

ANTI-BULLYING & ANTI-HARASSMENT POLICY

Definitions

In this policy the following definitions are applicable:

The firm means Bell & Graham - being a firm of Barristers and Solicitors in Matamata.

Management means the Partners for the time being of Bell & Graham.

Workplace means the offices of Bell & Graham at 58 Broadway, Matamata and any other such location that Bell & Graham utilise for any work or social event from time to time.

Designated Person means Ben McCorkindale (a Partner in the firm duly authorised to practice on own account).

Introduction

The firm recognises that there is potential for bullying and harassment to occur in the workplace. Clearly defined guidelines as to acceptable behaviour are considered essential to reduce/prevent bullying and/or harassment.

The firm wishes to define the scope of unacceptable behaviour such that all staff, contractors and other regular attendees (who would be defined in law to be under the authority of Bell & Graham) are aware of their obligations. The intent being to create and maintain a safe and healthy workplace at Bell & Graham.

Bullying at work has the potential for serious consequences including but not limited to:

- an individual to experience health problems, loss of self-esteem and performance ability
- divisions in the workplace to occur as people take sides
- financial and productivity losses for workers and the company.

Behavioural Standard

Bell & Graham expect compliance by all parties (as far as is dictated by law) with the standards set out in the following legislation:

- A) Lawyers and Conveyancers Act 2006 including Conduct and Client Care Rules; (“the Rules”)
- B) Human Rights Act 1993; and
- C) Health and Safety at Work Act 2015.

More specifically the following behaviours are not permitted at any time in this workplace including any work related off-site social or other activities.

Discrimination is prohibited, in all the forms of unlawful discrimination specified in s 21 of the Human Rights Act 1993, including discrimination on grounds of:

- Sex, which includes pregnancy and childbirth;
- Marital status;
- Religious or ethical belief;
- Colour or race;
- Ethnic or national origins which includes nationality or citizenship;
- Disability which includes any physical disability or illness or any psychiatric, intellectual or psychological disability or impairment;
- Age;
- Political opinion;
- Employment status;
- Family status;
- Sexual orientation.

Discrimination in in any of these categories is contrary to the right to freedom from discrimination and the rights of minorities in ss 19 and 20 of the New Zealand Bill of Rights Act 1990.

Bullying is concerned with repeated and unreasonable behaviour directed at another person or group of people, which is likely to lead to physical or psychological harm to one or more of those persons.

Unreasonable behaviour covers actions which a reasonable person wouldn't do in similar circumstances, including victimising, humiliating, intimidating or threatening a person. A single incident isn't considered bullying but may escalate if ignored. Managing performance in line with business policies and processes is not bullying.

Harassment, which means intimidating, threatening or degrading behaviour directed toward a person or group of persons that is likely to have a harmful effect on one or more of those persons or may be repeated behaviour or a serious single incident.

Racial harassment which means behaviour that— (a) expresses hostility against, or contempt or ridicule towards, another person on the ground of race, ethnicity, or national origin; and (b) is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person)

Sexual harassment which means:

(a) subjecting another person to unreasonable behaviour of a sexual nature that is likely to be unwelcome or offensive to that person; or

(b) a request made by a person of another person for sexual intercourse, sexual contact, or any other form of sexual activity, that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

Violence which means any:

(a) physical violence;

(b) psychological violence (including verbal and written communication);

(c) sexual violence;

(d) sexual abuse;

(e) sexual assault.

Victimisation, concerning retaliation against a person who makes a confidential report or complaint to the Law Society or to this firm in good faith.

Engaging in any of the above behaviours is contrary to r 10.3 of the Rules and is incompatible with the values and standards of the firm. Any instances of such conduct, or any complaints about such conduct, will be dealt with in accordance with this policy:

The firm will minimise and respond to workplace bullying by:

> establishing respect for the broad range of human values and character strengths required for this organisation to survive;

> actively looking for ways to create a positive workplace ('healthy work') that workers feel is pleasant, fair, rewarding and positively challenging;

> encouraging positive leadership styles and investing in our managers to achieve this;

> training key workers to receive bullying reports and give support and advice;

> directing attention towards behaviour rather than people, and aiming to promote harmonious relationships across the organisation;

> providing workers who believe they've been bullied with a range of options to resolve the issue;

> promoting low-key solutions before formal actions where appropriate;

> aiming to repair the working relationship and promote positive work values;

> openly discussing bullying, in both formal and informal settings, and providing information and training about it;

> identifying factors that contribute to bullying, and putting effective control measures in place;

> ensuring our processes and systems are fit for purpose and regularly reviewed including review of this policy from time to time or upon any change in relevant legislation;

- > having worker surveys on our work culture; and
- > having a nominated person to be responsible for monitoring for any prohibited behaviour at any off-site event and such nominated person be responsible to remain until the end of the event.

Workers agree to:

- > tell the designated person if they experience or see any bullying behaviours – if the designated person is the person behaving in a bullying manner then the worker is to report this to Peter Hall;
- > try low-key solutions (e.g. talking to the person initially (if safe to do so));
- > follow the company's informal or formal processes when making a complaint;
- > keep an eye out for other people, providing support when seeing a person being isolated or experiencing reprisals;
- > accept that perceptions of bullying may need to be negotiated.

Management agree to:

- > ensure workers have clarity on what their roles entail;
- > intervene early to call out and deal with any unreasonable behaviour before it escalates;
- > record and investigate complaints fairly and in line with the business or undertaking's policies and processes; and
- > look for informal solutions before escalating an issue to higher levels (eg mediation or investigation) where appropriate.

Investigating complaints

Any complaint alleging one or more of the behaviours in anything more than trivial circumstances will require an investigation. Any such investigation will be carried out subject to the following pre-requisites:

- The investigation must be undertaken by a person or persons of seniority and who are independent of the issues and of the individuals involved.
- Strict confidentiality must be observed.
- Compliance with the principles of natural justice are essential, including notice of full particulars of the complaint to the person complained against and an opportunity to respond.
- The availability of support persons, including support for the complainant.
- The entitlement of a person complained against to be represented by legal counsel.
- Finality of the decision and notice to the parties including notice of the action intended to be taken.
- Compliance with any reporting obligations under rr 2.8 (reporting misconduct), 2.9 (reporting unsatisfactory conduct) and 11.4 (Reporting written warnings or dismissals because of the behaviours) of the Rules.
- treat all matters seriously and investigate promptly and impartially
- ensure neither the person who complained nor the alleged bully are victimised
- support all parties involved
- find appropriate remedies and consequences for confirmed bullying as well as for parties who provide false reports
- communicate the process and its outcome
- ensure confidentiality
- use the principles of natural justice
- keep good documentation
- have specialist external advisors available to help.

This policy has been authorised by the firm's management and any questions regarding the policy may be directed to Ben McCorkindale. (Version 1. 23 June 2022)