

Workplace Behaviour Policy (v3.0)

VERSION HISTORY

Rev No.	Date	Revision Description	Approval
1.0	February 2013	Initial version, consolidating the Preventing Workplace Bullying, Preventing Sexual Harassment and the Equal Opportunity in the Workplace policies into one policy.	
2.0	July 2016	Revised to ensure fit for purpose for current business.	Chief Executive Officer, September 2016
3.0	June 2020	Revised to ensure fit for purpose for current business.	Chief Executive Officer, 18 January 2021

AUTHORISATIONS

Prepared by	People Experience Partner Lead	June 2020
Reviewed by	People Experience Manager	January 2021
Approved by	Acting Chief Executive Officer	18 January 2021
Next Review due	Two Yearly	January 2023

CONTACT FOR ENQUIRIES (POLICY OWNER)

Kate Gillies, General Manager People & Commercial Services
 Telephone: 0417 368 270
 Email: kate.gillies@auroraenergy.com.au

1. Introduction

We (Aurora Energy) are committed to providing a safe and inclusive environment free from any form of unlawful behavior including bullying, discrimination, harassment, including sexual harassment or victimisation.

2. Purpose

The Workplace Behaviour Policy (Policy) sets out the minimum expectations of appropriate behaviour that we expect from everyone who works with or at Aurora Energy including employees (both permanent and temporary), directors, contractors and consultants. The Policy has been created to educate and inform us so that we're all aware of what bullying, discrimination, harassment, sexual harassment and victimisation is and our obligations and rights when it comes to a united workplace.

To align to this Policy, it's important to remember that, we're all expected to consider our values when we're onsite or offsite, when we're face to face or using social platforms and even when we're at work related events such as conferences and social functions. The Policy also applies when we are working from home and are not in the office.

3. Coverage

This Policy covers and applies to employees, contractors and visitors to our workplace in relation to:

- behaviour at our workplace;
- the performance of work for or in connection with Aurora Energy; and
- conduct outside the workplace or working hours if it:
 - is likely to cause serious damage to working relationships at Aurora Energy; or
 - is incompatible with an employee or contractor's duty to Aurora Energy or employment relationship or engagement; or
 - damages or is likely to damage Aurora Energy's interests or reputation.

4. Policy

4.1 Bullying

We're all entitled to an environment that is free from bullying. Bullying is defined as repeated, unreasonable behavior directed towards a worker or a group of workers that creates a risk to health and safety. Bullying can occur sideways between workers, downwards from leaders to workers and upwards from workers to supervisors, or leaders.

Intentional or Unintentional Bullying

Bullying can be intentional, where the actions are intended to humiliate, offend, intimidate or distress, whether or not the behaviour did have that effect. Bullying can also be unintentional, where actions which, although not intended to humiliate, offend, intimidate or distress can cause these feelings to occur.

Direct or Indirect Bullying

Bullying can involve many different forms of behaviour and can occur face to face, over the phone, via email, by text messages or in social media. Bullying can be direct (obvious) or indirect (subtle).

Examples of Potential Direct Bullying:

- insulting, abusive or offensive language;
- intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism;
- verbal abuse such as shouting or aggressive language;
- delivering negative feedback in front of co-workers;
- inappropriate emails containing unjustified criticism delivered bluntly;
- teasing or regularly making someone the brunt of practical jokes; and
- aggressive gesturing including finger pointing, eye rolling and scowling.

Examples of Potential Indirect Bullying:

- spreading rumours, gossip or innuendo of a malicious nature about someone;
- interfering with someone's personal property or work equipment;
- assigning meaningless tasks unrelated to the job;
- deliberately setting impossible deadlines;
- unreasonable comments about another Aurora Energy employee or contractor on Facebook or cyberbullying;
- unfair treatment in relation to accessing workplace entitlements such as leave or training;
- isolating a worker by excluding them from work-related social functions; and
- deliberately withholding information vital for effective work performance or supplying incorrect information.

What is not considered bullying?

- a single incident of unreasonable behaviour isn't bullying;
- differences of opinion, conflicts and personality clashes can happen in a workplace, but without more, don't amount to bullying; and
- reasonable management action such as allocating work, directing the way work's done and giving fair and reasonable feedback on a worker's performance is not considered bullying if such actions are carried out lawfully and in a reasonable manner.

Bullying at Aurora Energy is unlawful and will be in breach of this Policy.

4.2 Discrimination

What is Discrimination?

Discrimination is behaviour that favours one particular individual or group over others based on an attribute, whether known or not and can be either direct or indirect.

What is Direct Discrimination?

Direct Discrimination is any action which specifically treats a person or group of people less favourably on the basis of any protected attribute or characteristic alongside that attribute. Examples of direct discrimination could include:

- ignoring, isolating or segregating a person or group because of gender, age or religious belief; or
- denying employment or other work related opportunities to a person or group of people because of a nationality, sexuality or pregnancy.

What is Indirect Discrimination?

Indirect Discrimination takes place if a person imposes a condition, requirement or practice which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who:

- share, or are believed to share, a prescribed attribute; or
- share, or are believed to share, any of the characteristics associated with that attribute.

For indirect discrimination to take place, it's not necessary that the person who discriminates is aware that the condition, requirement or practice disadvantages the group of people.

Examples of indirect discrimination could include:

- a policy that requires all employees to attend meetings early in the morning or late in the afternoon when it is not necessary or reasonable in all the circumstances and is likely to disadvantage employees with carer's or parental responsibilities; or
- not providing reasonable equipment to allow an employee with a back injury to stand and still do computer work.

What is not considered Unlawful Discrimination?

Not offering employment to an applicant for a job in circumstances where they cannot meet the inherent requirements (essential) parts of the job or because they were not the best candidate based on skill, experience and qualifications.

What are protected attributes?

Discrimination is unlawful under the *Anti-Discrimination Act (1998) (Tas) (Act)* if it is discrimination on the basis of one or more of the attributes listed in the Act, including:

- age;
- race;
- disability;
- irrelevant medical record;
- gender;
- gender Identity;
- intersex variations of sex characteristics;
- breastfeeding;
- pregnancy;
- sexual orientation;
- relationship status;
- lawful sexual activity;
- marital status ;
- family responsibilities;
- parental status;
- irrelevant criminal record;
- religious belief or affiliation;
- religious activity;
- political belief or affiliation;
- political activity;

- industrial activity; or
- association with a person who has or is believed to have any of the other attributes.

Direct or indirect discrimination at Aurora Energy based on any of the protected attributes listed above, is unlawful and will breach this Policy.

4.3 Harassment

We want to create a working environment which is fun, enjoyable and engaging. As people, we all have different ideas of “funny”, however others may not agree. Therefore, harassment isn’t always intentional. What is important is how the person who claims to be harassed feels as a result of the behaviour, not necessarily the initial intent of the alleged harasser.

What is Workplace Harassment?

Harassment is defined in the Act as any conduct which:

- offends;
- humiliates;
- insults;
- ridicules; or
- intimidates, another person on the basis of protected attributes in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated or ridiculed.

What are the protected attributes for Harassment?

- race;
- age;
- sexual orientation;
- lawful sexual activity;
- gender identity;
- intersex variations of sex characteristics;
- marital status;
- relationship status;
- pregnancy;
- breastfeeding;
- parental status;
- family responsibilities; or
- disability.

Harassment can be a single or repeated act of offensive behaviour. Harassment could also occur through gestures, comments, or actions and could be in person or in writing including email and on social media sites.

Harassment at Aurora Energy based on any of the protected attributes listed above, is unlawful and will breach this Policy.

4.4 Sexual Harassment

Under the Act, sexual harassment takes place if a person:

- subjects another person to an unsolicited act of physical contact of a sexual nature; or

- makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or
- makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence; or
- makes any unwelcome gesture, action or comment of a sexual nature; or
- engages in conduct of a sexual nature in relation to another person that is offensive to that person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Sexual harassment can include physical contact, verbal or written comments, jokes, propositions, the display of offensive materials or other inappropriate behaviour of a sexual nature. Motive or intention isn't required for behaviour to constitute sexual harassment. A third party can also make a complaint of sexual harassment. Sexual harassment isn't a behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it's not sexual harassment.

Sexual Harassment at Aurora Energy is unlawful and will be in breach of this Policy.

4.5 Victimization

What is Victimization?

Victimization occurs when a person subjects, or threatens to subject another worker to any detriment because they:

- made, or intend to make, a complaint under the Act; or
- gave, or intend to give, evidence or information in connection with any proceedings under the Act; or
- allege, or intend to allege, that any person has committed an act which would amount to a contravention of the Act; or
- refused, or intend to refuse, to do anything that would amount to a contravention of the Act; or
- did anything in relation to any person by reference to the Act.

Victimization at Aurora Energy is unlawful and will be in breach of this Policy.

4.6 Vilification

Vilification occurs where by a public act, a person incites hatred towards, serious contempt for, or severe ridicule of a person or groups of person on the following grounds; race, disability, sexual orientation or lawful sexual activity, religious belief, affiliation or activity.

Vilification at Aurora Energy is unlawful and will be in breach of this Policy.

4.7 Inappropriate Workplace Behaviour

What is Inappropriate Workplace behaviour?

Inappropriate workplace behaviour is any behaviour by anyone covered by this Policy in the workplace that Aurora Energy reasonably considers isn't appropriate workplace behaviour or is unacceptable in the workplace. Its behaviour that's inconsistent with our policies and procedures, the Aurora Way, expectations and way of doing things, which means it will vary from case to case.

Unreasonable behaviour may include behaviour where an Aurora Energy employee (or anyone working on behalf of Aurora Energy) has not reasonably or genuinely committed to resolving conflict in the workplace.

Inappropriate workplace behaviour may also fit into any of the categories of unlawful behaviour under this policy. Even if it doesn't, it still amounts to a breach of Policy. Therefore, if you are unsure as to what the standards are ask your Leader or other appropriate person for support.

4.8 Raising Complaints

All complaints will be treated seriously and responded to in a timely and appropriate manner. We believe that we should all be treated with respect, fairness and equally.

In line with the Aurora Way, we expect that when raising a complaint, this is done with "best intent", which means that the complaints won't be false, misleading or done with malicious intent.

All complaints will be thoroughly investigated to ensure a fair process for everyone involved. If throughout the investigation it's found that the "complainant" has not been honest or has raised the complaint to intentionally hurt or damage the other person, that person will be subject to the appropriate disciplinary action which could result in termination of employment.

Anyone can raise a complaint, either as an alleged victim or as a witness to a potential breach of this policy and are encouraged to, where appropriate, raise issues informally with the person involved in an attempt to resolve the matter at a workgroup level. If this approach is not appropriate or the worker does not feel comfortable doing this and a complaint is made, it will be appropriately responded to in a timely manner.

A complainant may raise a complaint and seek confidential advice and support from a member of the People Experience Team, or from their direct leader.

5. Roles and Responsibilities

We're all responsible for making sure that everyone has a safe and united work environment. As a result, we all have roles to play when it comes to the process of reporting and responding to Bullying, Harassment, Discrimination, Sexual Harassment, Victimisation and Vilification.

5.1 Everyone's Responsibilities:

- read, understand and comply with this Policy;
- be accountable for our own behavior;
- be respectful of others; and
- ask for support if a part of this Policy doesn't make sense.

5.2 Leader's Responsibilities:

- educate and support people in their understanding of what's expected of them in line with this Policy and the Aurora Way;
- encourage regular conversations with your teams and others about the importance of a united environment and the success of early resolution of concerns;
- be a role model for the Aurora Way;
- be brave, proactive and honest when addressing behaviours which could risk our united environment;

- be timely in your actions and treat complaints seriously;
- seek support from your Leader or the People Experience Team if you're unsure;
- stay up to date with the progress of the complaint to make sure that victimisation doesn't occur between people; and
- call out behaviours that are in breach of this Policy.

5.3 People Experience Responsibilities:

- educate and support with information and advice around this Policy;
- review of this Policy; and
- monitor compliance with this Policy.

6. Non-compliance with this Policy

Any instances of failure to adhere to this Policy will be recorded in accordance with the Compliance Policy.

Any non-compliances that are risk-rated as Severe or Major will be escalated to the Board or a relevant Board Committee through Aurora Energy's non-compliance reporting processes. Non-compliances that are risk-rated as Moderate or Low will be reported to the Chief Executive Officer.

Incidents of willful non-compliance with this Policy are considered to be serious and will be dealt with in accordance with our normal discipline management process, which may include dismissal.

7. Related Policies

- Aurora Energy's Code of Conduct.
- Discipline Policy.
- Public Interest Disclosure Act Procedures (Whistleblowers).
- Compliance Policy.
- Delegation Policy.
- Working From Home Policy.

8. Precedence

In the event of a conflict between policies, the following precedence will apply in this order to the extent of any inconsistency:

- Board approved Policy.
- CEO approved Policy.
- Business approved Procedure.
- Business approved Work Practice.

9. Policy Approval and Review

This Policy will be reviewed and endorsed every two (2) years or when there is a significant change to the business or law, which may impact the policy.

10. Whistleblowing Statement

In extreme circumstances an individual may be concerned that a serious breach of this policy has occurred but considers that it would be personally damaging to pursue it through normal channels. In such circumstances the individual should refer to Aurora Energy's Public Interest Disclosure Policy for information about how to report such a concern and to whom.

Aurora Energy's Public Interest Disclosure Policy ('whistleblower' policy) is based on the Public Interest Disclosures Act 2002. This Policy is available on both Aurora Energy's external website and its internal intranet.

Delegated Officers under the Public Interest Disclosure Policy will do all that is possible and practicable to ensure the identity of the individual and the identity of the person who is the subject of the disclosure are kept confidential.

11. Publication

This Policy is approved for publication on Aurora Energy's website.

Approved by the Acting Chief Executive Officer on 18 January 2021.



Acting Chief Executive Officer