

Workplace Behaviour Policy

Effective date	October 2019
Policy owner	Group People & Performance
Applies to	All GWF employees, contractors, customers and visitors, New Zealand
Contact Officer	Your Business Unit People & Performance Business Partner/Manager

This signed statement of Policy confirms our commitment to making GWF workplaces safe and healthy for ALL and is to be displayed at all work locations.

Purpose and aims

George Weston Foods Limited and George Weston Foods (NZ) Limited and their related companies (**GWF, we, us, our**) are committed to providing a safe and healthy workplace where all employees, potential employees, customers, clients, contractors and other external parties are free from unlawful discrimination, sexual harassment, bullying and victimisation and the improper use of drugs, alcohol and other substances (**unacceptable behaviour**).

This Workplace Behaviour Policy (**Policy**) seeks to ensure that our workplace is safe and healthy by minimising behaviours and conditions which may lead to personal injury, including unacceptable behaviours. If you work at GWF in any capacity, including employees, potential employees and contractors and on a full-time, part-time or casual basis, on or off-site, or if you are a customer or visitor attending our workplace or an event we have organised (**you, person, people**), then this Policy applies to you and you must familiarise yourself with, and comply with, this Policy and any variations to this Policy. This Policy is subject to all relevant legislation.

This Policy may be reviewed, varied, added to or withdrawn by GWF at any time, at our absolute discretion. This Policy, and any amendments to it, does not form part of your employment contract or agreement or independent contractor agreement (as the case may be).

Openness

GWF will make this Policy available through the People Portal or displayed at site in accordance with the applicable industrial agreement.

When does this Policy apply?

This Policy applies to all work-related situations including, but not limited to, when you are:

- in the workplace, whether during or outside normal working hours;
- during work activities, including but not limited to dealings with colleagues, clients and customers whether on or off-site, whether face to face or using information systems or media forms; and/or
- at work-related events, including but not limited to conferences and social functions.

Drugs and alcohol

GWF has a legal duty to provide a safe workplace and take all reasonable action to protect all persons in the workplace from foreseeable risks to health and safety.

Because of this duty, all persons at GWF must not:

- possess, sell, distribute or consume alcohol or other drugs unless medication is specifically authorised by a qualified medical practitioner. Illicit and illegal drugs are not permitted in any GWF workplace under any circumstances - this means those drugs prohibited under the *Controlled Substances Act 1984*;
- be affected by alcohol or drugs to the extent that there is a risk to their safety or the safety of others; or
- drive a company vehicle whilst affected by alcohol or drugs.

You must have a zero blood alcohol level when driving or operating mobile, plant and/or equipment. If your role involves driving or operating mobile plant and/or equipment, and medication is specifically authorised by a qualified medical practitioner, please advise your manager before commencing work.

Please note - if an industrial instrument or award applies to your employment, you will need to refer to the relevant instrument as it may have further conditions, requirements or obligations regarding the management of drugs and alcohol in the workplace.

If you have grounds to believe that a person's ability to work safely may be impaired, you have a responsibility to report it to their managers so action may be taken immediately.

We will not accept liability for any damage to a company vehicle, injury to any person, damage or injury to any third party incurred if you drive a company vehicle in a manner which breaches this Policy or the law.

Senior managers may authorise the moderate consumption of alcohol during social functions, provided it does not impair the ability of people to perform their work or to return home safely following the function. Attendees at social functions must comply with this Policy in the consumption of alcohol.

Discrimination

What is unlawful discrimination?

Unlawful discrimination may take the form of direct or indirect discrimination.

Direct discrimination occurs when a person is unlawfully treated less favourably than another person in the same or similar circumstances, because of one of the prohibited grounds or attributes listed below.

Indirect discrimination occurs when there is an unreasonable rule, requirement or practice which appears neutral, but has the effect of unlawfully treating a person or group less favourably on one of the prohibited grounds or attributes

Examples of unlawful discrimination

Examples of unlawful discrimination may include:

- the refusal to employ a woman because she is pregnant;
- the decision not to offer a job to a candidate because the candidate has a physical disability, even though that disability has no impact on the candidate's ability to do the job;
- offensive 'jokes' or comments about another person's racial or ethnic background, sex, sexual preference, age, disability, and the like;
- display of pictures, calendars, pin-ups, posters, computer images (e.g. in emails) etc. which are offensive or derogatory;
- expressing negative stereotypes of particular groups;

- judging a person on characteristics such as religious or political beliefs, cultural practices, sex or age rather than work performance; and/or
- using stereotypes or assumptions when making decisions about a person's career.

Prohibited grounds or attributes for discrimination

In accordance with the Human Rights Act 1993, Discrimination can occur on a number of grounds or attributes including the following:

- marital status;
- sex, which includes pregnancy, potential pregnancy and childbirth and sexual orientation or lawful sexual activity;
- race;
- religious, ethical or political beliefs;
- disability, illness or injury;
- industrial activity and trade union membership;
- gender history, gender identity, transgender and transsexual status;
- carer status or family responsibilities;
- physical features;
- breastfeeding;
- irrelevant criminal record or irrelevant medical record;
- employment status, meaning whether they are unemployed or receiving a benefit under the Social Security Act 2018 or Accident Compensation Act 2001;
- age; and
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Exceptions to unlawful discrimination

The law provides certain exceptions to discrimination to permit what would otherwise be unlawful discrimination. Where this is the case, discrimination will not be unlawful. For example, depending on the circumstances, it may not be unlawful to discriminate against a person on the grounds of their disability if the person cannot perform the inherent requirements of their role.

Harassment

What is harassment?

Harassment is any form of behaviour that is not wanted or welcome and which offends, belittles, humiliates, threatens or intimidates another person. Harassment may be related or based on one of the prohibited grounds or attributes listed above.. The fact that no offence was intended or that the conduct was done in jest does not mean that the harassment is lawful.

A common form of harassment is sexual harassment. A person sexually harasses another person if they:

- make an unwelcome sexual advance;
- make an unwelcome request for sexual favours; or
- engage in other unwelcome conduct of a sexual nature,

and a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Conduct of a sexual nature includes subjecting a person to any act of physical intimacy, any remark or statement with sexual connotations to a person or about a person, and making any gesture, action or comment of a sexual nature.

Examples of harassment

Harassment may be a single incident, an ongoing situation or a series of incidents involving one person or a group of people. This can occur either at the inside or outside of the workplace . It may involve another staff member, contractor or someone outside GWF with whom you have contact in the course of your work.

Examples of sexual harassment may include:

- unnecessary/unwanted physical contact;
- using authority or physical strength to place someone in a situation where they feel they need to provide sexual favours to respond to the threat;
- repeated invitations or requests for a date or a drink where the person invited has refused similar invitations before;
- leering or crude hand or body gestures, or sexually explicit jokes, innuendo or comments;
- displaying (or transmitting or viewing by way of email) nude/sexually explicit, pornographic or semi nude pictures or objects, including posters, photographs, calendars or screen savers at the workplace or forwarding emails containing the same or posting same on social media sites such as Facebook or Twitter;
- crude/sexist jokes or comments, wolf whistles, obscene language, sexual propositions; and
- making remarks or comments about a person's appearance or dress or persistently asking intrusive questions about a person's personal life.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment, nor is interaction that is consensual, welcome and reciprocated. However, GWF expects you to consider your behaviour carefully and make certain that it is not seen as pressure or unwanted familiarity.

Behaviour can breach this policy even if it is not unlawful

GWF may decide that behaviour breaches this Policy even if a complaint has not been raised (as well as a breach of the **Information Systems Use Policy** and/or the law), even if no complaint has been made. This behaviour is still unacceptable at work, even if it is not unlawful, and may result in disciplinary action being taken, including termination of employment.

Bullying

What is bullying?

Bullying consists of repeated and unreasonable behaviour directed towards a person that creates a risk to their mental or physical health and safety. **Unreasonable behaviour** is behaviour which victimises, humiliates, undermines or threatens the person being bullied, or would reasonably be expected to do so.

Bullying breaches this Policy as well as the **Health & Safety Policy** which provides that all workers must take reasonable care for the health and safety of their co-workers.

Examples of bullying

Depending on the circumstances, bullying may include behaviour such as:

- verbal abuse, screaming, insults, swearing at a person or name calling;
- excluding or isolating an individual or a group from workplace activities;
- initiation practices, physical intimidation or threats;
- assigning meaningless tasks unrelated to a job;
- sabotaging somebody's work, including deliberately withholding information that a person needs to adequately undertake their role; and
- spreading gossip or rumours, or ridiculing somebody's opinions or humiliating someone through sarcasm or insults face to face or through other mediums such as social media.

You should note that GWF has the fundamental right to direct, monitor and control how work is done. Directions, performance management and disciplinary action are NOT bullying where the action is reasonable and warranted.

Victimisation

What is victimisation?

Victimisation is subjecting or threatening to subject someone to a detriment because they propose to, have, or are believed to have, under this Policy the Human Rights Act 1993 or the Protected Disclosures Act 2000:

- asserted their rights under this Policy or the relevant legislation;
- alleged that another person has breached this Policy or the relevant legislation; or
- assisted someone or be involved in proceedings under this Policy or relevant legislation.

A **detriment** in employment may include demotion, dismissal, transfer, suspension, loss of a benefit, being ostracised from work or work related social functions, or being the subject of gossip or innuendo.

GWF does not permit retaliation against a person just because they propose to, have, or are believed to have made a complaint of unacceptable behaviour under this Policy or legislation.

Victimisation breaches this Policy and may also breach the **Health & Safety Policy** which provides that all workers must take reasonable care for the health and safety of their co-workers and others.

Dealing with unacceptable behaviour

What if someone complains about my behaviour?

If a person raises a complaint directly with you about your behaviour, and if the complaint is not without reason, speak immediately to your line manager or your Functional/Divisional People & Performance Partner. In any circumstance, you must not victimise the person making the complaint.

Have you been subjected to unacceptable behaviour?

If you believe that you are being subjected to unacceptable behaviour in the workplace, you should:

- tell the person that their behaviour is unacceptable and that it must stop. However, if you do not feel comfortable saying these things, this will not mean that you lose your right to object; and/or
- promptly report the behaviour or incident to your manager and/or your Business Unit People & Performance Partner/Manager. You should tell the Business Unit People & Performance Partner/Manager if you have been subjected to unacceptable behaviour even if you do not want to make a formal complaint so that the Functional/Divisional People & Performance Partner can attempt to resolve the issue informally and ensure that the behaviour does not continue in the future.

How we will respond to your grievance or complaint

GWF has a legal responsibility to take reasonable steps to prevent unacceptable behaviour in the workplace. This Policy is an important part of those steps.

If you make a complaint of unacceptable behaviour in the workplace, we will take your complaint very seriously. You may wish to lodge a grievance under **Grievance Handling Procedure**. The grievance or complaint may be investigated and, if proven, appropriate disciplinary action may be taken against the offender.

We will take all reasonable steps to ensure that you will not be victimised or treated unfairly for making a complaint provided it is made in good faith. However, complaints that are vexatious or malicious may result in disciplinary action against the complainant.

Your obligations

You are responsible for ensuring that you are familiar with this Policy, comply with this Policy, and take all reasonable steps to ensure that the workplace is free from unacceptable behaviour.

You are also responsible for ensuring that at no time in providing goods or services to our clients that an unacceptable ground or attribute for discrimination is used to decide whether the goods or services should be provided, the type of goods or services to be provided or the manner in which the goods or services are to be provided.

If you observe another person breaching this Policy, you are required to notify an appropriate member of management. All complaints will be treated impartially and confidentially, except to the extent GWF may have to disclose information to a regulatory body, as required by law or to allow for a proper investigation or disciplinary process.

Consequences of breaching this Policy

We retain discretion to commence disciplinary action for breaches of this Policy. Disciplinary action may include a written warning, counselling, suspension or the termination of a person's employment or engagement. We may also refer a breach of this Policy to law enforcement authorities where necessary.

Related documents

- Code of Conduct
- Health & Safety Policy
- Information Systems Use Policy
- Grievance Handling Procedure

Statement from Chief Executive

I am fully committed to the implementation of this Policy and the motivation of all our people to achieve its objectives.



Stuart Grainger
GWF Chief Executive