parties to resolve the matter informally. More detail on the low key resolution process can be found in the "Guidelines for responding to and resolving Bullying, Harassment & Discrimination concerns" on the intranet.

### Formal Complaint

33. If self-help and low key resolution hasn't been successful in resolving the issue, or the Chorus person would rather not use those options, they may choose to raise a formal complaint.
34. A formal complaint needs to be prepared in writing. You can utilise the Formal Complaint Form which outlines details of the incident, when and how it occurred, the impact of any situation on the Chorus person, any action taken to resolve the issue and the desired outcome.
35. Formal complaints are to be directed to the Head of People & Culture Business Partnering and all complaints will be taken seriously.
36. For information on the formal complaint process and how to seek help please see the intranet.

### Witnesses

37. Witnesses of inappropriate behaviours are also strongly encouraged to raise concerns via the same channels outlined above.

### Reporting channels

38. As a first step, we encourage our people to speak with their People Leader and to build a relationship of trust and confidence. Chorus People Leaders have experience in People Leadership and receive a range of training and support in relation to handling sensitive matters, and therefore are a good source of support and guidance.
39. It is understood and accepted that our people might want to speak to someone other than their People Leader for any number of reasons. If our people would prefer to speak in confidence to someone else, they can raise their concerns to the following reporting channels:
  - a. Another People Leader
  - b. A member of the People & Culture team
  - c. A Chorus Confidant (a trusted Chorus person who has been professionally trained to act as a safe person to raise concerns with in a confidential and non-judgemental manner)

## Confidentiality

40. If Chorus people are using the internal reporting channels listed above they will need to make it clear they're seeking a confidential one on one discussion. At this point confidentiality is triggered and our people can be confident that:
  - a. No judgments will be made about who they have chosen to report to or why
  - b. Speaking to someone who is not their People Leader will not be viewed as an escalation
  - c. Confidentiality will be maintained between the two parties despite any personal relationships between the reporting channel and others and unless the Chorus person agrees otherwise (except as specified below under the heading "serious matters of concern")
  - d. The reporting channel will be careful to recognise and limit any judgements or pre-conceptions about the Chorus person or anyone else
  - e. Any improper disclosure of confidential information by a reporting channel to a non-relevant party will be investigated.
  
41. The general rule is that if a Chorus person raises an issue, the reporting channel will not disclose any details unless the Chorus person agrees otherwise. The only exception to this is where there is a serious matter of concern (see below) and even then, a careful "need to know" approach will be taken.
  
42. Confidentiality means that:
  - a. The reporting channel will not identify the Chorus person or discuss their specific issue with others, without their consent
  - b. If the Chorus person consents to the reporting channel discussing the issue with others (with or without identifying them), the reporting confidant:
    - May discuss the issue only with those whose direct involvement is necessary to resolve it after securing that person's understanding of confidentiality (i.e. the reporting channel will disclose the issue to the minimum number of people)
    - The reporting channel may work with those others to try to resolve the issue.
  - c. In some cases it may not be possible to resolve an issue without a real risk of disclosing the Chorus person's identity. In these situations, the reporting channel:
    - Will discuss this with the Chorus person
    - The Chorus person will need to decide whether they are prepared to consent to disclosure (on a strictly need to know basis) so the issue can be progressed or whether to close the matter
    - The reporting channel will not progress the matter further without the Chorus person consenting to their identity being disclosed.

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- d. The reporting channel will stay in contact with the Chorus person until the matter is closed and alternative options have been proposed.
- e. person, they will discuss this with them and suggest others they could speak to or options they might consider.

### Serious matters of concern exception

43. As an employer we have an obligation under the Health and Safety at Work Act 2015, section 36 Primary Duty of Care, to provide a psychologically and physically safe working environment and take all practicable steps to ensure we eliminate psychosocial risks including bullying, harassment and discrimination. Therefore where a reporting channel thinks an issue might raise serious concerns about an Chorus person's wellbeing, the wellbeing of another person at work, or it may possibly involve a serious breach of Chorus' people policies, the reporting channel is expected to raise the matter in confidence with:
  - a. The Executive of the Chorus person's Functional Area; or
  - b. The appropriate P&C Business Partner
44. The reason for this exception is that serious issues need to be addressed. We take the wellbeing of our people and our policies seriously. The confidant will in the first instance raise this issue with the Executive or P&C Business Partner without expressly identifying the Chorus person. If however the Executive and/or P&C Business Partner consider that they need to know, the Chorus person's identity will be disclosed and they will be kept informed. The Executive or P&C Business Partner may inform the other if they consider that appropriate.
45. The Executive or P&C Business Partner will appreciate the sensitivity of the matter and will manage knowledge of the Chorus person's identity appropriately and sensitively. They will work directly with the individual if that makes most sense (and any support person the Chorus person wishes to have, which may continue to the reporting channel) to work through the issue.

### How incidents will be dealt with (Principles)

46. When dealing with an incident of bullying, harassment or discrimination Chorus will act in good faith by:
  - a. Treating all matters seriously and investigate promptly and impartially
  - b. Ensuring neither the person who complained nor the alleged bully are victimised
  - c. Supporting all parties involved
  - d. Finding appropriate remedies and consequences for confirmed bullying, harassment and discrimination as well as false reports
  - e. Communicating the process and its outcome
  - f. Ensuring confidentiality

- g. Using the principles of natural justice
  - h. Keeping good documentation and records.
47. All Chorus people will be subject to discipline, up to and including the termination of their employment, if following an investigation and/or disciplinary process they are found to have behaved in a way which is viewed by the company as bullying, harassment or discrimination in the workplace.

### Roles and Responsibilities

#### **CEO/Executive:**

- a. Driving a healthy and safe working environment by the provision of leadership, to take the necessary and appropriate steps to avoid bullying, harassment and discrimination and address any residual impacts on the company
- b. Actively working in a consultative manner to examine effective ways in which to create and promote a psychologically safe workplace where our people feel safe, valued and respected
- c. Take steps to ensure People Leaders are educated to respond to bullying, harassment and discrimination
- d. Encourage positive leadership styles and invest in leaders to achieve these outcomes
- e. Provide Chorus people who believe they've been bullied, harassed or discriminated against with a range of options to resolve the issues in a timely manner

#### **People Leaders:**

- a. Provide a work environment that respects the dignity of our people and address issues
- b. Intervene early to call out and deal with any unreasonable behaviour before it escalates
- c. Openly discuss bullying, harassment and discrimination, in both formal and informal settings, and provide information and training about it
- d. Identify factors that contribute to bullying, harassment & discrimination and put effective control measures in place
- e. Look for low key resolutions before escalating an issue to higher levels (e.g. formal complaint and investigation) where appropriate

**People & Culture team:**

- a. Have organisational overview and support Chorus people and People Leaders to address issues
- b. Record and investigate formal complaints confidentially and fairly.

**Talent Acquisition Manager:**

- a. Respond to requests for investigation by candidates for roles.

**All:**

- a. Be aware of and behave within this policy
- b. Promptly raise issues where they are the subject of or witness to inappropriate behaviour
- c. Accept that perceptions of bullying, harassment and discrimination may need to be negotiated.

	<b>Person</b>
<b>Owned by:</b>	General Manager People and Culture
<b>Reviewed by:</b>	General Manager People and Culture
<b>Approved by:</b>	Chief Executive Officer
<b>Due for next review:</b>	Two Years