

# Policy

## (Board Approved)



## Fair Treatment

### Document Number – PEO-POL-21

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#### 1.0 Policy Statement

Stanwell Corporation Limited (Stanwell) values and promotes the diversity of its employees and observes its obligations concerning fair treatment under all laws and regulations that relate to its business.

Everyone at Stanwell sites, including employees, directors, contractors, apprentices and trainees (our **people**), have a legal obligation to ensure that these laws and regulations are upheld. Stanwell expects our people to treat each other with respect and courtesy. Stanwell is committed to preventing unacceptable behaviour, as a critical part of providing a safe and healthy working environment.

The Fair Treatment Policy supports a workplace culture that upholds the right of all people to be treated with fairness, equity and dignity and providing an environment free of unlawful discrimination and harassment through:

- Informing all our people of their rights and obligations;
- Setting standards of behaviour in accordance with fair treatment principles; and
- Addressing the consequences of breaches to this policy.

#### 2.0 Scope

This policy sets out the behavioural standards required of our people in their interactions with each other or the broader community whilst undertaking Stanwell activities (including business, social and community activities, and also where interaction is through e-mail, text messaging or social media).

Stanwell and its people have a duty to take reasonable care that their actions do not adversely affect the health and safety of others, either at work or in the community. Legal action can be taken against individuals in relation to unacceptable behaviour. In some cases, criminal charges, potentially resulting in fines or imprisonment, can be laid against individuals in relation to seriously unacceptable behaviour.

#### 3.0 Purpose

Stanwell is committed to providing an environment free of unlawful discrimination and harassment and will not tolerate behaviour that is inconsistent with Stanwell's values and commitment to a fair and just culture. This policy provides a framework through which concerns and issues can be addressed promptly, professionally and confidentially, while all parties are treated fairly. It should be read in conjunction with the *Fair Treatment Procedure*.

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ENDORSED/CHECKED BY: PSC

APPROVED BY: Board

DATE: .....

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Page: 1 of 6

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## 4.0 Content

### 4.1 General Principles

- 4.1.1 All Stanwell people have the right to work and be a part of a fair, just, inclusive and safe environment.
- 4.1.2 All Stanwell people are entitled to be treated with courtesy, fairness and equity.
- 4.1.3 Stanwell expects all of its people to abide by the relevant State and Federal legislation, the *Code of Conduct* and other applicable policies, and adhere to high standards of behaviour that reflect well on the Corporation.
- 4.1.4 The Fair Treatment Procedure provides guidelines for resolving complaints in a timely, non-disruptive way and to ensure the confidentiality of all persons involved. Where appropriate, Stanwell encourages those affected by behaviour that they feel is unfair to speak directly to the person engaging in the behaviour.
- 4.1.5 People who feel they have been treated unfairly are encouraged to initially seek guidance from their *Manager* or speak with a *Stanwell Contact Officer* or a *People and Culture* representative. If this is not appropriate or employees wish to remain anonymous, the *Whistleblower Protection Officer* may be contacted.

### 4.2 Contributing to Stanwell's Fair Treatment Workplace

All Stanwell people are expected to contribute to a workplace characterised by Fair Treatment by:

- Speaking up, and making it clear when behaviour is unacceptable;
- Supporting those who are affected by breaches of this policy and encouraging them to take action;
- Promoting mutual respect and acceptance of diversity;
- Supporting and promoting this policy and the role of Contact Officers across Stanwell;
- Undertaking training or the induction relating to Stanwell's *Code of Conduct*;
- Understanding the principles of Fair Treatment, and their obligations; and
- Cooperate as requested in any investigation of a complaint in the event of an allegation of unfair treatment.

### 4.3 Unacceptable Behaviours

All Stanwell people are expected to behave fairly, respectfully, inclusively and equitably at all times. The following behaviours are specifically prohibited by Stanwell:

#### 4.3.1 Bullying, harassment and vilification

*Workplace bullying* is repeated and unreasonable behaviour directed towards an individual or group that creates a risk to health and safety. *Repeated behaviour* refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying may also occur at the same time as unlawful discrimination, sexual harassment and may also be a breach of work health and safety laws.

*Harassment* - state and federal anti-discrimination legislation make it unlawful to treat a person less favourably on the basis of particular protected attributes such as a person's age, sex, race or disability. Treating a person less favourably can include harassing a person. Examples of harassing behaviours could include:

- Telling an insulting joke about a particular racial group;
- Sending explicit or sexually suggestive emails or text messages;
- Displaying a racially offensive or pornographic poster or screen saver;
- Making derogatory comments or taunts about a person's disability; or
- Asking intrusive questions about someone's personal life, including his or her sex life.

It is important to understand that a one-off incident can constitute harassment.

*Vilification* is an unacceptable behaviour that:

- a) Happens in a public place; and
- b) is capable of inciting others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity. Vilification is unlawful and in certain circumstances may be a criminal offence.

Stanwell prohibits any form of vilification or racist behaviour.

Workplace bullying and vilification can take many forms. Unacceptable behaviours could be based on, but are not limited to:

- |                               |  |                                   |
|-------------------------------|--|-----------------------------------|
| • race                        | • age  | • impairment                      |
| • disability                  | • medical condition                          | • religion                        |
| • gender                      | • pregnancy                                  | • union activity                  |
| • gender identity             | • breastfeeding                              | • political affiliation           |
| • sexual preference           | • relationship status                        | • perceived political affiliation |
| • perceived sexual preference | • parental status or family responsibilities |                                   |

#### 4.3.2 Sexual harassment

*Sexual harassment* is unwelcome or unwanted behaviour of a sexual nature as a result of which a person feels offended, humiliated or intimidated and which would make a reasonable person feel offended, humiliated or intimidated. It may result from a single incident or a series of incidents. Sexual harassment is unlawful, and Stanwell will not tolerate such behaviour from our people.

#### 4.3.3 Unlawful Discrimination

*Unlawful Discrimination* occurs when a person is treated unfavourably or is denied fair and equitable access to employment, training, development or advancement because of a particular attribute or personal characteristic without lawful reason.

#### 4.3.4 Victimisation

Stanwell supports the right of our people to make a complaint under this policy without suffering victimisation, bullying, recrimination, or detriment as a result. It is unlawful to threaten or to treat an individual less favourably, in response to an

actual or potential discrimination, bullying, sexual harassment or bullying allegation or complaint.

It is also unlawful to victimise someone who is a witness or who is supporting an individual who intends to or has made a complaint.

#### 4.4 What is not an Unacceptable Behaviour?

4.4.1 Reasonable Management Action: A manager can make decisions about poor performance, take disciplinary action and direct and control the way work is carried out. Reasonable management action that is carried out in a reasonable way is not bullying, harassment or discrimination.

Single Incidents: Bullying involves a repeated or a pattern of behaviour. Therefore, a single incident is not considered to be bullying. However, it may have the potential to escalate and should not be ignored by workplace parties.

It is important to note that a single incident of harassing a person about a characteristic or attribute which is considered unlawful under state or federal anti-discrimination legislation (sex, race, disability or age) can constitute harassment.

#### 4.5 Breaches

Breaches of this policy may lead to disciplinary action in accordance with the *Managing Performance and Conduct Procedure* and the *Stanwell Power Station Enterprise Agreement 2019* (where applicable). Any failure to comply with this Policy will be taken very seriously. In certain circumstances, a breach of the Policy could be referred to an appropriate authority for investigation. A number of consequences could flow from a breach, including termination of employment or contract and prosecution.

Where a serious allegation has been made that could result in reprisals against the Discloser, the recipient of the information (such as the Manager or People and Culture) must treat the disclosure confidentially and immediately report the disclosure to the Whistleblower Protection Officer (Company Secretary), so that the information can be dealt with under the Protected Disclosure Procedure.

Intentionally false or misleading information **must not** be provided when making a disclosure of information about a breach of this policy or in connection with an assessment or investigation about a breach of this policy. Disciplinary action may be taken against anyone found to have intentionally provided false or misleading information. In some circumstances, providing false or misleading information could be a criminal offence.

#### 4.6 Definitions used in this Policy

The definitions used in section 4.3 – Unacceptable Behaviours are general descriptions and may not reflect the specific legal definitions provided in relevant legislation, sub-ordinate legislation or other instruments.

## 5.0 Responsibilities and Authorities

Accountability	Requirement
Executive General Manager Business Services and/or Whistleblower Investigation Officer	<ul style="list-style-type: none"> <li>Responsible for the investigation of complaints that breach this policy.</li> </ul>
People and Culture	<ul style="list-style-type: none"> <li>Ensure the appropriate training is provided in relation to this Policy, accompanying procedure and relevant legislation, codes and toolkits.</li> </ul>

Managers	<ul style="list-style-type: none"> <li>Promote and provide information to employees, contractors and/or visitors on how to access this policy and associated procedure, and where to seek advice on the issues relating to this policy.</li> <li>Provide immediate action should unfair treatment be witnessed.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>Comply with all aspects of this policy.</li> <li>Contribute towards a Fair Treatment Workplace.</li> <li>Complete training in relation to the Code of Conduct and Fair Treatment.</li> </ul>
Contractors and Visitors	<ul style="list-style-type: none"> <li>Comply with all aspects of this policy.</li> </ul>

## 6.0 Review and Consultation (Prior to Approval)

This Document is required to be reviewed, at a minimum, every 2 years.

## 7.0 Communication Plan (After Approval)

This policy is available electronically via GenNet.

At a minimum, this policy and any subsequent updates are communicated via GenNet to the entire corporation. Additional communication may be coordinated by the policy owner to update and inform relevant managers and employees.

## 8.0 References (Including Information Services)

GOV-POL-30 - Code of Conduct

PEO-PROC-55 - Fair Treatment Procedure

GOV-PROC-39 - Managing Performance and Conduct Procedure

GOV-PROC-36 - Protected Disclosures and Complaints Procedure

Safe Work Australia – Guide for Preventing and Responding to Workplace Bullying

Australian Human Rights Commission Fact Sheet “Good Practice, Good Business – Workplace Discrimination, harassment and bullying”

The relevant State and Federal legislation includes:

- Age Discrimination Act 2004 (Cth)
- Anti-discrimination Act 1991 (Qld)
- Disability Discrimination Act 1992 (Cth)
- Human Rights Legislation Amendment Act 1995 (Cth) Australian Human Rights Commission Act 1986 (Cth)
- Integrity Act 2009 (Qld)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Work Health and Safety Act 2011 (Qld)
- Work Health and Safety Regulations 2011 (Qld)

## 9.0 Revision History

Rev. No.	Rev. Date	Revision Description	Author	Endorse/Check	Approved By
0	15/03/2012	Policy Drafted	Cassii Rusk		Board
	11/06/2014	Policy reviewed. Minor language and title adjustments made. Review period adjusted to 2 years from 3.	Cassii Rusk		
1	13/06/2014	Updated provided by Legal Counsel regarding changes to the Crime and Corruption Commission and legal definition of bullying	Stacey Ward/ Sophie Naughton		
2	29.06.2016	Policy reviewed. Updated definitions to change remove of "workplace harassment" and include AHRC definition of harassment. New clause 4.6 on additional legislative definitions.	Sarah Nicolle	Sophie Naughton	Board
3	27.02.2019	Biennial Review, minor update with the words "uphold" to strengthen commitment and inclusive added to general principles	Sarah Nicolle	Jenny Gregg	Board
4	16.04.2021	Biennial Review, minor wording adjustments.	Julia Kroll	Michael O'Rourke	Board