

EQUAL OPPORTUNITY POLICY – INDEPENDENT CONTRACTORS

Robert Walters aims to provide an environment where all employees, candidates, temporary workers, contractors and clients are treated fairly and with respect, are free from unlawful discrimination, harassment, and bullying and where the principles of gender equality are observed at all times.

Equal Opportunity means:

- Fair workplace practices and unbiased management decisions
- A supportive working environment
- Respect for social and cultural backgrounds of all who work for and with Robert Walters
- A system to ensure that harassment, bullying and unlawful discrimination is not tolerated

Policy application

This policy applies to all temporary contractors while carrying out functions in relation to his or her assignment, or in a situation related to their assignment such as client related functions, parties or conferences, whether held on-site or off-site or on social media.

Each contractor has a shared responsibility to support the safety of themselves and others and to promote positive workplace behaviours while working in an assignment through Robert Walters. In certain circumstances, this policy may apply to interactions that are non-work related if it is in the context of the relationship with Robert Walters or a Robert Walters client, or affects the workplace. This policy should be read in conjunction with the Code of Conduct policy and Diversity policy for Independent Contractors.

Robert Walters is committed to upholding its responsibilities as an Equal Opportunities employer and creating a workplace that attracts, retains and values diversity, both for our internal employees and temporary contractors. Robert Walters takes discrimination, bullying and all forms of harassment very seriously and our goal is to have a positive and inclusive workplace culture, with prevention at the centre of this policy. Our commitment is to:

- Provide equal opportunities for all current and prospective contractors, regardless of any protected ground including sex, marital status, religion, colour, race, ethnic origin, disability, age, political opinion, employment status, family status or sexual orientation.
- Develop and maintain a working culture that values and supports diversity.
- Create a safe work environment, with a zero-tolerance approach to discrimination, bullying or harassment (including sexual) on any of the protected grounds mentioned above
- Provide a welcoming and inclusive workplace for gender diverse people
- Seek to promptly resolve issues at the lowest appropriate level of intervention
- Ensure the wellbeing of a complainant and the respondent and respect confidentiality where appropriate

Legislation

Legislation strictly prohibits and affirms discrimination, harassment and bullying in the workplace to be unlawful. The relevant legislation is but is not limited to:

- Employment Relations Act 2000
- Human Rights Act 1993
- Equal Pay Act 2020
- Work, Health & Safety Act 2015
- Privacy Act 2020

What is discrimination?

Discrimination means treating someone differently or unfairly because of characteristics that include:

- Sex
- Race (including colour, national or ethnic origin)
- Age
- Marital status or defacto-spouse status
- Religion beliefs, affiliation or activity
- Political opinion, affiliation or activity
- Pregnancy or potential pregnancy
- Status as a parent or carer
- Illness or injury
- Disability (physical and/or mental)
- Sexual orientation
- Family status
- Gender identity
- Lawful sexual activity
- Employment status
- Industrial / trade union activity
- On the basis of being associated with a person with one of the abovementioned characteristics.

Direct and indirect discrimination

Direct Discrimination occurs when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law.

Indirect discrimination will occur where a person imposes, or proposes to impose, a requirement, condition or practice that is not reasonable and has, or is likely to have, the effect of disadvantaging people with a protected attribute.

Are there exceptions?

Discriminatory conduct will not be unlawful if a relevant exemption or exception applies, such as enforcing reasonable standards of dress, behaviour and appearance or if:

- In order to perform the genuine and reasonable requirements of the assignment, the contractor requires or would require special services or facilities; and it is not reasonable in the circumstances for those special services or facilities to be provided; or
- The contractor cannot or could not adequately perform the genuine and reasonable requirements or the assignment, even after the provision of special services of facilities.

Bullying and Harassment

Robert Walters has a zero tolerance approach to any kind of bullying or harassment (including sexual harassment) of employees, temporary workers, candidates, clients, contractors and visitors.

Bullying is repeated, unreasonable behaviour directed towards a person or a group of people in the workplace, that creates a risk to their health and safety. The risk may be physical or psychological in nature. Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening. Examples include but are not limited to:

- Constant ridicule, abusive, offensive or insulting language
- Unjustified criticism and complaints
- Spreading misinformation or malicious rumours
- Teasing or regularly making someone the brunt of practical jokes
- Deliberately excluding or isolating a person
- Deliberately denying access to information, consultation or resources

Reasonable management action including performance management, demotion where appropriate, disciplinary action, counselling or termination (as long as reasonable), are not considered to be bullying behaviour. A personality or management style clash will not constitute bullying unless unreasonable.

Harassment occurs when someone is made to feel intimidated, insulted or humiliated on the basis of a personal characteristic protected by law. It may be subtle or explicit and can include actions such as:

- Mimicking someone with a disability
- Telling insulting jokes about particular racial groups
- Making derogatory comments or taunts about someone's religion
- Ignoring, isolating or segregating a person because of their sex, race or disability

Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Examples include but are not limited to:

- Staring or leering
- Suggestive or sexual comments or jokes including as part of general "office chat"
- Physical contact (i.e. touching, patting or brushing up against a person)
- Intrusive questions or statements about a person's private life, sexual orientation or gender identity
- Sending sexually explicit emails, attachments or text messages
- Requests for sex or repeated unwanted requests to go out on dates

The above behaviour will not be considered as sexual harassment if it is consensual between the parties but may still be considered as unreasonable behaviour in the workplace.

Bullying and harassment can occur in a number of ways including face-to-face, over the phone, via e-mail, through social media, instant messaging or other mobile phone or internet technologies.

Note: Something that does not offend you may be highly upsetting and offensive to others - you need to think carefully about the possible implications.

All contractors are reminded of the expectation that they model appropriate standards of behaviour at all times while working in an assignment through Robert Walters, including when consuming alcohol. Inappropriate comments, gestures or behaviours including those identified in this policy will not be tolerated by Robert Walters and contractors will face disciplinary action if they are found to have engaged in such. Alcohol will not ever be accepted as an excuse for inappropriate behaviour.

The Robert Walters Fitness for Work Policy also applies to all contractors while working in a client assignment.

What can you do if you feel you have been bullied, harassed or discriminated against?

Contractors who are subject to discrimination, bullying or harassment may find it difficult to make a complaint. Robert Walters provides a range of options to make it easier for people to voice a concern, other than advising the offender (verbally or in writing) requesting that they stop the behaviour. Alternative approaches include:

- Advising a relevant Robert Walters Consultant
- Advising a host manager

It is important that detailed notes are kept of all incidents including the date, time, place, name of witnesses and what was said or done.

If the matter is raised with a Robert Walters Consultant, the complainant should be advised that if the issue is considered sufficiently serious and could affect the wellbeing of the individual or a Robert Walters client and its employees, Robert Walters may be obligated to progress with the complaint on a formal basis.

Investigation Process

If an investigation is deemed necessary, a representative from the Robert Walters Human Resources team and/or a client's HR team will speak to all parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties. Relevant information will be collected and considered before a decision is made. All parties have the right to ask for a support person to be present at all times. Robert Walters will use its best endeavours to treat all matters with confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.

Relevant parties in the complaint process will be informed of the estimated time it will take to resolve the matter and will be kept informed of the progress of the investigation as appropriate.

Outcomes may include:

- an apology
- transfer of desks/locations (if appropriate)
- counselling support
- agreed forms of behaviour
- disciplinary action
- termination of the assignment

If there is any criminal action involved (e.g. sexual assault), the police will be notified. It is also important to note that contractors who have allegedly engaged in bullying, discrimination or harassment or who have induced or aided other workers to do so, may be held liable under law.

Robert Walters will not tolerate any form of victimisation that results from a complaint made. The act of victimisation is also prohibited under the *Human Right Act 1993*. Similarly, if any complaint is found to be deliberately harmful, spiteful, trivial or unworthy of serious attention of resources, then disciplinary action will be taken.

Please refer to the RW Grievance Policy for further information.

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Other options

Contractors have the right to seek advice or refer the matter to an external body such as WorkSafe NZ, The Employment Relations Authority, Immigration New Zealand and Employment New Zealand.

Bullying:

WorkSafe New Zealand	0800 030 040	www.worksafe.govt.nz/contact-us/
Employment New Zealand	0800 20 90 20	

Discrimination and Equal Opportunity:

Immigration New Zealand	0508 558 855 / 09 914 4100 (Auckland) / 04 910 9915 (Wellington)	
Employment New Zealand	0800 20 90 20	
Human Rights Commission	0800 496 877	infoline@hrc.co.nz
Health & Disability Commissioner	0800 11 22 33 / 09 373 1060	hdc@hdc.org.nz