

Policy Title	Department	Policy Number	Version
Appropriate Workplace Behaviour	Corporate	PAC02	1.0

Purpose:

PAC Trading is committed to creating positive workplace relationships and preventing workplace injuries by taking all reasonable steps to ensure that its working environment is free from unacceptable workplace behaviour such as bullying, discrimination, harassment, sexual harassment and victimisation.

1. Scope:

PAC Trading has developed this Appropriate Workplace Behaviour Policy (**AWB Policy**) to set out guidelines for appropriate workplace behaviour by employees, contractors and others performing work for PAC Trading (**Workers**). Inappropriate workplace behaviour will not be tolerated under any circumstances. PAC Trading will take action against any Worker who breaches this AWB Policy. This may include, where appropriate, termination of employment or PAC Trading exercising its rights under contract.

This AWB Policy applies:

- (a) in the workplace and during work hours including when you are working at other workplaces (e.g. if working remotely or from another practice location);
- (b) during any work-related functions or events (e.g. work lunches, conferences, staff meetings and Christmas events); and
- (c) outside work, where your conduct may impact in any way on PAC Trading or its employees.

This policy exists for the benefit of PAC Trading and does not form part of any contract of employment, however it is a condition of employment that employees comply with it.

2. Unlawful conduct and liability:

The following types of conduct are unlawful and strictly prohibited in the workplace:

- (a) discrimination and harassment;
- (b) sexual harassment;
- (c) bullying; and
- (d) victimisation.

You are legally responsible for your own workplace behaviour. This means you may be personally fined or ordered to pay someone compensation if you engage in inappropriate workplace behaviours. You may also be convicted by a relevant Court or Tribunal. If you aid, abet or encourage other Workers to engage in unlawful conduct you can also be legally liable.

In circumstances where your conduct may involve a breach of any Australian law, PAC Trading may be legally obliged to notify the police or other relevant government authority.

PAC Trading recognises that it has a positive duty to take reasonable and proportionate measures to eliminate, so far as possible, sex discrimination and sexual harassment. To that end, the AWB Policy with respect to sex discrimination and sexual harassment applies to both existing Workers and prospective Workers.

3. Discrimination and harassment:

Discrimination and harassment in the workplace is unlawful and will not be tolerated.

Discrimination definition

Discrimination is treating someone less favourably in their employment than others would be treated in the same or similar circumstances because of a discriminatory ground (listed below).

There is no requirement that the Worker engaging in behaviour that potentially constitutes discrimination deliberately intended to treat another person or persons less favourably. A Worker can (therefore) discriminate against another Worker in circumstances where they did not intend to do so.

Grounds of discrimination

The prohibited grounds of discrimination within the various Australian States and Territories are:

Prohibited grounds of discrimination	
<ul style="list-style-type: none"> ▪ age ▪ carer's responsibilities ▪ HIV/AIDS ▪ impairment/disability including physical, mental and intellectual disability ▪ industrial activity or trade union membership ▪ irrelevant criminal record ▪ homosexuality, sexual orientation or sexual preference ▪ marital status, relationship status or domestic status ▪ parental or family responsibilities ▪ physical features 	<ul style="list-style-type: none"> ▪ political belief, activity, opinion, view or conviction ▪ pregnancy (including potential pregnancy) and breastfeeding ▪ race (including colour, nationality, national extraction, descent, ethnicity, ethno-religious status, social origin or national origin) ▪ religion or religious belief, activity or conviction ▪ sex/gender ▪ transgender, gender history or gender identity ▪ personal association with a person who is identified by reference to any of the prohibited attributes

Examples of discrimination

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

Examples of discrimination
<ul style="list-style-type: none"> ▪ calling another Worker nick-names that are racially offensive or related to their sexuality ▪ telling jokes about a particular race or sending emails to other Workers that contain jokes about people with disabilities ▪ refusing to promote a woman because she has just announced she is pregnant ▪ refusing an employee's application to go on a training session because they are a Muslim ▪ refusing to allow a Worker to work function with their partner because they are same-sex attracted

Harassment definition

Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate based on any of the discriminatory grounds (listed above).

In addition to behaviour directed at a particular individual, harassment also includes behaviour that creates a hostile working environment. Behaviour that creates a hostile working environment (e.g. one where racially offensive jokes are shared generally as part of the accepted work culture), is equally unlawful.

Sexual harassment

Sexual harassment in the workplace is unlawful and will not be tolerated.

Sexual harassment definition

Sexual harassment is:

- (a) making an unwelcome sexual advance;
- (b) making an unwelcome request for sexual favours; and
- (c) engaging in other unwelcome conduct of a sexual nature,

that a reasonable person, having regard to all the circumstances, would anticipate the possibility that the conduct would offend, humiliate, or intimidate.

In addition to sexual conduct directed at a particular individual, sexual harassment also includes conduct that creates a sexually hostile working environment. Conduct that creates a sexually hostile working environment (e.g. one where pornographic material is displayed generally as part of the accepted work culture), is equally unlawful.

The laws relating to sexual harassment apply equally to men and women. Same-sex sexual harassment is also unlawful.

Sexual harassment consists of unwelcome behaviour. Accordingly, behaviour which is based on mutual attraction, flirtation or friendship or which is mutual, consensual, welcome or reciprocated will not be sexual harassment.

There is no requirement that a Worker engaging in behaviour that potentially constitutes sexual harassment deliberately intended the behaviour to offend, humiliate or intimidate. A Worker can therefore sexually harass another Worker in circumstances where they did not intend to do so.

Examples of sexual harassment

Sexual harassment consists of both physical and non-physical behaviours as follows:

Examples of sexual harassment	
<p>Physical</p> <ul style="list-style-type: none"> ▪ Physical contact, such as pinching, touching, grabbing, kissing or hugging ▪ Sexual assault <p>Non-physical</p> <ul style="list-style-type: none"> ▪ Staring or leering at a person or at parts of their body ▪ Persistent requests to go out where they are refused ▪ Suggestive comments about a person's body or appearance ▪ Sexual jokes or comments, sexually explicit conversations 	<p>Non-physical (cont'd)</p> <ul style="list-style-type: none"> ▪ Displays of offensive material such as posters, screen savers, internet material, etc ▪ Accessing or downloading sexually explicit or inappropriate material from the Internet ▪ Sending rude or offensive emails, attachments or text messages (including pictures of body parts) ▪ Advances on email, social networking websites, internet chat rooms or other electronic mediums ▪ Sexually explicit gifts (e.g. 'Kris Kringle' gifts)

4. Bullying:

Bullying in the workplace is unlawful and will not be tolerated.

Bullying definition

Bullying is: a repeated pattern of unreasonable behaviour;

- (a) that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten; and
- (b) that creates a risk to health or safety.

There is no requirement that the Worker engaging in behaviour that potentially constitutes bullying deliberately intended the behaviour to victimise, humiliate, undermine or threaten.

A Worker can therefore bully another Worker in circumstances where they did not intend to do so.

A Worker who engages in potentially bullying behaviours does not need to do so because of a discriminatory ground (defined above). A Worker can engage in bullying behaviours towards a target for any reason, or no reason at all.

Examples of what may or may not constitute bullying

What is bullying?	What is <u>not</u> bullying?
<ul style="list-style-type: none"> ▪ Physical assault or threats ▪ Verbal abuse, name calling, teasing, insults and offensive language ▪ Initiation rites ▪ Intimidating actions ▪ Excluding or isolating Workers eg withholding information, not talking to, excluding from discussion or meetings or exclusion from social occasions ▪ Belittling opinions or unjustified criticism ▪ Deliberately setting objectives with unreasonable deadlines or changing objectives unfairly ▪ Rumours, gossip and innuendo ▪ Unfair or unreasonable allocation of work and responsibilities ▪ Encouraging other Workers to participate in the bullying behaviour 	<ul style="list-style-type: none"> ▪ reasonable performance management ▪ reasonable counselling ▪ legitimate managerial actions such as: <ul style="list-style-type: none"> ○ disciplinary action ○ allocation of work in accordance with Company policies and procedures ○ transfers, promotions, demotions or redundancies ○ work directions ○ orders and warnings about performance or conduct concerns

5. Victimisation:

Victimisation in the workplace is unlawful and will not be tolerated.

Victimisation definition

Victimisation occurs when a Worker is punished or retaliated against because they make a complaint under this AWB Policy or are involved in a complaint process under this or another policy.

PAC Trading encourages all Workers to raise concerns about workplace behaviour that potentially constitutes unacceptable behaviour under this AWB Policy and will not treat the Worker less favourably because they have made a complaint.

Workers must not retaliate or treat detrimentally other Workers who raise genuine complaints of unacceptable behaviour under this AWB Policy or another policy.

Workers concerned about how they are treated after they have made a complaint are encouraged to raise their concerns in accordance with the complaint procedure in this AWB Policy.

Examples of victimisation

Examples of victimisation include, but are not limited to:

Examples of victimisation
<ul style="list-style-type: none">▪ Excluding or isolating a person because they have lodged a complaint▪ Failing to promote a person because they have lodged a complaint

6. Complaint procedure:

If you feel that you have been subjected to any form of unacceptable workplace behaviour contrary to this AWB Policy, or the relevant laws, you are encouraged to seek assistance in accordance with PAC Trading's complaint procedure set out below. PAC Trading will treat all complaints seriously and in accordance with this AWB Policy.

Step 1

If you feel comfortable doing so, address the unacceptable behaviour directly with the person concerned. You should identify the unacceptable behaviour, explain that the behaviour is unwelcome and unacceptable and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence. Step 1 is not a compulsory step.

Step 2

If you do not feel comfortable confronting the person, or you confront the person and the unacceptable behaviour continues, you should report the unacceptable behaviour to a contact person (**Contact Person**). The following people are Contact Persons:

- **Your Manager/Supervisor or;**
- **The People & Culture Leader of PAC Trading**

Next steps

Given the nature of complaints of unacceptable workplace behaviour, and the need to maintain flexibility in resolving complaints, the action taken by PAC Trading in each instance will depend on the particular circumstances.

There is no set time frame for the investigation or resolution of complaints. The Contact Person will commence the relevant complaint procedure as soon as possible after you have reported your concerns. The complaint will be treated as a matter of priority in order to bring about a resolution as quickly as possible.

There are two types of complaint procedures that can be used to resolve your complaint: informal and formal. The type of complaint procedure used will depend on the individual

circumstances. In deciding on the best course of action, the Contact Person will consider the nature of the complaint and any other relevant factors.

Confidentiality

The Contact Person will maintain confidentiality as far as possible. However, it may be necessary to speak with other Workers in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. This may mean that your supervising manager and a limited number of other Workers are made aware of your complaint insofar as it is relevant to them.

All Workers are required to respect and comply with the requirement to keep the complaint process confidential if they are involved in a complaint process. All parties, including the Worker making the complaint and the Worker against whom a complaint is made, must keep the fact of the complaint and the nature of the complaint confidential.

Workers who breach confidentiality including by spreading rumours and gossip, may be subject to disciplinary action, including, where necessary, the termination of employment or termination of engagement.

Workers may discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.

Informal complaint procedure

Under the informal complaint procedure there is a broad range of options for addressing a complaint. The appropriate option selected will depend on the individual circumstances of each complaint. Possible options include:

- (a) the Contact Person discussing the issue with the person against whom the complaint is made; and
- (b) the Contact Person facilitating a meeting between the parties in an attempt to resolve the complaint and reach an agreement between the parties regarding some guidelines to assist the parties work together in a professional manner.

The informal complaint procedure is more suited to less serious allegations or where there is no factual dispute regarding whether the unacceptable behaviour occurred.

In the informal complaint procedure, there is no decision made about what did or did not occur, rather, the Contact Person will attempt to facilitate an outcome that is acceptable to all parties.

Formal complaint procedure

In situations where a complaint cannot be resolved informally, or the informal complaint procedure is not considered to be appropriate, the complaint will be resolved formally. The formal complaint procedure involves a formal investigation which may be conducted by the Contact Person or a person from outside PAC Trading (such as a legal representative), appointed by PAC Trading.

Where a complaint involves a disputed factual allegation that, if proven, may result in disciplinary action, it will generally be dealt with in accordance with the formal complaint procedure.

A formal complaint procedure involves collecting information about the complaint and the surrounding circumstances, and then making a finding based on the available information as to whether it is more probable than not that the alleged unacceptable behaviour occurred or did not occur. Once a finding is made, PAC Trading will consider any outcomes arising from the investigation.

If PAC Trading considers it appropriate for the safe and efficient conduct of an investigation, Workers may be required not to attend for work during an investigation. PAC Trading may also provide alternative duties or work during an investigation. Employees will be paid their normal pay during any such period.

7. Possible outcomes:

The possible outcomes of either complaint procedure will depend on the nature of the complaint and the procedure followed to address the complaint. The outcomes outlined below are intended as only a guide to the possible outcomes which may be implemented. In every case, the actual outcomes or disciplinary procedure to be adopted will be a matter for PAC Trading determination reached by consideration of the circumstances as a whole.

Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this AWB Policy, that person may be disciplined. The possible disciplinary action which may be taken will depend on the nature of each individual case and other relevant factors concerning the Worker's employment, and may include:

- (a) a warning;
- (b) a requirement to attend appropriate workplace behaviour training; or
- (c) termination of employment.

Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in immediate termination of employment (where relevant). Any disciplinary action is a confidential matter between the affected Worker and PAC Trading.

PAC Trading may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include:

- (a) further training or coaching in a particular area (e.g. coaching or other professional development training);
- (b) monitoring to ensure that there are no further problems;
- (c) requesting an apology;
- (d) requiring an undertaking that certain behaviour stop; and
- (e) changing work arrangements.

False complaints

If a person makes a false complaint in bad faith (e.g. making up a complaint to adversely effect another Worker) that person may be subject to disciplinary action. Likewise, if a person makes an excessive number of complaints that Company determines to be unfounded, false or not made in good faith, the person may also be subject to disciplinary action.

8. Further assistance:

You are also reminded that PAC Trading's Whistleblower program is available should you wish to speak with someone on a confidential basis regarding any challenges you are facing. You can contact the program, **Stopline, on 1300 30 45 50** or by sending an email to makeareport@stopline.com.au

PAC Trading also has an Employee Assistance Program available through Mindfit At Work where employees are able to access confidential counselling sessions by calling 1800 862 042 or by accessing the Mindfit At Work portal or app.

9. Document Control:

This Policy is subject to periodic review and updates as necessary to ensure compliance with changes in Australian legislation, organizational needs, and best practices. The responsibility for reviewing and updating this policy lies with the People & Culture Leader in collaboration with relevant stakeholders.

10. Version Control:

Document prepared by :	Job Title :	Signature :	Date :
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11. Revision History:

Revision	Modified By	Description of changes
1		
2		
3		