

(Approved by Board – June 2020)

Anti-Harassment Policy

Harassment (including sexual harassment and racial harassment) is prohibited by the Human Rights Act 1993 and the Employment Relations Act 2000 and will not be tolerated by New Zealand Oil & Gas.

This Policy has been formally adopted by the Board and should be observed in all cases.

General Meaning of Harassment

The term harassment covers a number of different types of behaviour and can be sexual, racial, verbal, physical and/or emotional. In general, the underlying nature of the term is that the behaviour is unwelcome by the recipient and results in the recipient feeling that their work environment or future employment with New Zealand Oil & Gas is jeopardised because of the behaviour. Bullying is a form of harassment.

Harassment can be persistent and repeated; continuing after the person subject to it makes it clear that they want it to stop. However, a single incident can also constitute harassment if it is sufficiently serious.

Harassment is unfair, offensive, unacceptable and unlawful. It will not be tolerated or condoned by New Zealand Oil & Gas. If harassment occurs in the workplace or is otherwise work-related then action will be taken by New Zealand Oil & Gas. This is likely to include disciplinary action and may result in dismissal (or termination of any contract with New Zealand Oil & Gas, if applicable).

Similarly, due to the seriousness of harassment in the workplace, any false allegation of harassment is likely to result in disciplinary action which may include dismissal (or termination of any contract, if applicable).

Sexual Harassment

Sexual harassment in employment generally occurs where there is verbal or physical behaviour (including misuse of written or visual material, whether by email, graffiti, unwelcome jokes, gossip, intimidation or other means) of a sexual nature by one person towards another that is:

- Unwanted or unwarranted by, or is offensive to, the recipient; and
- of a serious nature or is repeated to the extent that it has a detrimental effect on the recipient's work conditions, work performance or work environment.

Sexual harassment can include a wide range of behaviour of a sexual nature causing another person distress. The following are some examples of sexual harassment:

- offensive verbal comments containing sexual innuendo;

- repeated comment or teasing about a person's alleged sexual activities, sexual orientation, gender identity/expression or private life;
- offensive hand or body gestures;
- physical contact such as patting, pinching, touching or putting an arm around a person;
- sexual assault or rape.

Racial Harassment

Racial harassment in employment generally occurs when there is verbal or physical behaviour of a racial nature (e.g. words, gestures or threats about skin colour, race, ethnicity or national origin) by one person towards another that is:

- unwanted or unwarranted by, or is offensive to, the recipient; and
- of a serious nature or is repeated to the extent that it has a detrimental effect on the recipient's work conditions, work performance or work environment.

Bullying

It is very difficult to define what amounts to bullying. While some bullying (e.g. ongoing verbal abuse) might be easy to identify, other bullying (e.g. subtle attempts to undermine another person's confidence) is not. In addition, some behaviour will normally be acceptable (e.g. providing constructive criticism of work performance) but might not be acceptable depending on the motivation of the alleged bully.

Generally, bullying will take the form of a series of events (which, in isolation, may not seem particularly serious) designed to undermine the recipient. Bullying is not confined to managers, and managers themselves can be the victim of bullying by employees (or contractors).

Responsibilities Relating to Harassment

In order to prevent harassment, or to deal promptly and effectively with harassment if it occurs, it is essential that New Zealand Oil & Gas' employees and contractors accept that they each have responsibilities and obligations to others in the workplace.

Responsibilities for preventing and dealing with harassment

New Zealand Oil & Gas employees and contractors all have a responsibility to comply with this Policy. In particular, all New Zealand Oil & Gas' employees and contractors have the following responsibilities:

- they must use best endeavours to avoid conducting themselves in a manner which may be construed as harassment by another employee or contractor;
- if asked by another person to refrain from certain conduct which is considered offensive, then they must immediately cease to conduct themselves in that way;
- if they feel that they are being harassed and do not feel comfortable approaching the other person(s) involved, they have a responsibility to report the harassment to their manager, or if that person is involved in the conduct or if they feel otherwise

- unable to talk to their manager, they must report the conduct to the General Counsel (or another manager if appropriate); and
- they have a responsibility to co-operate with any efforts made by New Zealand Oil & Gas to prevent and manage harassment. This may include attendance at training sessions, meeting with managers, and co-operating with investigations by attending interviews and providing information as required.

Options For Dealing With Harassment

Complaints of harassment will be handled by New Zealand Oil & Gas in a discrete and procedurally fair manner. Sexual harassment is slightly different from other types of serious misconduct and there are several options available to employees who feel that they are being, or have been, sexually harassed. All discussions and any investigations should be conducted in the strictest confidence and according to any procedures laid down by New Zealand Oil & Gas.

Conciliated Resolution

It may be unnecessary to hold a formal investigation into the harassment. If the parties are agreeable, and the harassment is unintentional or of a less serious nature, the matter may be able to be resolved informally between the parties. In these circumstances the recipient of the behaviour could:

- confidentially approach the other employee(s) or contractor(s) (with or without a support person) and inform them that their behaviour is offensive and request that it stop. This may be done in person, by letter, phone or another confidential method; or
- approach a member of management to intervene. This intervention may involve the manager or General Counsel (as may be applicable) discussing the situation with the affected people separately in order to resolve the situation, and/or meeting with the affected people together to resolve the matter. Any resolution should address an appropriate solution acceptable to the parties, an agreement as to how long any measures taken against the person who is the subject of the complaint should remain in force, any monitoring to occur and any steps which may be taken if the behaviour continues.

Formal Complaint

If a conciliated resolution has not been successful or if the complaint of harassment is considered by New Zealand Oil & Gas to be potentially serious enough to warrant formal disciplinary action or is against a senior staff member, the recipient of the alleged behaviour should submit a detailed written complaint to the General Counsel or Chief Executive Officer (as may be applicable). The written complaint should include:

- who was involved;
- the relationship with the person (e.g. do they interact in the course of their work);
- a description of the alleged harassment;
- a record of incidents such as dates, times and places;
- a list of any witnesses;
- a description of any action taken (if any); and

- any action the complainant would like to see happen next.

The General Counsel or Chief Executive Officer (as applicable) should then decide how to react to the complaint. There are several options here which may be exercised as follows:

- Investigation: The complaint may be formally investigated by New Zealand Oil & Gas; or
- Police: If the conduct complained of is sufficiently serious the Police may be called in addition to, or instead of, an internal investigation.

If an employee is dissatisfied with the outcome of an internal investigation, they may:

- make a complaint to the Human Rights Commission; or
- raise a personal grievance with the Employment Relations Authority under the Employment Relations Act 2000.

Reviews

This Policy is to be reviewed on a regular basis.