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# Equal Employment Opportunity and Workplace Behavior 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 GPT'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 GPT's expectations of appropriate behaviour in the workplace.

## 3. Scope

This policy applies to all GPT workers (whether permanent, fixed term, casual, temporary or contract), potential workers, visitors and clients. In this policy 'worker' means:

- a. an employee; or
- b. a contractor or subcontractor; or
- c. an employee of a contractor or subcontractor; or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- e. an outworker; or
- f. an apprentice or trainee; or
- g. a student gaining work experience; or
- h. a volunteer; or
- i. a person of a prescribed class.

**Third Parties:** GPT will not tolerate unacceptable behaviour by third parties towards its workers. This

includes behaviour by clients, customers, investors, suppliers<sup>1</sup> and others who interact with our workers. Similarly, unacceptable behaviour by our workers towards Third Parties will not be tolerated.

This policy is applicable to the behaviour of everyone who works at GPT 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**

GPT is committed to maintaining the highest standards of professionalism, respect and integrity. GPT employees are required to act in a manner consistent with this and with GPT's Values at all times. This includes:

- Being beyond reproach in matters of trust, honesty and confidentiality
- Respecting differences amongst colleagues, including but not limited to personal characteristics such as disability, impairment, sex, gender identity, sexual orientation, intersex status, transgender status, marital or relationship status, pregnancy, breast-feeding, family responsibilities, age, race, colour, nationality or ethnicity, political opinion, religion or trade union activity
- Being courteous, sensitive and honest in communications
- Working cooperatively and collaboratively with others and behaving in a fair and consistent manner with all stakeholders
- Taking all steps to ensure the protection and appropriate uses of GPT's assets, premises and resources
- Abiding by all applicable laws and regulations.

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<sup>1</sup> The Supplier Code of Conduct applies to all suppliers of goods and services to GPT. All suppliers of GPT are expected to comply with this Code.

#### 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 GPT, 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 or transgender 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 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 GPT..

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;
- judging a person on characteristics such as religious or political beliefs, cultural practices, sex or age rather than work performance;
- refusing to hire a suitably qualified candidate of a certain race or cultural background and instead preferring to hire a less qualified candidate of a different race because of preconceived negative opinions about the person's race or cultural background;
- Sharing racially or culturally offensive memes or jokes;
- using stereotypes or assumptions when making decisions about a person's career; or
- giving a part-time worker 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 Harassment**

Harassment is a form of discrimination and may be unlawful. It may be verbal, physical, written or pictorial. A one off incident can constitute harassment.

#### **4.2.3 Sexual Harassment**

Sexual harassment is a particular type of harassment. Please refer to the [Sexual Harassment policy](#) for further information.

#### **4.2.4 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 sexual orientation, HIV/AIDS, transgender or intersex status or disability. 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 can take many forms, including hate-speech, websites and other types of written material. It is an act which happens publicly as opposed to privately. Examples of vilification could be a person urging others to abuse an individual for their religious or spiritual beliefs or dress, or a member of the LGBTQIA+ community for their gender identity or presentation.

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.

#### **4.2.5 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 GPT..

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 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.

GPT 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. GPT also does not permit retaliation against a bystander who intervenes to assist someone who may have been subjected to unacceptable behaviour.

#### **4.2.6 Bullying**

Workplace bullying is repeated, unreasonable behaviour directed towards a worker that creates a risk to their health and safety (see definition of 'worker' in section 3).

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 GPT'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;
- refusing to engage with or excluding someone because of their religion, race, culture, LGBTQIA+ status or on the basis of any other characteristic (e.g. refusing to address a transgender individual by their preferred pronouns or deliberately excluding a co-worker of a different nationality from team activities);
- 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 workers bullying their peers, older workers 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 workers bullying new ones, such as apprentices. It is also possible for workers to be subjected to abusive and sometimes violent behaviour from other parties, such as customers.

The following behaviours are not bullying:

- asking a worker to perform reasonable duties in keeping with their job;
- directing and controlling how work is done;
- maintaining reasonable workplace goals and standards;
- informing a worker 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 4.2.7).

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

#### **4.2.7 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 worker 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 worker 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**

GPT has a legal responsibility to prevent harassment, discrimination, bullying and victimisation. Accordingly, everyone who works at GPT 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.

GPT has a Behavioural Conduct Working Group (Working Group) which has been established to regularly address behavioural conduct (including sexual harassment) matters to ensure that GPT is taking a systematic approach to managing the risks and minimising them far as is reasonably practicable. The Working Group is responsible for ensuring robust processes and procedures are in place for the oversight, and where applicable, handling of all behavioural conduct (including sexual harassment) matters and taking proactive measures to mitigate the risk of behavioural matters occurring.

GPT 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 GPT 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 GPT 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, Vilification, Victimisation and Bullying are all behaviours that are contrary to GPT's values and culture. If a worker feels they have been, or are being, subject to these kinds of behaviours, GPT encourages the worker 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 worker's concerns, or if the worker is not comfortable raising it directly with the other person, the worker should advise their manager and/or a member of the People team as soon as possible (see also the Grievance Policy).

Once a matter has been formally raised, an appropriate person will assist the worker with their concerns. Depending on the nature and seriousness of the concerns, this may involve working with the worker to put their concerns in writing and asking the worker 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, GPT 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 GPT.. (See Code of Conduct for further information on disciplinary action).

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

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.

If a member of the LGBTQIA+ community would like to discuss a grievance with someone specifically trained in LGBTQIA+ inclusion or an ally who has a good understanding of potential sensitivities or areas of concern they are encourage to reach out to the People team who will put them in touch with an appropriate contact within that team.

## 5.2 Bystanders

GPT 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 GPT'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. 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.).

GPT 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 the People team.

To the extent possible, GPT 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 New South Wales
- Equal Opportunity Commission Western Australia
- Equal Opportunity SA
- Equal Opportunity Tasmania
- Northern Territory Anti-Discrimination Commission
- Queensland Human Rights Commission
- Victorian Equal Opportunity and Human Rights Commission
- Safe Work Australia
- WorkSafe ACT
- WorkSafe Victoria
- Workplace Health and Safety Queensland
- SafeWork NSW
- SafeWork SA
- WorkSafe Western Australia
- WorkSafe Tasmania
- NT WorkSafe

## 7. Related Policies Procedures and Guidelines

- Code of Conduct
- Grievance Policy and flowchart
- Sexual Harassment Policy
- 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

<b>Policy Owner</b>	Chief People Officer
<b>Version</b>	3.0
<b>Date</b>	July 2023
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<b>Revision</b>	<b>Description</b>	<b>Author</b>
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
2.0	Review of policy for specific inclusion of LGBTQ+ examples to align with best practice under the AWEI framework. Dec 2021	Justine Knight
3.0	Review of policy in line with legislation changes to Sexual Harassment and creating standalone Sexual Harassment policy. Final copy approved by Chief People Officer Oct 2023	Lucy Nowland