

EQUAL EMPLOYMENT OPPORTUNITY AND WORKPLACE BEHAVIOUR POLICY

1. Overview

GPT is committed to providing a safe, healthy, inclusive, collaborative and productive environment for all of our employees and workers associated with the company. 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. By defining actions that constitute unlawful or inappropriate workplace behaviour this policy also specifies the GPT Group's expectations of appropriate behaviour in the workplace.

3. Scope

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

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

- in the workplace, or in connection with work including work outside normal working hours;
- during work activities, including dealing with clients and other external parties;
- at work-related events, including conferences and functions; and
- on social media where employees or workers interact with each other and their actions may affect others directly or inadvertently.

4. Policy

4.1 Equal Employment Opportunity

Equal Employment Opportunity (EEO) legislation exists in Australia at both the Federal and State levels. In the employment context, it is designed to ensure that employees are not detrimentally affected by specified subjective or irrelevant characteristics in any aspect of their employment.

GPT endeavours to achieve diversity and inclusiveness in the workplace. For further information refer to the Diversity & Inclusion Policy.

4.2 Appropriate Workplace Behaviour

4.2.1 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.

- 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.

At the GPT Group, discrimination based on any of the following grounds or attributes is unacceptable:

- Sex
- Marital or relationship status
- Pregnancy or potential pregnancy
- Breast feeding
- Family responsibilities, parent or carer status
- Sexual orientation or lawful sexual activity

- Gender history, gender identity, gender expression, intersex status, transgender or transsexual status
- Race, colour, nationality, descent, immigrant status or ethnic origin
- Impairment, illness, mental, intellectual, psychiatric, sensory, neurological, learning or physical disability, presence in body of organisms causing or capable of causing disease or illness (e.g. HIV virus) or any other disability or injury
- Political or religious belief or activity
- National extraction, social origin
- Physical features
- Age
- Medical records
- Industrial 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 6.0 below). Legal action can be taken against individuals who breach this legislation, as well as against the GPT Group.

Discrimination may involve:

- making offensive 'jokes', derogatory comments or taunts about a person's disability, racial or ethnic background, sex, sexual orientation, age and the like;
- mimicking, insulting, threatening or making fun of someone on the basis of their disability, racial or ethnic background, sex, sexual orientation, age and the like;
- display of pictures, calendars, pin-ups, posters, computer images (e.g. in electronic mail messages) etc. which are offensive or derogatory;
- making sexist comments or expressing negative stereotypes of particular groups, for example, 'married women shouldn't be working';
- judging a person on characteristics such as religious or political beliefs, cultural practices, sex or age rather than work performance;
- using stereotypes or assumptions when making decisions about a person's career; or
- giving a part-time employee a negative performance review because they did not attend section meetings held on their non-work days (indirect due to family responsibilities).

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, even with reasonable adjustments.

4.2.2 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 6.0 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 or attempts at kissing;
- repeated requests for dates, especially after prior refusal;
- deliberate and unnecessary physical contact, such as touching, pinching, patting or deliberately brushing against another body;
- sexual propositions;
- gender-based insults or taunting, including inappropriate 'humour' such as smutty or sexist jokes or comments;
- statements of a sexual nature, either verbal or written and either made to a person or in their presence;
- suggestions or innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance;
- intrusive questions into a person's private life or in reference to a person's sexuality, including those asked at pre-employment interviews;
- making any gesture, action or comment of a sexual nature;
- displays of sexually graphic material including posters, pictures, calendars, cartoons, graffiti or messages left on boards or desks;
- electronic mail messages, voice mail messages, screen savers, any material of a sexual nature downloaded from the internet, or viewed on a computer, offensive telephone calls, faxes, or gifts; or
- any predatory behaviour of a sexual nature – involving one person targeting another with unwelcome sexual conduct.

Motive or intention is irrelevant: 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. It does not matter that the offender did not mean or intend to sexually harass the other person. In other words, an offender's 'innocent intent' is irrelevant.

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

Behaviour can breach this policy even if it is not unlawful: 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.

Promoting a positive culture: GPT promotes a culture that recognises and addresses unconscious biases and 'everyday sexism'. Sexism can take many forms, such as banter or comments that perpetuate gender biases (e.g. compliments focusing on a woman's appearance rather than on her work; making assumptions or frequently asking questions about marriage and children, etc.), or treating someone differently because they are not 'one of the boys' (e.g. assuming their work product will not be as good, or viewing assertiveness more negatively when it is by a female rather than male). The GPT Group encourages employees to recognise and eliminate such unconscious biases and the negative impact this could have on their colleagues. In some situations, such behaviour can amount to discrimination or sexual harassment.

What is not sexual harassment: Sexual harassment does not include mutually acceptable, consensual or reciprocal behaviour. If the interaction is consensual, welcome and appreciated, it is not sexual harassment. However, if you are involved in a consensual relationship with a work colleague, this relationship may cause a potential conflict of interest.

4.2.3 Vilification

Separate Federal, State and Territory legislation exists 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 disparaging 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 and workers should carefully consider their actions and ensure that they are not behaving in ways that may be considered as vilifying towards their colleagues.

4.2.4 Victimisation

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;
- assisted someone in raising an issue; or
- exercised workplace rights.

Victimisation on the above grounds is not only against GPT's policy but may breach Federal and/or State legislation (see section 6 below). 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 and workers should 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.

4.2.5 Bullying

Workplace bullying is repeated, unreasonable behaviour directed towards an employee, potential 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 and unreasonable behaviour 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:

- repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, sex, sexual orientation, gender identity, transgender status, intersex status, race or culture, education or economic background);
- aggressive or intimidating conduct;
- belittling, insulting or humiliating comments;

- exclusion from work-related events;
- spreading malicious rumours;
- displaying offensive material;
- unreasonable work expectations, including unrealistic deadlines, too much or too little work, or work below or beyond a worker's skill level without cause;
- denying access to work-related information, supervision, consultation or resources such that it has a detriment to the employee;
- 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.

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.

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 (please see section 4.2.6).

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

4.2.6 Reasonable Management Action

Reasonable management action is managerial action undertaken in a reasonable way.

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.

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;
- attend regular GPT Group training; and
- take all reasonable steps to ensure that the workplace is free from unacceptable behaviour.

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.

All persons should be aware that they will be held responsible for their inappropriate workplace behaviour. This may include legal liability in certain circumstances. Persons who aid, abet or encourage other persons to engage in inappropriate workplace can also be held responsible and may be subject to disciplinary action as well as legal action.

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 unacceptable 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 4.2.1 above for what constitute unacceptable grounds or attributes 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 consider raising 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 a member of People & Performance as soon as possible (see also the Grievance Policy).

Once a matter has been formally raised, an appropriate person will assist the employee with their concerns. Depending on the nature and seriousness of the concerns, this may involve working with the employee to put their concerns in writing and asking the employee how they would like the matter to be resolved. If it cannot be resolved informally, or if the concerns are serious, then an investigation may be required to clarify what has occurred and to determine the best course of action to resolve the matter.

If inappropriate workplace behaviour is substantiated, the GPT Group will take appropriate action. Persons found to have breached this policy may be subject to disciplinary action, which may include termination of employment or their engagement with the GPT Group. (See Code of Conduct for further information on disciplinary action).

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.

If a worker is not comfortable in having the matter dealt with internally by GPT, or if they are not satisfied with the way the complaint has been handled, they may seek advice or raise the matter with a relevant federal or state external agency. Please refer to section 6 for a list of external agencies.

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, sexuality, gender identity, transgender status, intersex status etc.).

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 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 GPT's Employee Assistance Program support (LifeWorks) direct on 1300 361 008.

6. Relevant Legislation

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

- Federal: *Australian Human Rights Commission Act 1986* (Cth), *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), *Workplace Gender Equality Act 2012* (Cth), *Fair Work Act 2009* (Cth)
- NSW: *Anti-Discrimination Act 1977* (NSW), *Work Health and Safety Act 2011* (NSW)
- ACT: *Discrimination Act 1991* (ACT), *Work Health and Safety Act 2011* (ACT)
- Victoria: *Equal Opportunity Act 1995* (Vic), *Racial and Religious Tolerance Act 2001* (Vic), *Occupational Health and Safety Act 2004* (Vic)
- Queensland: *Anti-Discrimination Act 1991* (QLD), *Work Health and Safety Act 2011* (Qld)
- Western Australia: *Equal Opportunity Act 1995* (WA), *Occupational Safety and Health Act 1984* (WA), *Criminal Code 1913* (WA)
- Tasmania: *Anti-Discrimination Act 1998* (TAS), *Work Health and Safety Act 2012* (TAS)
- Northern Territory: *Anti-Discrimination Act 1996* (NT), *Work Health and Safety (National Uniform Legislation) Act 2011* (NT), *Work Health Administration Act 2011* (NT)
- South Australia: *Equal Opportunity Act 1984* (SA), *Racial Vilification Act 1996* (SA), *Civil Liability Act 1936* (SA), *Occupational Health, Safety and Welfare Act 1986* (SA)

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

- Australian Human Rights Commission
- Fair Work Ombudsman and Fair Work 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
- Safe Work Australia
- Work Cover Authority of New South Wales
- WorkSafe ACT
- WorkSafe Victoria
- Work Health and Safety Queensland
- SafeWork SA
- WorkSafe Western Australia
- WorkSafe Tasmania
- NT WorkSafe

7. Related Policies Procedures and Guidelines

- Code of Conduct
- Grievance Policy and flowchart
- Diversity & Inclusion Policy
- Work Health and Safety Policy
- Social Media 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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|------------------------|--------------------------------|
| Policy Owner | Head of People and Performance |
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| Author | Amanda Neill |
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| Revision | Description | Author |
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| 0.2 | Update in line with legislation changes and new policy format | Amanda Simpson |
| 0.3 | Final copy – approved by Chief Risk Officer 23 April 2014 | Amanda Simpson |
| 0.4 | Update to reflect LGBTI inclusion 10 April 2017 | Andrew Milligan |
| 0.5 | Final copy – approved by Head of People & Performance 10 April 2017 | Phil Taylor |
| 1.0 | Full policy review by People & Performance and external legal review (September 2019 – Herbert Smith Freehills). Final copy approved by Mark Fookes, Chief Operating Officer and Acting Head of People & Performance | Amanda Neill |