

Independent Review

Te Arotake Motuhake

Executive Summary

Lyttelton Port Company

Workplace Culture

Maria Dew QC

3 December 2020

**Ehara taku toa i te toa takitahi
engari he toa takitini.**

**The success of our work is not that of the
individual but that of the many.**

Whakataukī, Māori Proverb

selected by Tahu Stirling, LPC Māori Development Advisor

INTRODUCTION

This independent review of workplace culture is a first of its kind for the Lyttelton Port Company (LPC).

The Terms of Reference for the Review have been published on LPC's website and set out its commitment to this external Review. In the Terms of Reference, LPC states its wish to ensure that all its employees work in a positive and safe workplace culture with zero tolerance for bullying, discrimination, harassment, or other inappropriate conduct.

The fact that this Review has been commissioned, and that participants have been willing to come forward and speak, shows there is a real desire for change at LPC. This desire has been expressed at all levels and departments within LPC, by the Unions who work with LPC and former employees. They have all confirmed that there are things about the culture of LPC that need to change.

However, even those with very raw experiences of poor conduct, still spoke about the pride and enjoyment they gained from working at LPC. They do not want the pools of poor culture to obscure what is valued about the work and work environment at LPC.

The Review has been a leap of faith for those involved. I wish to acknowledge those that contributed:

- current employees who want to stop harmful behaviour and improve their workplace;
- former employees who have no personal interest now, but still want to see LPC thrive and learn from the harm they saw or experienced;
- Union representatives who shared their experiences and desire for change; and
- the LPC Board of Directors and Chief Executive Officer, who have invested in the costs of this Review, not knowing the outcome, or having control of the process.

I also want to acknowledge those that did not come forward to be interviewed. Some did not see the need, some hoped others would reflect their views and others were

concerned it may put their employment at risk. For these LPC employees, I hope you will read this Report and see some of your own experiences reflected or that it motivates you to stand up for better workplace behaviour.

I can confirm my independence from any party within LPC and that this Report reflects my own findings and recommendations. Thank you for the opportunity to assist in this challenge, a challenge that is faced by many workplaces across New Zealand.

Background to the Review

As at November 2020, LPC has a workforce of some 600 employees. The workforce is spread across three sites - Lyttelton Port, City Depot and Midland Port. Most of the staff are employed at the Lyttelton Port worksite.

There are four Unions with employee members at LPC - the Maritime Union of New Zealand (MUNZ), the Rail and Maritime Transport Union of New Zealand (RMTU), the New Zealand Merchant Service Guild (MSG) and the Amalgamated Workers Union NZ (AWUNZ). Collectively, they represent some 450 LPC employees, with MUNZ members being the largest group.

This Review was instigated by LPC's Chief Executive Officer, Mr Roger Gray, supported by the Board of Directors, after they identified concerns about a poor workplace culture at LPC. These concerns came from several sources; discussions with employees, LPC Leaders' own observations, LPC internal staff surveys and employees' reports made in the media in May 2020.

There was one significant event that deserves acknowledgement and has been reported publicly. On 25 December 2019, Ms Katrina Hey took her own life, while she was employed with LPC. Ms Hey had been a Container Controller at the LPC City Depot for seven years prior to her death. Her daughter, Cassandra Hey, maintains that workplace bullying at LPC caused or contributed to her mother's death. This matter has been the subject of a separate investigation completed in November 2020 and also taken into account in this Review..

Over the past three years, there have also been other events at LPC that are relevant background to the workplace culture. During the period 2017 to 2019, LPC had a

period of significant disruption in employment relations at the LPC Container Terminal Operations. Both LPC and the Unions involved confirm this was a highly difficult period which damaged employment relationships. This background of multiple employment relations challenges over the past years has featured in the concerns raised in this Review and the LPC culture generally.

THE REVIEW PROCESS

The Terms of Reference requires a review of workplace conduct involving allegations or concerns of bullying, racial and sexual discrimination or harassment and unfair selection of family members. The Review has been open to all current and former employees or contractors, Union representatives and LPC directors and executives employed from January 2017 onwards.

This Review started in July 2020 and was completed in November 2020.

The process started with the reviewer presenting at Explanatory Sessions with LPC staff. There were 16 separate on-site Sessions at LPC, including meetings with senior leadership, each LPC worksite and the representatives of each of the four Unions. Letters were also sent by LPC to former employees, employed in the three-year period covered by the Review, to invite them to come forward to participate in the Review. A confidential Review email at lpc@mariadew.co.nz was established to allow people to contact the Review. Interviews with participants were arranged, with support persons attending, where that was requested.

The findings in this Review are based on the themes and trends that emerged from the interviews, written submissions and LPC People & Safety information provided.

The people who came forward

In total there were 97 people who came forward to this Review.

In preparing this Report, I have been mindful that the population that has come forward are more likely to have concerns about workplace culture, so it will not represent all views of workplace culture within LPC. However, the purpose of the

Review is to draw out these concerns. The number and range of participants demonstrates the Review has done this.

The Review received a gender mix of participants of 75% male employees and 25 % female employees. This represents a higher proportion of females than in the LPC workforce overall, where the total proportion of female staff is only 10% of the total workforce.

The Review received contributions from a range of ethnicities with 65% NZ European, 10% combined Māori, Asian & Pasifika, 8% Other European, and 17% not disclosed.

The age of participants was generally older with 43% over the age of 50 and 33% aged between 40 and 50 years old.

The Review largely represents the voice of the frontline staff within LPC, as it was intended to do. The front-line staff made up 73% of participants. The Review also represented a mix of Union and non-Union views, as 57% of participants were Union members. Finally, the Review also represented a fair mix of current and former staff, including 70% current staff and 30% former staff employed in the last three years.

WHAT THE REVIEW FOUND

What participants said in their own voice

This section of the Report aims to reflect the voices of those who have come forward. These voices are also heard throughout this Report. It has been important to ensure that there is a fair balance of the views and experiences that have been shared with the Review. I trust this does justice to those voices.

The “hard to hear” comments

The quotes below have been taken from the interviews and written statements made by participants as they have been provided to this Review. They have been selected because they represent the themes heard, over and over.

“My manager told me I will have a target on my back. This made me feel terrible as a new recruit; there was an assumption that this just had to be accepted.”

“A senior leader said to me “You know what it’s like when you get a room full of women together” – it shows me the lack of insight they have into the stereotypes they are using.”

“Managers have not listened to us. They only see the extremes of employees’ behaviours, this is not all of us, but we are all treated like it is, makes us all disengaged.”

“There is an underlying sort of current of casual sexism, racism, homophobia there and it’s difficult to pinpoint specific occasions because they just happen so frequently”.

“There was no loyalty to the company, the loyalty was only to the direct team and they don’t report to anyone.”

“I got told it would be a career limiting move to complain.”

“I was so shattered by this bullying I had to leave, but I wanted to speak up. I was made to feel I had no professional skills, it wrecked my health.”

“Some of the interactions remind me of being back at high school.”

“I have been intimidated by other workers for changing Unions.”

“The company is being dragged down by a few, with negative attitudes and a sense of entitlement”.

“It has always been “us versus them”, this was the behaviour management fostered, we stopped having conversations, everything was formal letters.”

“Senior managers are afraid to manage, there does not seem to be respect for managers, they get ignored, some staff just want to self-manage.”

“It’s pretty regular that female cargo handlers’ slightly higher pitched voices are mocked over the radio publicly.”

“You get mocking of ethnic accents, particularly Asian.”

*“The regular insult is “queer c*nt” or “homo”, people don’t realise its homophobic.”*

“I am in the Union but not pro-Union, there is a lot of self-entitled behaviour and they are getting away with it. This culture breeds the bullying attitude.”

“I was told to sign to the Union or I would not get the work in a particular area.”

“I was told that if I did not sign up for Union membership, the Union could not guarantee my safety”.

“At every other company in the industry, external appointments are totally normal and not controversial. They are certainly not met with such resistance.”

There were also disturbing reports of recent anonymous intimidation and aggression:

“You make our lives a misery, no one likes you” – an anonymous note sent to an LPC employee – December 2019.

“Come up with ya own ideas, its what your paid for” – An anonymous comment on an LPC Values consultation poster at work – August 2020.

Sarcastic written comments made about a new employee, left on an LPC newsletter introducing the new employee and left in an open workspace - 2020.

The “good to hear” comments

Equally, this Review heard a lot of positive voices. These were often from the same people that are quoted as having had difficult experiences at LPC. The overriding theme from almost all of the participants was they want this Review to work to change the culture, as they love the work they do, most of the people they do it with and the environment they work in.

A sample of these positive comments are below. There were others in a similar vein.

“People make this place great”. “I love my job. It’s one of the best jobs there is, I love the sea”. “I love the place, the variety of people and work and the environment”. “Some of us recognise that change is inevitable”. “The culture feels like it is on the mend”.

Risk factors for LPC culture

During the Review, it became apparent that there were eight key risk factors that exist within the LPC workplace culture. They have each contributed to the pools of poor culture found at LPC over the past three to four years, and likely longer. These risk factors have been dealt with in more detail in the full version of this Report. However, they are summarised below.

1. LPC lacks diversity

This Review has identified that the lack of gender and ethnic diversity in the LPC workforce likely sits at the heart of the significant pockets of poor culture at LPC. This lack of diversity expresses itself in much of the behaviour that is causing concern for employees. The failure to appreciate the value of difference is evident in the concerns about various forms of conflict including bullying, sexism, racism and favouritism concerns. One key conclusion of this Review is that the LPC workplace culture will be improved with greater diversity.

2. Fear of speaking out

A common feature of many interviews was an expressed fear of speaking out. The reported fears were of expressing a different point of view to others. This was common to several different departments of LPC where Union membership was prevalent. This fear was expressed by both new and older Union members. They reported being reluctant to speak up to challenge the behaviour of some Union members. They expressed the view that they would like this Union member behaviour to change. Not all the fear of speaking out reported was Union-related. Participants also reported that they would not speak up to management about concerns for fear of the consequences.

3. Offensive behaviour is normalised

The Review heard from the majority of those interviewed about their experience of repeated and on-going offensive behaviour in their work environment. Overall, it was reported as significant and normalised.

4. Communication breakdowns

The majority of those interviewed also noted that there had been a lack of communication by LPC Leadership and supervisors towards employees over the past 3 years. The current employees reported confidence in the increased communication during 2020 and that this had had the impact of improving overall trust, morale and communication within LPC.

5. “Them and Us” barriers

The Container Terminal employees who contributed to this Review, frequently said that they were conscious of the divide between them as frontline staff and the Corporate teams or “*the Office*”. This was similarly described by interviewees from the Corporate or office-based teams. Many described it as a “*Them and Us*” culture, which was uncomfortable for everyone. Some other areas of LPC reported feeling isolated and separate from the main Port environment.

6. Management voids

Many LPC current and former staff interviewed, reported that a contributing factor in the poor culture and conduct was the “management void” they experienced between Cargo Handlers and other managers in Container Terminal Operations. Many reported that the COVID rosters that paired a Foreman and regular Cargo Handler team, worked well and improved morale.

7. Lack of career progression and training

There were many LPC current and former staff who spoke about the lack of career progression and training for frontline staff. This was raised across several departments but particularly for Cargo Handlers, both part-time and full-time, Logistics Officers and at City Depot. This lack of a pathway for progression and the lack of performance feedback over many years in the same role, was the cause of frustration and low morale.

8. Gaps in People monitoring

The Review has identified various gaps in monitoring by the People team and People Managers for workplace culture problems. The Recommendations in this Report propose that the LPC People and Safety team review the *WorkSafe NZ Guidelines on Preventing and Responding to Bullying at Work*, to set out a plan to monitor for signs of bullying and harassment within LPC work areas.

What is working well at LPC?

There were four positive themes that emerged. These demonstrate there is a strong foundation for a positive culture, despite the current workplace conduct concerns expressed. The four key findings that support a foundation for LPC's improved culture are detailed below.

1. Leadership Communication

The current employees interviewed reported that during 2020 LPC had maintained a successful focus on high levels of CEO communication. This improvement in communication was highlighted by the majority of those interviewed as a positive and encouraging aspect of the current LPC environment.

2. Enjoyment of varied work

A second positive theme that emerged was the high value people placed on the variety of work they had the opportunity to experience. They reported a love for working in a challenging and varied environment; technically, physically, across a range of groups at LPC, on the water and in all weather. Many of the roles are physically and technically demanding and LPC staff report that they enjoy and take pride in working with these range of challenges.

3. LPC people support each other

It was also encouraging to hear that almost all staff interviewed reported a sense that they were supported by teammates they worked with.

"We know we are an essential service, there is a strong sense of solidarity we gain from this. The way we stepped up in level 4 lockdown was great. Despite everything it is a great place to work."

4. LPC's physical environment

Finally, many of the employees interviewed reported their pride at the beautiful waterfront work environment and the new LPC Waterfront House. They considered

this a unique environment that added to their sense of pride and enjoyment in their role at LPC.

The bicultural history and future of LPC

Some employees particularly highlighted the growing appreciation of the Lyttelton area's bicultural history. In 2014, the former CEO of LPC, Peter Davie, signed a Joint Statement with Te Hapu o Ngāti Wheke, expressing the shared interest in the future of Whakaraupō Lyttelton Harbour.

In 2020, LPC has also appointed LPC's first Māori Development Advisor. This new role is designed to further develop LPC Leaders and all employees in Tikanga Māori, build relationships with local Iwi and develop cultural resources for LPC. In July 2020, LPC's partnership with Ngāti Wheke was further developed by LPC's current CEO Roger Gray, with his appointment as the Whaka-Ora Healthy Harbour Co-Chair.

It is evident that LPC intends to embrace the bicultural history and future for LPC. Some of those who contributed to this Review, felt challenged by this emerging recognition of the bicultural history of the Port and the part it will play in LPC's future. In the short term, this may present a challenge for some LPC employees. However, it is also an opportunity to learn and enhance the LPC workplace culture.

There is also now an opportunity for LPC to consider the incorporation of Tikanga Māori into its employment relations. Workplace issues will often be caused by interpersonal conflicts, so seeking to include concepts of Mana (dignity, authority and character), manaakitanga (hospitality), Kotahitanga (unity), and other Tikanga Māori concepts may well assist in establishing an improved workplace culture.

BULLYING ALLEGATIONS

81% of participants report bullying concerns

This Review found that 81% of all those interviewed reported concerns about bullying.

The conduct reported ranged from rudeness, demanding management, abusive and intimidating language, favouritism of a person or group, isolating behaviour, unfair

treatment during a disciplinary matter, threats that new employees must join a Union and humiliating staff over personal matters.

The common bullying themes were:

- A highly aggressive approach by both senior management and Unions towards each other in the period prior to 2019, which both sides describe as bullying of each other and damaging to LPC;
- Some managers fail to deal with abusive and hurtful language, even when it is reported.
- Some staff and managers will laugh at offensive and belittling comments; they do not see it as abusive or humiliating;
- Intimidating statements made by Union members to new employees about having to join a Union or they will risk some form of isolation, harm or damage to property, causing employees to join against their wishes;
- Persistent negative and aggressive conduct by a small number of employees, towards the company and other employees, which employees report as intimidating and/or demotivating.

The spread of bullying concerns came from across a wide range of departments. Interviewees reported a fear of some bullying leadership behaviours.

However, there was a larger group of employees who reported the bullying behaviours as being on-going conduct by their peers towards either managers or other staff, which they want to stop. This was impacting employees' morale and they saw it as behaviour that was damaging the workplace culture.

The employees involved reported a range of impacts including high levels of distress, impacts to their health, losing enjoyment in their work, lost confidence and some resigning as a result.

SEXUAL DISCRIMINATION ALLEGATIONS

Sexist behaviours exist

This Review has found that there are sexist behaviours at LPC, that impact a significant portion of female employees at LPC.

Of the females who participated in this Review, there were 42% who reported sexist behaviour at LPC. In addition, 31% of the males interviewed reported seeing sexist behaviours by male employees towards females at LPC.

The reports from employees include:

- *“A senior leader said to me “You know what it’s like when you get a room full of women together” – it shows me the lack of insight they have into the stereotypes they are using.”*
- *“It is low level things, like they defer to the men in the meeting or never respond to my queries.”*
- *“There is an underlying sort of current of casual sexism, racism, homophobia there and it’s difficult to pinpoint specific occasions because they just happen so frequently.”*
- *“Senior managers need to be more thoughtful about their language, talk about a “Barbie” is not appropriate about a female leader in New Zealand, as it sends a message to females that you are undermining women in leadership.”*
- *“I have never had anyone ask me what my aspirations are the whole way through, there is no succession plan for women.”*

Other females interviewed did not report any concerns. They referred to LPC being a “blokey” environment, but nothing that took place offended them. There was no reporting by any employee interviewed of any unwanted physical touching or persistent harassment for physical contact or sexualised requests for dates or contact inside or outside work.

There was one report of conduct that could be regarded as sexual harassment and was significant for the female involved.

“Someone played a “joke” [identifying details removed...] after which they laughed and made sexual references, they meant it as a joke, but it was very embarrassing.”

There is sufficient evidence presented to this Review, that sexism and sexist conduct exists at LPC. It should be addressed at all levels of the organisation.

RACIAL DISCRIMINATION ALLEGATIONS

Racism is evident at LPC

This Review has found that racism and racial discrimination exists at LPC.

It is revealing that 90% of the non-European interviewees said racism was an issue at LPC and provided their own experience or observations of racist conduct. The racist behaviour described is aimed at Māori, Pasifika and Asian staff. There were two participants who stated that employees had been forced out of their LPC employment, because of racism.

By contrast, 79% of the New Zealand European/Other European population interviewed did not identify racism as an issue. There was recognition of racism at LPC, by a small number of the New Zealand European participants interviewed.

There were several employees interviewed who denied racism was an issue, but then went on to describe racist behaviour and/or exhibited a racist attitude toward Māori during the Review interview. These participants did not appreciate the underlying racism in their statements and likely did not intend to make offensive statements. However, their conduct is racist. This highlights the need for education about what racism involves and the impact of this behaviour on others.

The quotes below have been taken from the Review interviews:

- *“I was an easy target for people to pick on me, sometimes individuals don’t realise that the humour is insulting someone.”*
- *“When you don’t know someone and make a racist remark it’s not a joke – it’s not OK.”*

- *“They said it laughing – “Why don’t we have an Indian Advisor or a Samoan one”, these are subtle statements but are undermining.”*
- *“The bilingual signage in the LPC toilets was defaced, with the Māori language blacked out with a marker pen.”*
- *“Is there racism, yeah, 100%. There is tribalism.”*
- *“It does not feel safe to raise concerns about racism as senior managers laugh at racist comments.”*

The quotes also include examples of statements made that display racism, without the interviewee appreciating this:

- *“Bloody Māori”, “black bastard”, “what’s up blackie”, “sooty”, they are said in a friendly or joking way. It’s just banter.”*
- *The company is becoming Māori orientated – over orientated that way.”*
- *“We don’t need a Māori Cultural Advisor – we should all be the same. The role will divide us.”*

The statements above indicate that there is a lack of acceptance of what racism involves or that LPC has committed to acknowledging Māori as Tangata Whenua “People of the Land” and the local partnership with Ngāti Wheke.

There was one recent report by an employee, of a positive experience of LPC dealing with racism effectively. It was referred to as a constructive restorative process resulting in an apology. However, overall this Review has found that there remains current evidence of racist attitudes and behaviour and recent examples of this taking place within LPC. It should be addressed at all levels of the organisation.

SELECTION OF FAMILY MEMBERS ALLEGATIONS

Unfair selection of family members, not a significant issue

The Terms of Reference for this Review required an examination of any allegations or evidence raised about the unfair selection of family members.

However, during the Review this was only raised by a relatively small number of participants. When compared with the very high level of concern raised about bullying,

sexism and racist conduct, this did not stand out as a significant issue. However, it is worth noting as part of the wider concerns raised about the transparency of selection decisions.

Transparency of selection decisions and Cargo Handler work allocation decisions, is a concern for many in that area

The larger issue raised was the perceived lack of transparency in selection decisions for roles within LPC. At least 65% of those interviewed, raised a concern about some form of unfair selection; mainly favouritism towards a Union member, friends of current employees, Lyttleton locals or other groups of individuals.

People who came forward to this Review have highlighted that it is important that LPC ensures that its selection decisions are transparent and justifiable. Those who reported these concerns, made it clear that this contributed to their sense of an unjust culture. This highlights the need to ensure that all roles are advertised openly and that the selection process and outcomes are clearly explained and recorded in writing to all applicants.

Several employees also raised concerns about unfair work allocation. This included giving unfair preference for overtime and allocating favoured Cargo Handler duties to members from one Union over another or to favoured employees.

While general allegations of favouritism are outside the Terms of Reference for this Review, it is evident that these concerns about selection and the allocation of overtime are impacting employees' views of a just culture. It therefore warrants investigation and explanation to Cargo Handlers and is dealt with in the Recommendations in this Review.

ALLEGATIONS REFERRED FOR INVESTIGATION

Matters referred for independent employment investigation

The Terms of Reference also required the Review to identify any allegations made or information disclosed which may indicate the need for a separate employment

investigation. In this event, the Review is to promptly recommend those matters be referred for investigation, but only with the consent of the employee involved.

During the Review, several participants disclosed matters that were allegations of potential serious misconduct. These matters required separate employment investigations. In these cases, the employees were encouraged during this Review to come forward with their complaints so that they could be the subject of an external independent employment investigation.

It was pleasing to see that at least two employees felt comfortable that the company would take their complaint seriously. Some others remained wary and were not willing to come forward. However, it is hoped that this reporting of potential serious misconduct will improve when employees see further evidence of the improved workplace culture at LPC.

Learnings from the 2020 LPC bullying investigations

This Review has also considered the two separate investigations commenced prior to this Review. The Katrina Hey investigation and another recent LPC investigation, have both been conducted by external independent lawyers. They were concluded in November 2020. The descriptions of workplace culture in those investigations have also been considered in this Report and reflected in the Recommendations in this Report. There were other specific learnings from those investigations, which relate to the scope of this Review, that have been provided to LPC confidentially.

Health & Safety concerns

This Review has also heard from individuals who raised mental health and safety concerns, several related to the impact of shift work, and one related to the impact of observing serious accidents at work. These matters have also been referred to LPC without identification of the individuals, who wished to remain anonymous.

RECOMMENDATIONS FOR ACTION

This Review sets out five recommended “LPC Areas for Action”.

Action 1: Persistent Dignity & Respect

Action 2: Address Diversity and Inclusion

Action 3: People Accountability and Investment

Action 4: Address Immediate Conduct Concerns

Action 5: Reduce “Them & Us” Barriers

These represent the five central themes identified through this Review. They aim to distill the key concerns raised and convert them into actions needed to remedy and progress the culture of LPC.

Action 1: Persistent Dignity & Respect

These recommendations are made because employees repeatedly said it was important that LPC Leaders consistently demonstrate dignity and respect.

1. The CEO and Leadership Team to persistently model dignity and respect in all their dealings with LPC staff. This issue was consistently identified by employees as negatively impacting the workplace culture, when this behaviour was not modelled by LPC Leaders. Conversely, it was consistently identified as improving the LPC workplace culture when it was modelled.
2. LPC to engage specialist trainers to design and deliver bespoke LPC Workplace Conduct training including – the impact of bullying and harassment, racism and sexism as highlighted in this Review. The training to include LPC’s zero tolerance for sexist, racist and homophobic remarks, and tools to manage adverse behaviours, both informally and formally.
3. Deliver the above training to all General Managers, Managers and selected LPC team members who are viewed by others as champions of good conduct.

4. LPC “champions” to be appointed from respected frontline staff and Union representatives. This group will assist in delivering the new LPC Values and Workplace Conduct training to all LPC staff.
5. LPC to work with the Mental Health Foundation of New Zealand or another appropriate agency to develop resources for employees and Managers on mental health and suicide prevention.
6. LPC to establish on-going support for a community based charitable organisation in support of Workplace Mental Health. This support will acknowledge LPC’s commitment to improving and protecting workplace mental health.
7. LPC to sponsor a regular annual “Anti-Bullying” event at LPC.
8. In consultation with LPC Union representatives, create a Joint Statement and action steps, affirming the parties’ joint commitment to eliminate harassment and bullying.
9. Regular communication of the LPC Values and celebration of success by LPC teams and individuals. This may include staff nominations and Awards for Safety and Leadership, recognising the positive behaviours LPC seeks to reward and encourage.
10. Consider the further rollout of the LPC Uniform items which employees reported improved pride and morale within LPC, “*We loved the Beanie Hats - “LPC Essential Worker”*”.

Action 2: Address Diversity & Inclusion

These recommendations address the urgent need to improve diversity and inclusion, recognising that this Review has identified diversity as central to improving workplace culture at LPC.

1. LPC to engage specialist diversity consultants to progress implementation of the LPC Diversity and Inclusion Policy, including:

- (a) Setting and monitoring annual targets for progressing diversity across the LPC Board, Leadership Team and all other LPC teams;
 - (b) Publishing achievement against these targets to staff annually; and
 - (c) Training Managers and relevant LPC recruitment teams on diversity and unconscious bias.
2. LPC to identify the variety of duties available within the Cargo Handler teams, and within Container Operations, to make roles more accessible to male and female employees and a more diverse workforce.
3. The LPC Executive Leadership Team and Managers be visible and active in support of LPC's Te Reo initiatives and the role of the Māori Development Advisor. This should include participation in training, events and normalising the use of Te Reo in greetings and correspondence, which is increasingly the norm in other workplaces.
4. LPC to consider the incorporation of Tikanga Māori into its employment relations. Workplace issues will often be caused by interpersonal conflicts, so seeking to include concepts of Mana (dignity, authority and character), manaakitanga (hospitality), Kotahitanga (unity), and other Tikanga Māori concepts may well assist in establishing an improved workplace culture.

Action 3: People Accountability & Investment

These recommendations address two related and persistent concerns raised in this Review; that there was a lack of accountability for poor conduct and at the same time a lack of investment in the performance and development of people.

1. LPC Leadership should demonstrate its focus on achieving a better workplace culture, by communicating that employee performance is a mix of "team player" and "technical" skills. LPC Leaders and Managers must actively manage and measure every employee's performance, based on the requirement for this mix of skills. Technical competence alone is not sufficient to create a successful workplace culture.

2. Improve selection transparency and remove the opportunities for bias in work allocation and selection decisions for Cargo Handler roles. Seek the advice of specialist external recruiters to establish these processes and monitor progress.
3. The expectations for manager and employee conduct need to be reset across the business. This should happen in combination with the delivery of LPC Workplace Conduct training. LPC should monitor change and improvement through regular performance feedback from employees.
4. The Recommendations in Action Steps 1, 2 and 3 above, will all require an increased investment in the resources of the People & Safety team.
5. LPC to ensure that all vacancies are advertised internally, and externally where appropriate, and selection outcomes clearly explained and recorded in writing to all applicants.
6. LPC to complete a review of its recruitment and selection process to ensure it eliminates any opportunity for bias and unfair favouritism.
7. LPC to complete a review of the Foreman roster to better align with the Cargo Handler rosters.
8. Introduce Performance Feedback, Personal Development and Career Progression Pathways for all staff in the business. Ensure that all People Managers are trained, assisted, and committed to deliver this. Monitor and report openly that this investment is being delivered to all LPC staff.
9. All the LPC Employment Agreements should have a more detailed explanation of anti-harassment, anti-discrimination and anti-bullying obligations to highlight these joint LPC and employee commitments.
10. LPC to update its Bullying and Harassment Guidelines in line with the WorkSafe NZ *Guidelines on Bullying and Harassment*. This should include creating templates for informal and formal reporting of incidents by employees to assist and improve confidence in reporting.

Action 4: Address immediate conduct concerns

These recommendations are made to ensure that LPC addresses immediate concerns about persistent poor conduct.

1. There were several immediate workplace conduct concerns raised in this Review. In some cases, concerned employees were not willing to be identified as named complainants. However, the Review has identified that these matters raise workplace culture, performance and potential health and safety risks for LPC. As a result, it is recommended that these risk areas are given priority for a separate health and safety or workplace audit of conduct. These risks have been reported confidentially to LPC, without individual employees being identified, unless they provided consent to this during the Review.
2. It is recommended that the General Manager, People & Safety engages a specialist data analyst to conduct a more detailed audit of overtime and work allocation data for Cargo Handlers. This will allow LPC to share with Cargo Handler teams trends in data, explain the basis for work allocation and deal with any adjustments needed to ensure fairness and transparency in work allocation.
3. It is recommended that LPC engages in discussions with the Unions about ensuring that employees are not subject to any risk of intimidation and are able to engage with Union representatives without fear of speaking up.

Action 5: Reduce “Them & Us” Barriers

These recommendations are based on a central theme repeated by many in this Review and their common views expressed about what will break down barriers.

1. LPC to provide structured opportunities for different teams in the business to interact with one another, visit each other’s workplaces and where possible “work in each other’s shoes” on a regular basis.

2. Invest in structured social team building events, cross team BBQ's, sporting events and other activities across work teams.
 3. Have all Leaders and People Managers commit to engage and sit alongside their own teams and other teams in the cafe, in meetings and at LPC social events. This will also need a reciprocal commitment from staff to welcome this.
 4. Improved LPC corporate and management communication with the rostered, part-time and weekend workforce, so that there is a "one team" sense for all LPC employees.
 5. Bring back an "all of LPC" social function for all employees, which employees valued for its sense of "one team".
-