

# Workplace Behaviour Policy (v4.0)

## 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.	Acting Chief Executive Officer, 18 January 2021
4.0	November 2022	Revised to ensure in line with legislation and fit for purpose for current business.	Chief Executive Officer, 20 November 2024

## AUTHORISATIONS

<b>Prepared by</b>	People Experience Partner Lead	November 2024
	Legal, Risk & Compliance Manager	September 2024
<b>Reviewed by</b>	Chief People Officer	November 2024
<b>Endorsed by</b>	Company Secretary / General Counsel	November 2024
<b>Approved by</b>	Chief Executive Officer	20 November 2024
<b>Next Review due</b>	Two Yearly	November 2026

## CONTACT FOR ENQUIRIES (POLICY OWNER)

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## 1. Introduction

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

## 2. Purpose

The Workplace Behaviour Policy (Policy) sets out the minimum standards of appropriate behaviour that we expect from everyone who works with or at Aurora Energy. This policy applies to employees (both permanent and temporary), directors, contractors, consultants and visitors. The Policy has been created to educate and inform us about bullying, discrimination, harassment, sexual harassment and victimisation. It outlines our obligations and rights to ensure a respectful and inclusive 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 outside of the office, including from home.

## 3. Coverage

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

- behaviour at our workplace;
- the performance of work for or in connection with Aurora Energy;
- at work related activities such as social functions;
- 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 it could 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 includes repeated unreasonable behaviour that demeans, victimises, threatens or intimidates people either as individuals or a group that creates a risk to health and safety.

Bullying can occur sideways between peers, 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 obvious or subtle.

### **Examples of Direct Bullying may include (but are not limited to):**

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

### **Examples of Indirect Bullying may include (but are not limited to):**

- 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 social media or other cyber sites;
- unfair treatment in relation to accessing workplace entitlements such as leave or training;
- deliberately changing work rosters to unreasonably inconvenience a particular worker;
- 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;
- differences of opinion, conflicts and personality clashes can happen in a workplace, but on their own they don't constitute bullying, provided these interactions are conducted respectfully;
- genuine and reasonable disciplinary procedures;
- allocation of work in compliance with role requirements; and
- reasonable management action such as allocating work, directing the way work's done and giving feedback on a worker's performance and performance management processes 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 unlawful Discrimination?

Anti-discrimination laws exist in Tasmania and nationally. These laws prohibit discrimination and harassment at work, in work related areas and in recruitment practices. Discrimination can be either direct or indirect.

Discrimination is when a person is treated less favorably (worse) than another person because they have a particular characteristic or because they belong to a particular group.

Discrimination based on the following characteristics is unlawful:

- race (including colour, nationality, or ethnic origin);
- sex (including gender, gender identity, intersex status, marital status, pregnancy or potential pregnancy, breastfeeding);
- sexuality (including sexual orientation, relationship status or lawful sexual activity);
- disability (including physical, psychiatric or intellectual disabilities);
- age;
- illness or injury;
- parental status or family or carer responsibilities;
- marital status;
- religion (including religious belief or affiliation, religious activity);
- political belief, affiliation or activity;
- industrial activity or membership or non-membership of a union;
- irrelevant criminal or medical record; or
- association with a person who has or is believed to have any of the other attributes.

The main laws that prohibit discrimination and harassment are:

- In Tasmania, the *Anti-Discrimination Act 1998* (Tas) (**Act**);
- Nationally:
  - *Age Discrimination Act 2004* (Cth);
  - *Disability Discrimination Act 1992* (Cth);
  - *Racial Discrimination Act 1975* (Cth);
  - *Sex Discrimination Act 1984* (Cth);
  - *Australian Human Rights Commission Act 1986* (Cth); and
  - *Fair Work Act 2009* (Cth).

### What is Direct Discrimination?

**Direct Discrimination** is unlawful and takes place if a person treats another person on the basis of any prescribed attribute, imputed prescribed attribute or a characteristic imputed to that attribute less favorably than a person without that attribute or characteristic.

For direct discrimination to take place, it is not necessary –

- that the prescribed attribute be the sole or dominant ground for the unfavorable treatment; or
- that the person who discriminates regards the treatment as unfavorable; or
- that the person who discriminates has any particular motive in discriminating.

Examples of direct discrimination may include (but are not limited to):

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

### **What is Indirect Discrimination?**

**Indirect Discrimination** is unlawful. It occurs when a condition, requirement or practice that appears neutral, unfairly disadvantages a person or a group of people who share a particular characteristic, and the condition, requirement or practice is not reasonable in the circumstances.

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 work full time, may be indirectly discriminatory against employees who have family responsibilities, such as caring for children; or
- not providing equipment to allow an employee with a back injury to stand and still do computer work.

### **When might Discrimination be lawful?**

All discrimination laws provide some limited exemptions, exceptions and special measures. Where these apply it is lawful to discriminate. Some common examples include:

- Where an employee or prospective employee is unable to perform the inherent requirements of the role.
- Where the action taken is a special measure to promote equality. For example, initiatives designed to enhance employment opportunities for Indigenous Australians are legal, even if they result in differential treatment of non-Indigenous individuals.
- Where making adjustments for a person with a disability would impose unjustifiable hardship on an employer, it may be lawful to discriminate.

## **4.3 Harassment**

We want to create a working environment which is fun, enjoyable and engaging. Recognising that everyone has different perceptions, it's important to understand that harassment isn't always intentional. What is important is how the person who feels harassed perceives the behaviour, rather than the intent of the person who allegedly caused it.

### **What is Harassment?**

Harassment is unwelcome behaviour which offends, humiliates, insults, ridicules or intimidates another person. The fact that no offence is intended by the behaviour does not mean that harassment has not occurred.

Harassment may occur as a single act, a series of incidents, or persistent insinuations or threats. It can take many forms, be silent or loud, subtle or openly hostile, and it may be private or public.

Examples of workplace harassment could include:

- making, circulating or displaying jokes containing inappropriate or offensive content;
- intrusive enquiries into another person's personal life, including the person's religion, family or private matters;
- displaying pictures, posters, graffiti or written materials which might be offensive to others; and
- communications via phone, email or computer networks which are threatening, abusive or offensive to others.

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

### **What are the protected attributes for Harassment?**

Harassment is unlawful under the Act, if it is Harassment on the basis of one or more of the attributes listed in the Act, including:

- 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.

## **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 is not about genuine, consenting relationships. Instead, it involves conduct that is unwanted by the recipient. Often, sexual harassment is linked to a misuse of power, creating an unequal working relationship.

Sexual harassment can take various forms, such as:

- uninvited physical contact such as touching, brushing up against, kissing, massaging or hair stroking;
- asking a person (either verbally or in writing) if they would like to have sex or to 'get closer';
- making comments with sexual connotations;
- asking about or commenting on a person's sex life;
- gesturing or staring at sexual body parts;
- stalking or paying unwelcome attention to a person;
- declaration of romantic feelings or romantic gestures such as buying gifts;
- repeated or continued requests to go on dates when a person has indicated they are not interested;
- displaying sexual images that are unwelcome including e-mails, posts on social media, text messages, screensavers or posters from a pornographic magazine or website.

Sometimes sexual harassment may also amount to a criminal offence.

Sexual harassment can happen to anyone regardless of their gender, sexual orientation or marital status. It does not have to happen more than once to be considered sexual harassment.

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

## **4.5 Victimisation**

### **What is Victimisation?**

Victimisation 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 a complaint about unlawful discrimination, harassment or bullying; 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.

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

## **4.6 Vilification**

Vilification occurs whereby a public act, a person incites hatred towards, serious contempt for, or severe ridicule of a person or groups of persons 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 What to do if you have a complaint?**

Everyone should be treated with respect, fairness and equality. At Aurora Energy, we want to resolve all complaints which might arise in the workplace. We can only do this if employees tell us about their concerns.

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. Anyone can raise a complaint, either as an alleged victim or as a witness to a potential breach of this policy. All complaints will be treated seriously and responded to in a timely and appropriate manner.

If you think that you have been subjected to any conduct that might breach this Policy or you witness others engaging in conduct that might breach this Policy, you should not ignore it. If it's appropriate and you feel comfortable and safe to do so, you can raise your concern with the person responsible and ask them to stop. If it's not safe, you don't feel comfortable, or it doesn't work, you can seek confidential advice and support from either a member of the People Experience Team, your direct leader, or other leader at Aurora Energy.

Depending on the nature and seriousness of the complaint, the complaint may be formally or informally investigated.

If the complaints process is completed and you are not satisfied that bullying or sexual harassment has ceased, then you can escalate the complaint internally within Aurora Energy. If you're still not satisfied you may proceed to make an application to the Fair Work Commission for an order to stop bullying or sexual harassment.

For concerns about unlawful discrimination, you may wish to make a complaint to Equal Opportunity Tasmania, or another relevant body.

## **5. Roles and Responsibilities**

We're all responsible for making sure that everyone has a safe and inclusive 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 behaviour;
- be respectful of others;
- ask for support if a part of this Policy doesn't make sense; and
- be an active bystander. Being an active bystander means that you help to stamp out behaviours that breach this policy. You can do this in a number of ways, including:
  - Reporting conduct that you witness which may breach this policy, regardless of whether you are impacted by the behaviour or not.
  - If you feel safe and comfortable to do so, call out the behaviour and ask the perpetrator to stop.
  - Check in with the target of the behaviour and, if appropriate, support them to make a complaint.

### **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 inclusive 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 inclusive 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

- People & Culture Committee (P&CC) Charter (Lead Policy)
- 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 Chief Executive Officer on 20 November 2024.**



**Chief Executive Officer**