



RESTRUCTURING INSOLVENCY & TURNAROUND
ASSOCIATION NEW ZEALAND INCORPORATED

ACCEPTABLE BEHAVIOUR AND SOCIAL FUNCTIONS POLICY

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This Policy sets out the standard of behaviour required of all RITANZ Members and provides guidance on how to identify, report and help prevent unacceptable behaviour.

RITANZ is committed to treating all people with respect and requires its Members to act professionally.

This Policy should be read in conjunction with the RITANZ Code of Professional Conduct (“Code”) and the Rules of RITANZ. As set out in the RITANZ Code, particularly with reference to Principle 1.4 (“Professional Behaviour”) the reason for issuing this Policy is to ensure all Members work and network in a professional and safe environment free from discrimination, harassment, bullying and victimisation.

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1. Purpose and Application

This Policy applies to every Member of RITANZ, as well as to guests of RITANZ Members or casual event attendees (e.g. at conference or networking events). It applies equally to the treatment of RITANZ employees, customers, suppliers, clients, other Members and visitors of RITANZ. It applies when people are:

- Members of RITANZ (including when Members are involved in Member engagements or appointments relating to their day to day job);
- Performing RITANZ activities offsite (e.g. networking or conference events associated with RITANZ);
- Attending a RITANZ Function (as a Member or casual attendee);
- Travelling for a RITANZ Function; and
- Engaging in an activity where there is a relevant connection to RITANZ or which has a significant effect on RITANZ as an organisation (e.g. social media posting about a RITANZ Function or Member).

2. Definitions

Discrimination is treating or proposing to treat somebody unfavourably because of a personal characteristic which is protected by the law. Those characteristics are known as “protected attributes”.

Hosting Firm means the firm organising and/or making available its office space and/or facilities for the use of Members and guests at a RITANZ Function.

Member means a Member of RITANZ.

Protected Attributes include but are not limited to:

- Race, colour, religious belief (or lack thereof), nationality, culture/ethnic origin;
- Age, gender, marital or relationship status, sexual orientation, gender identity and intersex status;
- Pregnancy, breastfeeding, parental status or carer's/family responsibility;
- Lawful sexual activity;
- Genetic information;
- Political belief or activity;
- Disability or impairment;
- Industrial activity/inactivity;
- Military status; and
- Association with someone who has, or is assumed to have, one or more of these personal attributes.

Responsible Host means a designated individual Member who assumes responsibilities during a Function as set out in this Policy.

RITANZ Education and Resources are those resources which are made available by RITANZ on the Members only portal of the RITANZ website.

RITANZ Social Functions or Function those organised by RITANZ or a Member / Member's firm or any social or professional networking related to a RITANZ Function

Rules means Rules of RITANZ as may apply from time to time.

3. Background

This policy is made pursuant to the RITANZ Rules, including Rule 4.23, Rule 5.7 and Rule 10.5 of the RITANZ Rules.

In establishing this Policy, RITANZ has carefully considered the RITANZ Rules and the Code of Professional Conduct. The matters of particular relevance to this Policy are noted below.

Rule 3.1 of the RITANZ Rules sets out that the objects of RITANZ are (amongst other things):

- To promote high standards of practice and professional conduct in insolvency and corporate restructuring work at all times;
- To provide leadership in establishing and developing policies to guide Practitioners;
- To represent the interests of its Members; and
- To facilitate co-operative and collaborative interaction amongst Members.

Rule 5.7 of the RITANZ Rules states that the Board of RITANZ may (amongst other things) regulate the conduct of Members and investigate the conduct of Members.

Rule 10.5 of the RITANZ Rules states that the Board may make policies on how the Rules are administered.

Principle 1 of the RITANZ Code of Professional Conduct states that in addition to the obligation to comply with the law, Members must exhibit the highest levels of integrity, objectivity and impartiality in all aspects of Appointments and practice management, and must act professionally.

Principle 1.4 (titled "Professional Behaviour") of the RITANZ Code of Professional Conduct states that Members must act professionally at all times and avoid conduct that could bring discredit to RITANZ.

Misconduct (as defined in the Rules) will not be tolerated and where a breach of this policy is identified, RITANZ reserves the right to respond as it considers appropriate and in accordance with the Disciplinary Provisions of the Rules. This Policy does not replace the Rules. In the event of inconsistency between this Policy and the Rules, the Rules will prevail.

Bearing in mind many of RITANZ's Members are accountants, bankers or lawyers, this Policy should be considered in addition to CA ANZ / NZLS Rules or Codes of Conduct and any other professional requirements of relevant industry bodies that Members fall under.

4. Appropriate behaviour

RITANZ requires that in all public facing aspects relating to the profession, RITANZ Members will conduct themselves responsibly and:

- will not consume alcohol excessively; or
- will not pressure others to consume alcohol; or
- will be respectful to others and not knowingly make others feel uncomfortable or unsafe, or act inappropriately; and
- will otherwise act professionally at all times and avoid conduct that could bring discredit to RITANZ.

Members should also ensure that any guest of a RITANZ member adheres to this Policy.

You can find more information about responsible drinking on the *Say Yeah, Nah* website [Say Yeah, Nah | Alcohol.org.nz](http://SayYeahNah.org.nz).

5. Types of Unacceptable Behaviour

Discrimination

RITANZ is committed to maintaining a professional body which promotes equal opportunity and treatment for all Members and other stakeholders, including all those who possess Protected Attributes.

Our aim is to ensure that decisions about RITANZ membership and governance are made based on merit and do not involve or give rise to unlawful discrimination.

Discrimination may occur even if there is no intention to discriminate, and discrimination can be direct or indirect:

- Direct discrimination occurs when a person is treated unfavourably because of a particular attribute.
- Indirect discrimination occurs when there is a requirement, rule, Policy, practice or procedure that disadvantages a person with a particular attribute.

There will be instances where circumstances appear to be discriminatory but the arrangement or practice is lawful. For example "special measures" or "affirmative actions" that assist people or certain groups to achieve equality and that are lawful under anti-discrimination legislation. An example of such special measures are the initiatives which exist to increase female representation in the restructuring, insolvency and turnaround industry.

Harassment

Harassment occurs when someone engages in unwelcome behaviour that results in a person feeling uncomfortable, offended, humiliated or intimidated in relation to a particular attribute where, under the circumstances, it would be reasonable for them to feel that way.

Harassment can occur even if there is no intention to offend or humiliate, or the behaviour is not directly aimed at the offended person, and can even arise out of seemingly harmless acts such as gossip, jokes, teasing or the use of inappropriate nicknames.

Examples may include telling insulting jokes about a person's sexual orientation, place of employment, designation, race or religion.

Sexual Harassment

Sexual harassment is subjecting another person to unreasonable behaviour of a sexual nature that is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person); or a request made by a person of any other 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. If the interaction is consensual, welcome and reciprocal, it is not sexual harassment, however, in some cases, even though behaviour may not constitute sexual harassment, it may still be inappropriate behaviour.

Sexual harassment is against the law in New Zealand pursuant to the Human Rights Act 1993, and you may be personally liable if you sexually harass someone, even if you did not intend to do so.

Some examples of behaviour that may constitute sexual harassment include:

- Unwelcome physical contact or an invasion of personal space (within reason);
- Sexual gestures or inappropriate exposure;
- Staring or leering at a person or at parts of their body;

- Making sexual advances;
- Wolf whistling, making obscene gestures, jokes or innuendo of a sexual nature;
- Comments or a conversation about a person's sex life or relationships;
- Displays of sexually offensive material, such as emails, posters, pictures, graffiti, screen savers or text messages, or sharing inappropriate information with professional contacts via social media; and
- Suggestive or sexual jokes, intimidation, suggestive behaviour or telephone calls.

Bullying

Bullying is any unreasonable behaviour directed towards a person or group of people that creates a risk to their physical or mental wellbeing. That means behaviour which a reasonable person considers, having regard to all the circumstances, may cause another person to be victimised, humiliated, undermined, threatened or otherwise.

Some examples of behaviour that may constitute bullying include:

- Verbal abuse, screaming, insults, swearing at a person or name calling;
- Deliberate exclusion or isolation from professional activities;
- Intimidation and threats;
- Assigning meaningless tasks unrelated to a person's job; or
- Deliberately withholding information that is vital for effective professional performance.

Victimisation

Victimisation occurs if someone suffers unfavourable treatment because they have made, or propose to make, a genuine complaint of unacceptable behaviour, or appear as a witness or provide information regarding such a complaint.

Some examples of victimisation/retaliation include:

- Suggesting to a would-be complainant that it would be better for them (or RITANZ) if they did not make a formal complaint;
- Threatening behaviour;
- Disciplinary action that is not otherwise warranted and would not have been taken if a complaint had not been made; or
- Exclusion or isolation.

6. Responsible hosting of events

At any Function organised by RITANZ or a Hosting Firm, RITANZ and the Hosting Firm will ensure they are responsible hosts, as set out in this policy. At each Function, Members from the Hosting Firm will, in collaboration with RITANZ ensure that:

- there is an appropriate amount of food served;
- a range of non-alcoholic beverages is available;
- at least one "Responsible Host" is designated for the entirety of the event;
- Members are made aware of the name(s) of the Responsible Host(s) in advance of, or at, the event; and
- if applicable, the cut-off time for drinks being served is clearly communicated to all attendees in advance of, or at the start of, the event, and is strictly adhered to at the event.

By attending a RITANZ Function, attendees agree that they will respect the Responsible Host's direction at all times, within reason, and the Responsible Host will act respectfully towards others.

The Responsible Host(s) will be:

- A partner or senior staff member of the Hosting Firm or a RITANZ Board Member or employee, or an individual to whom RITANZ delegates such responsibility for an event.

The Responsible Host(s) will:

- be responsible for ensuring that the provision and consumption of alcohol is carried out appropriately;
- maintain an awareness of what is happening at the event;
- take appropriate action should an issue arise (including alcohol misuse and/or inappropriate behaviour) at the event, which may require an attendee to leave the event;
- be present at the venue for the duration of the event; and
- refrain from consuming alcohol.

Any attendee who believes that another attendee's behaviour or consumption of alcohol is inappropriate is encouraged to speak to the Responsible Host during the RITANZ Function. Any attendee who wishes to raise concerns following the RITANZ Function may speak to either the Responsible Host/(s) or with RITANZ (via its Executive Director).

7. Awareness and making a complaint

RITANZ will ensure that Members are made aware of this Policy and RITANZ's expectations in relation to behaviour. Any time this Policy is updated, Members will be made aware of any substantive changes.

We encourage all Members to look after their personal wellbeing and seek specialist support if needed.

RITANZ is committed to ensuring any complaints regarding unacceptable behaviour are appropriately and effectively dealt with.

If you have concerns about someone else's behaviour, there are a number of options available for dealing with such complaints:

a. Self-resolution

In many cases, simply telling the person concerned that their behaviour is making people feel uncomfortable or causing distress, explaining why it is unwelcome and asking for it to stop will be sufficient. Often, the person may not be aware of their behaviour and should stop once told. You should consider approaching the person or people involved to resolve your concern, by means of direct discussion, unless you feel uncomfortable with this approach.

b. Speak with appropriate contact

You are encouraged to speak with a senior member of your firm. You can also discuss it with either RITANZ directly (via its Executive Director) or any member of the RITANZ Board and/or the Responsible Host.

False accusations, vexatious complaints and defamation

Allegations of unacceptable behaviour such as discrimination, harassment and bullying are serious matters and can potentially damage an individual's reputation.

If you intentionally make such false allegations against a person, then you may be defaming the person. It is therefore very important that all complaints of unacceptable behaviour are based on truth and fact.

Intentionally false accusations, or allegations that are found to be unsubstantiated because they are of a frivolous or vexatious nature, will be viewed seriously by RITANZ and may result in further action being taken.

8. Roles and Responsibilities

RITANZ Members must at all times:

- Treat other Members, Practitioners and all other stakeholders with dignity and respect;
- Not unlawfully discriminate against others;
- Not bully, harass or victimise others;
- In instances of alleged unacceptable behaviour, keep confidential all discussions and documents to the extent possible; and
- Only make complaints of unacceptable behaviour based on truth and fact, and not intentionally make false allegations of unacceptable behaviour.

9. Breach of Policy

RITANZ has a zero tolerance policy for Members who breach this Policy.

Breach of this Policy may be misconduct under the Rules.

If RITANZ is made aware of a potential breach of policy and/or a complaint is received by RITANZ, Section 6 of the Rules will be applied. In particular:

- RITANZ may undertake an investigation as part of its complaint process. An independent investigator may be appointed by the Board.
- While the investigation or complaint process is ongoing, the Member may be asked to refrain from attending any RITANZ Social Functions.
- The Board may require the Member to refrain from attending any RITANZ Social Functions for a period of time (to be determined at RITANZ's sole discretion) following the date the Member is advised of the outcome ("stand down period"). All other RITANZ benefits of membership will be available during a stand down period.
- If the Board determines a breach of policy, the Board may take such action as it considers appropriate including, but not limited to, the Disciplinary Provisions of the RITANZ Rules (which may, in some cases result in a Member being suspended or expelled from RITANZ membership).