

EQUAL EMPLOYMENT OPPORTUNITY AND WORKPLACE BEHAVIOUR POLICY

1. Overview

GPT is committed to providing a safe, healthy, collaborative and productive environment for all of our employees. We seek to ensure that our workplace is an environment free from unfair treatment, discrimination, harassment, vilification, bullying and conflict by minimising conduct and actions or activities which may lead to personal injury, including unacceptable behaviour.

2. Purpose

This policy sets out the GPT Group's commitment to the promotion of merit based, fair and equal employment opportunities and benefits. Equal Employment Opportunity (EEO) legislation exists in Australia at both the Federal and State levels. The overriding purpose of such legislation, in the employment context, is to ensure that employees are not detrimentally affected by subjective or irrelevant characteristics in any aspect of their employment.

3. Scope

This policy applies to all GPT Group employees (whether on a permanent, casual, temporary or contract basis), potential employees, clients, contractors and other external parties.

This policy applies to the behaviour of everyone who works at the GPT Group during the course of their work:

- in the workplace, including work outside normal working hours;
- during work activities, including dealing with clients; and
- at work-related events, including conferences and functions.

4. Policy

4.1 Discrimination

Discrimination can be defined as any practice that makes a distinction between individuals or groups so as to disadvantage some and advantage others.

Discrimination can happen either directly or indirectly and the legal definition differs as between Victoria and the other States.

- Direct discrimination occurs when a person is treated (or is proposed to be treated) less favourably or unfavourably because of any of the grounds or attributes listed below.
- Indirect discrimination occurs when there is an unreasonable rule, requirement or practice which appears neutral, but which will (or is likely to) disadvantage people with an attribute or ground listed below or with which a high proportion of people with an attribute or ground listed below cannot comply.

Unlawful grounds of discrimination include:

- Sex
- Marital Status
- Pregnancy or potential pregnancy
- Breast feeding
- Family responsibilities, parent or carer status
- Sexual orientation or lawful sexual activity
- Gender history, gender identity, transgender or transsexual status
- Race
- Impairment, illness or disability
- Political or religious belief or activity
- Physical features
- Age

- Medical records
- Trade union or employer association activity
- Workplace right or right under a workplace law (this includes a benefit, role or responsibility under a workplace law, instrument or order or a right to initiate proceedings or make a complaint under a workplace law, instrument or order)
- Employment activity
- Criminal record and spent convictions
- Association with a person who is identified by reference to any of the above attributes.

Discrimination on the above grounds is not only against GPT Group policy, but may breach Federal and/or State legislation (see section 7.0 below). Legal action can be taken against individuals who breach this legislation, as well as against the GPT Group.

In some situations the legislation may provide exceptions to discrimination or permit what would otherwise be unlawful discrimination. In these circumstances discrimination will be permissible. For example, while it is unacceptable to discriminate against a person with a disability, what would otherwise be unlawful discrimination may be justified if the person cannot perform the inherent requirements of their position.

4.2 Sexual Harassment

Sexual harassment of employees either by their co-workers or by their superiors/supervisors at work is unlawful under the Commonwealth *Sex Discrimination Act 1984* as well as under equal opportunity legislation in every State and Territory (see section 7.0 below). Legal action can be taken against individuals who breach this legislation, as well as against the GPT Group.

The *Sex Discrimination Act* states that a person sexually harasses another person if:

- "(a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated."

Types of conduct which might fall within these definitions include:

- attempts at sexual intercourse or some other overt sexual connection;
- kissing;
- repeated requests for dates;
- touching or pinching;
- sexual propositions;
- gender-based insults or taunting;
- statements of a sexual nature, either verbal or written and either made to a person or in their presence;
- suggestions or innuendo; or
- intrusive questions asked at pre-employment interviews.

Sexual conduct is unwelcome when it is not invited or solicited by the person on the receiving end of the conduct and that person regards the conduct as undesirable or offensive.

Sexual harassment does not include mutually acceptable, consensual or reciprocal behaviour.

GPT Group employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered sexually harassing by their colleagues.

The GPT Group may decide that behaviour breaches this policy even if a complaint has not been raised. For example, storing and viewing sexually explicit images on a computer at work may constitute sexual harassment under this policy (as well as a breach of the GPT Group's Acceptable Use Policy), even if a

complaint has not been made against the offender. 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.

4.3 Vilification

There is separate Federal, State and Territory legislation which outlaws vilification.

The legislation makes it unlawful for a person, by a public act, to incite hatred, serious contempt or severe ridicule of a person or group of persons on the ground of their race, religion, homosexuality, or their HIV/AIDS or transgender status. An "act" may include forms of written and spoken communication with the public, actions and gestures observable by the public, distribution of vilificatory material to the public, the wearing or display of material in public, threatening physical harm towards people or their property or inciting other people to threaten physical harm towards people or property.

Vilification may amount to a criminal offence if physical harm is threatened towards a person or their property.

GPT Group employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered as vilifying towards their colleagues.

4.4 Disability Harassment

The federal *Disability Discrimination Act 1992* specifically prohibits harassment against a person with a disability and/or his or her associate. GPT Group employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered as harassment by disabled colleagues.

4.5 Victimisation

Anti-discrimination legislation at both the Federal and State levels prohibits victimisation of a person because they propose to, have, or are believed to have, under this policy, equal opportunity legislation or occupational health and safety or industrial legislation:

- 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 in raising an issue.

Legal action can be taken against individuals who breach this legislation, as well as against the GPT Group.

Victimisation occurs when a person subjects, or threatens to subject, another person to detriment as a result of these actions or intentions. A 'detriment' in employment includes 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.

GPT Group employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered as victimisation by their colleagues. If a person raises a complaint directly with you about your behaviour, you should appreciate that they are letting you know that they find your behaviour unacceptable. They are giving you an opportunity to change your behaviour, and possibly prevent a formal complaint from being made against you. If someone does raise a complaint with you about your behaviour, you should consider monitoring and changing your behaviour, and you must not victimise the person making the complaint.

The GPT Group 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, equal opportunity legislation or occupational health and safety or industrial legislation. The GPT Group also does not permit retaliation against a bystander who intervenes to assist someone who may have been subjected to unacceptable behaviour.

4.6 Bullying

Workplace bullying is repeated, unreasonable behaviour directed towards an employee, student (Intern), volunteer, contractor or other external party that creates a risk to their health and safety. Unreasonable behaviour is that which victimises, humiliates, undermines or threatens the person being bullied, or would reasonably be expected to do so. While a single incident of unreasonable behaviour will not amount to bullying, it may have the potential to escalate into bullying or constitute other unlawful behaviour (e.g. assault). GPT will consider whether any such conduct warrants disciplinary action.

Bullying breaches this policy and also the GPT Group's Work Health and Safety policy which provides that all workers must take reasonable care for the health and safety of their co-workers at GPT.

Bullying can also amount to stalking, which is a criminal offence reportable to police.

Bullying at work may take a wide variety of forms, including the following:

- aggressive or intimidating conduct;
- belittling, insulting or humiliating comments;
- exclusion from work-related events;
- spreading malicious rumours;
- displaying offensive material;
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
- teasing, practical jokes, or 'initiation ceremonies'; and
- pressure to behave in an inappropriate manner.

The above behaviours may be unlawful and they have the potential to create a workplace which is unpleasant, intimidating and humiliating for the targets or victims of bullying. Such conduct can also have harmful effects on productivity.

For the purposes of bullying, a worker will be 'at work' both in the physical workplace and any location where the worker is engaged in activities (other than work) that are authorised and permitted by GPT (for example, at a GPT sponsored event or when accessing social media in the workplace). Specifically in the case of bullying on social media, comments made about a worker may amount to bullying if they are accessed by the worker while at work, even if the comments were originally posted when the worker was not at work.

Bullying behaviour does not always involve supervisors ill-treating their subordinates. The reverse may apply, or it may involve employees bullying their peers, older employees bullying younger ones (and vice versa), members of one sex bullying members of the other (which may also amount to sexual harassment), or longer-serving employees bullying new ones, such as apprentices. It is also possible for employees to be subjected to abusive and sometimes violent behaviour from other parties, such as customers.

Bullying does not include reasonable management actions undertaken in a reasonable way. The following behaviours are not bullying:

- asking an employee to perform reasonable duties in keeping with their job;
- directing and controlling how work is done;
- maintaining reasonable workplace goals and standards;
- informing an employee about unsatisfactory work performance or inappropriate work behaviour;
- performance management processes, constructive feedback, counselling or disciplinary action or procedures; or
- any other reasonable management action.

Examples of reasonable management action may include:

- setting reasonable performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- transferring an employee away from their current role or location for operational reasons;

- deciding not to promote a worker, where reasonable processes are followed and documented;
- informing an employee about unsatisfactory work performance, where done reasonably and in accordance with GPT's policies and agreements;
- implementing organisational changes or restructuring; or
- termination of employment.

GPT Group employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may constitute bullying.

5. Roles and Responsibilities

The GPT Group has a legal responsibility to prevent harassment, discrimination, bullying and victimisation. Accordingly, everyone who works at the GPT Group is responsible for ensuring that they:

- are familiar with this policy;
- comply with this policy; and
- attend regular GPT Group training.

The GPT Group also encourages everyone who works at any GPT Group entity to support colleagues who may have been subjected to unacceptable behaviour. For more information, refer to the 'Bystander' section of this policy, below.

People who work in supervisory positions at the GPT Group must also take all reasonable steps to ensure that the workplace is free from unacceptable behaviour. This means supervisors or managers have a responsibility to:

- monitor the working environment to ensure this policy is being complied with;
- model appropriate behaviour; and
- treat complaints seriously and take steps to resolve them in accordance with this policy.

Everyone who works at any GPT Group entity is responsible for ensuring that at no time in providing services to our clients or customers an unlawful ground or attribute of discrimination is used to decide:

- whether the service is to be provided;
- the type of service to be provided; or
- the manner in which the service is to be provided.

See section 4.1 above for what is an 'unlawful ground or attribute of discrimination'.

5.1 Action

Discrimination, Harassment in all its forms, and Bullying are all behaviours that are contrary to the GPT Group's values and culture. If an employee feels they have been, or are being, subject to these kinds of behaviours, the GPT Group encourages the employee to raise it directly with the person involved. This should help to ensure that the other person is fully aware that their behaviour is unwelcome or unacceptable.

If this does not resolve the employee's concerns, or if the employee is not comfortable raising it directly with the other person, the employee should advise their manager and/or the Head of People & Performance as soon as possible (see also the Grievance Resolution Policy). If the employee does not feel able to use these reporting channels they may raise the matter directly with the Whistleblower Officer (see the Whistleblower Policy).

Proven examples of these behaviours may be subject to disciplinary action, which may include termination of employment.

If an employee is found to have raised a malicious or false complaint against another person in order to prejudice that person, the employee may also be subject to appropriate disciplinary action, which may include termination of employment or ending the employee's engagement or relationship with the GPT Group.

5.2 Bystanders

The GPT Group encourages bystanders to support colleagues who may have been subjected to any of the types of unacceptable behaviour referred to in this policy. A 'bystander' is a person who has witnessed or subsequently learned about potentially unacceptable behaviour at GPT.

Bystanders are a vital part of the GPT Group's strategy to prevent unacceptable behaviour. This is because sometimes people affected by this behaviour might not know the behaviour is unacceptable or may feel uncomfortable about coming forward or speaking up. Research shows that this can particularly be the case where:

- the person is new to an organisation;
- the conduct is engaged in by someone who is a superior to the person; or
- the person feels vulnerable in their role e.g. because of their age or gender.

The GPT Group encourages bystanders to provide support to colleagues who may have been subjected to unacceptable behaviour, including by:

- 'calling' unacceptable behaviour when it is seen in the workplace;
- spotting offending behaviour and asking the colleague if they are OK;
- supporting the colleague by providing them with information about this policy and avenues for raising their concerns; or
- reporting the conduct to a manager, contact officer, or member of People & Performance.

To the extent possible, GPT Group will take steps to preserve a bystander's anonymity. In addition, bystanders are protected by the victimisation provisions of this policy. Bystanders who need support are encouraged to contact PPC Worldwide direct on 1300 361 008.

6. Relevant Legislation

Currently, the following anti-discrimination, vilification and sexual harassment legislation is in place:

- Federal: *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth)
- NSW: *Anti-Discrimination Act 1977* (NSW)
- ACT: *Discrimination Act 1991* (ACT)
- Victoria: *Equal Opportunity Act 1995* (Vic)
- Queensland: *Anti-Discrimination Act 1991* (ACT)
- Western Australia: *Equal Opportunity Act 1995* (WA)
- Tasmania: *Anti-Discrimination Act 1998* (TAS)
- Northern Territory: *Anti-Discrimination Act 1996* (NT)

The following external agencies are available for further information and confidential advice:

- Australian Human Rights Commission
- ACT Human Rights Commission
- Anti-Discrimination Board of New South Wales
- Anti-Discrimination Commission of Queensland
- Equal Opportunity Commission Western Australia
- Northern Territory Anti-Discrimination Commission
- Office of the Anti-Discrimination Commission (Tasmania)
- South Australia Equal Opportunity Commission
- Victorian Equal Opportunity and Human Rights Commission

7. Related Policies Procedures and Guidelines

- Code of Conduct
- Grievance Resolution Policy and flowchart
- Whistleblower Policy
- Work Health and Safety Policy
- Acceptable Use

If you require additional information about this policy and/or you have any questions issues or concerns or suggestions for improvement to this policy please contact the policy owner.

8. Ownership and Version Control

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