

# EQUAL EMPLOYEE OPPORTUNITY (EEO) AND ANTI-DISCRIMINATION POLICY

## Policy

**Equal Employee Opportunity  
(EEO) and Anti-Discrimination  
Policy**

**Document No:**

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**CONTENTS**

1	Scope.....	3
2	Overview .....	3
3	Definitions .....	3
4	Policy .....	3
4.1	Equal Employment Opportunity .....	3
4.2	Discrimination .....	4
4.3	Harassment and Sexual Harassment .....	6
4.4	Bullying .....	7
4.5	Vilification .....	8
4.6	Victimisation .....	8
5	Guidelines .....	9
6	Revision .....	10
7	Roles and Responsibilities .....	10
8	Document Control .....	11

# Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

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## 1 SCOPE

This policy applies to all employees of Batchfire Callide Management Pty Ltd (**Batchfire**) and all persons at Batchfire Callide Mine.

## 2 OVERVIEW

This policy demonstrates Batchfire's commitment to promote Equal Employment Opportunities (EEO) and create a workplace free from all forms of unlawful discrimination, harassment, bullying, victimisation or any other inappropriate workplace conduct. Any such behaviours are unacceptable and will not be tolerated in any form. This policy also ensures that all employees are aware of means available to them to raise workplace EEO concerns or concerns about any inappropriate workplace conduct.

Under Federal and State anti-discrimination laws, discrimination, harassment, victimisation and vilification are unlawful.

Disciplinary action may be taken against any employee who breaches this policy, up to and including termination of employment.

## 3 DEFINITIONS

Term	Definition
Complainant	Any person who raises a concern (whether formally or informally) concerning an EEO related issue or allegations of inappropriate workplace conduct contrary to this policy.
Leadership Group	Includes any role within Callide Mine with formal leadership responsibilities. Examples include Supervisors, Superintendents, Managers and members of the senior leadership team who report directly to the General Manager or Site Senior Executive.
Respondent	The person(s) whose conduct is the subject of a complaint or concern regarding an EEO related issue or allegations of inappropriate workplace conduct contrary to this policy.

## 4 POLICY

### 4.1 Equal Employment Opportunity

Batchfire recognises that fully utilising the diverse skills and talents of the workforce is vital to our success. As such this policy applies to all facets of the employment relationship and all current and potential employees/contractors of Callide Mine.

Employees are expected to treat others in the workplace (at work and outside of work) with courtesy, dignity and respect at all times. They are further expected to comply with this policy at all times during the course of their employment, including but not limited to:

- while performing work for Batchfire or representing Batchfire;
- while travelling to and from work;
- during work functions;

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

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- during social events with work colleagues;
- during electronic communications with work colleagues and communications with work colleagues on social media (for example text messages, emails, Facebook, Instagram, Snapchat, Twitter); and
- while staying in accommodation arranged by Batchfire.

Individual merit will be the basis upon which decisions affecting an individual's employment are made, including:

- Recruitment and selection;
- Training and development opportunities;
- Promotion and advancement;
- Remuneration;
- Transfers;
- Counselling or discipline, including termination; and
- All other aspects of employment.

Merit is measured by one's abilities, skills, experience, knowledge, qualifications, personal qualities and the ability to acquire new skills needed for the job.

Personal qualities include working safely, working for results, working effectively, working together and the ability to take direction.

### 4.2 Discrimination

Batchfire is committed to maintaining a working environment free from all forms of unlawful discrimination. Unlawful discrimination occurs when an individual, or a group of people, are treated less favourably at work than another person or group on the basis of a ground or attribute covered by anti-discrimination legislation. Discrimination in employment on the basis of one or more of the following "protected attributes" is unlawful:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Sex</li> <li>• Gender</li> <li>• Relationship status (marital status, family status)</li> <li>• Pregnancy or potential pregnancy</li> <li>• Breastfeeding</li> <li>• Parental status</li> <li>• Race (colour, nationality, national extraction, social origin, descent, ethnic origin)</li> <li>• Sexuality (sexual orientation, sexual identity, homosexuality, transsexuality)</li> <li>• Family or carer status</li> <li>• Family responsibilities</li> </ul> | <ul style="list-style-type: none"> <li>• Age / compulsory retirement</li> <li>• Disability or impairment (physical, mental, intellectual, psychiatric)</li> <li>• Medical record</li> <li>• Criminal record</li> <li>• HIV/AIDS vilification</li> <li>• Religious belief or activity</li> <li>• Political belief or activity</li> <li>• Trade union activity</li> <li>• Lawful sexual activity</li> <li>• Gender identity (intersex status, transgender status, gender history)</li> <li>• Association with or status as a relative of a person who has been identified by reference to any of these attributes</li> </ul> |
|---|--|

Batchfire will not tolerate unlawful discrimination under any circumstances and disciplinary action will be taken against any employee who breaches this policy.

Discrimination can be either *direct* or *indirect*. Both forms of discrimination are unlawful.

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

Revision: (1) March 2019

Approved: Colin Moffatt

Discrimination on the basis of an attribute includes discrimination on the basis of:

- a characteristic that a person with any of the attributes generally has; or
- a characteristic that is often imputed to a person with any of the attributes; or
- an attribute that the person is presumed to have, or to have had at any time, by the person discriminating; or
- an attribute that the person had, even if the person did not have it at the time of the discrimination.

**Direct discrimination** occurs when a person or group with an attribute is treated, or is proposed to be treated, less favourably than another person or group without the attribute is or would be treated in circumstances that are the same or not materially different. For example, direct discrimination would occur if a person is specifically excluded from a job opportunity because they have one of the characteristics or attributes mentioned above.

Further examples of direct discrimination would include, but are not limited to:

- not hiring someone because they are considered too old for the job when this is not based on any legitimate occupational requirement;
- assigning a disabled employee less demanding work than an employee without a disability when there is no evidence to suggest that the person is incapable of performing the work;
- not promoting an employee merely because she is female; or
- using stereotypes or assumptions to guide decision making, rather than merit and genuine occupational requirements.

**Indirect discrimination** occurs when a person imposes, or proposes to impose, a term, rule, work practice, condition, requirement or other decisions with which a person with an attribute does not or is not able to comply, but with which a higher proportion of people without the attribute comply or are able to comply and the term, rule, work practice, condition, requirement or decision is not reasonable in the circumstances.

For example, indirect discrimination occurs when a condition is applied to people equally, but it in fact significantly reduces the chance of members of groups with a particular attribute from obtaining an employment opportunity and the condition is not reasonable in the circumstances.

Examples of indirect discrimination include scheduling compulsory meetings for a time when employees with children cannot attend due to their family or carer responsibilities and where there was no reasonable or legitimate basis for holding the meeting at that time, or only providing training and developmental opportunities to full-time employees when the majority of part-time employees are women.

Whether a person who is alleged to have committed an act of direct/indirect discrimination intended the act to be discriminatory is irrelevant. In order to be unlawful discrimination, it is not necessary that the person who discriminates considers that the treatment is less favourable.

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

Revision: (1) March 2019

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### 4.3 Harassment and Sexual Harassment

Harassment is behaviour that:

- is unwelcome, unwarranted or uninvited;
- happens because of or is about a protected attribute (defined above under the heading "Discrimination"); and
- a reasonable person, having regard to all the circumstances, would have anticipated that the conduct was likely to offend, intimidate or humiliate someone.

If such behaviour is not because of or about a protected attribute (for example, the conduct occurs because of a person's size or appearance), the behaviour may still amount to inappropriate workplace conduct contrary to this policy (and if repeated, could amount to bullying).

Harassment can occur as a result of a single incident or a pattern of behaviour. It includes any action, gesture or comment in a person's presence (even if the action, gesture or comment was not directed at them) that makes them feel offended, humiliated or intimidated. It includes the creation of a hostile, offensive, or intimidating work environment. Conduct can amount to harassment regardless of whether or not that conduct was intended to cause offence, humiliation or to threaten another person. A person's motive or intention in relation to their own conduct is irrelevant. Even if behaviour does not offend the person to whom it is directed, others overhearing or present whilst such behaviour is occurring may take offence and feel that they are being harassed.

Harassment encompasses a broad range of physical, written or verbal behaviour, which can include, but is not limited to the following:

- Physical, verbal or emotional abuse on the basis of, for example, someone's sex, race, sexual preference, age or disability;
- Printing and/or distributing material or information that is offensive or derogatory towards persons with a particular protected attribute;
- Sending emails or displaying screen savers that are offensive to a person or group with a particular protected attribute;
- Workplace pranks which have the effect of humiliating an employee on the basis of a protected attribute;
- Making slurs or taunts, intended to provoke an employee with a protected attribute;
- Racial harassment or vilification
  - Making ethnic or racist insults about a person's race racial characteristics or place of origin
  - Imitating someone's accent;
  - Isolating a person because of their race, racial characteristics or place of origin or not including them in office functions for any of those reasons
  - Any act that happens publicly and could incite others to hate, have serious contempt for, or severely ridicule a person or group of people because they are (or are thought to be) of a certain race
  - Making derogatory ethnic or racist jokes;
- Harassment of persons with a disability or impairment
  - Making comments about a person's disability;
  - Imitating someone's disability;
  - Isolating or not including a person because they are disabled; and
- Sexual harassment (see below).

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

Revision: (1) March 2019

Approved: Colin Moffatt

**Sexual harassment** is any verbal, written or physical behaviour or conduct of a sexual nature that is unwelcome and uninvited. Sexual harassment can be committed regardless of whether or not the behaviour concerned was intended to cause offence, humiliation, intimidation or distress. The person's motive or intention in relation to their own conduct is irrelevant. Furthermore, the person does not have to have objected to the behaviour or said "no" to the behaviour for it to be considered sexual harassment.

Sexual harassment encompasses a wide range of physical, written and verbal behaviours. It can be overt or indirect; repeated or one-off; and perpetrated by males and females against people of the same or opposite sex. It includes any gesture, action or comment of a sexual nature in a person's presence (even if the action, gesture or comment was not directed at them). For example, sexual harassment may include:

- unwanted physical contact such as patting, pinching, touching in a sexual way or fiddling with a person's clothing;
- staring or leering;
- unnecessary familiarity, such as brushing against a person;
- asking intrusive questions about someone's personal life and/or making innuendos or insinuations about an individual's private life of a sexual nature;
- sexual insults or taunts;
- suggestive comments or jokes of a sexual nature;
- sexually explicit conversation;
- displaying posters, magazines or screen savers of a sexual nature;
- sending sexually explicit emails, text messages or communications on social media;
- inappropriate advances on social networking or social media sites; and
- making offensive gestures of a sexual nature.

Assault, sexual assault and rape are criminal offences which, if they occur, will be referred to the police.

#### 4.4 Bullying

Workplace bullying is repeated unreasonable behaviour towards a worker by a person or group that creates a risk to health or safety. Bullying can range from very obvious verbal and physical assault to very subtle psychological abuse.

Workplace bullying does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment. For example, actions taken to transfer, demote, discipline, redeploy, retrench or dismiss an employee are not considered to be workplace bullying, provided these actions are reasonable in all of the circumstances and conducted in a reasonable way.

Workplace bullying may breach workplace health and safety laws. It may also amount to discrimination or harassment if it is based on one of the protected attributes (defined above under the heading "Discrimination").

Workplace bullying includes a wide range of conduct. Such behaviour can include, but is not limited to, the following if the conduct is repeated or occurs as part of a pattern of behaviour:

- Physical or verbal abuse, including shouting;

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

Revision: (1) March 2019

Approved: Colin Moffatt

- Abusive or offensive language, including swearing;
- Threatening behaviour;
- Humiliating putdowns or ridicule – including, for example, humiliating a person through gestures, sarcasm, criticism and insults, or belittling a person's opinions;
- Unreasonable rudeness;
- Systematic targeting;
- Psychological harassment – for example, persistent and unjustified criticisms or insults, especially about petty, irrelevant or insignificant matters;
- Excluding, isolating or ignoring an employee;
- Spreading or encouraging gossip or false, malicious rumours about a person;
- Sabotaging someone's ability to do their job, including withholding vital information;
- Interference with personal belongings;
- Assigning meaningless or impossible tasks;
- Repeated failure to give credit where due.

### 4.5 Vilification

Vilification occurs when a person publicly incites hatred towards, serious contempt for or severe ridicule of a person or group on the ground of the race, religion, sexuality or gender identity of the person or members of the group.

Examples of vilification include:

- writing racist graffiti;
- publishing derogatory statements about particular racial or religious groups or about persons of a particular sexual orientation or gender identity on social media;
- wearing or displaying paraphernalia that denigrates particular racial or religious groups or persons of a particular gender identity or sexual orientation;
- encouraging a person to verbally abuse another person because of the other persons' race, religion, sexuality or gender identity.

### 4.6 Victimization

Victimization occurs when a person is treated or threatened to be treated in an adverse manner because that person (or a person associated with or related to them) has, is or intends to:

- Make an EEO complaint or otherwise assert their rights under anti-discrimination or employment laws;
- Make an allegation that a person has committed an act, which would amount to a breach of anti-discrimination law; or
- Support an EEO complaint made by another person.

The motive for victimisation is irrelevant. A complaint of victimisation can be successful even if the underlying EEO complaint does not succeed.

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

Revision: (1) March 2019

Approved: Colin Moffatt

Victimisation includes subjecting or threatening to subject a person to detriment because the person:

- has refused, is refusing or intends to refuse to do an act that would amount to a contravention of anti-discrimination or employment laws;
- has in good faith made, is making or intends to make, a complaint about an alleged contravention of anti-discrimination or employment laws; or
- has, is or intends to be involved in a proceeding under anti-discrimination or employment laws against any person.

Examples of victimisation include, but are not limited to:

- treating a person less favourably because they have made (or assisted another person to make) a complaint alleging a co-worker has engaged in conduct that would be contrary to this policy (eg a complaint about alleged harassment or discrimination);
- ostracising or isolating a person who has made a complaint or who is involved in the investigation of a complaint;
- being biased in a performance assessment because a person has made a complaint;
- "bad mouthing" a person to others because the person made a complaint;
- ignoring a complaint or failing to adequately investigate allegations of conduct that if substantiated, would be contrary to this policy;
- threatening a person who has made a complaint with repercussions if they make or persist with their complaint;
- taking disciplinary action or dismissing a person for reasons that include the fact that they have made a complaint (where the complaint made in good faith).

## 5 GUIDELINES

Batchfire recognises the potential negative effects of inappropriate behaviour including discriminatory behaviour, bullying and harassment on both victimised employees and on the organisation as a whole. As such, every effort will be made to promote a harassment free workplace and to address related issues in a timely and effective manner.

Batchfire encourages employees who feel that the principles of EEO or Anti-Discrimination are not being upheld or who have reasonable concerns regarding inappropriate workplace conduct, to report all incidents of discrimination, harassment, bullying, victimisation or inappropriate behaviour to a member of the Leadership Group, regardless of the alleged Respondent's identity or position.

Any person at Callide Mine who believes that he or she is being subjected to inappropriate behaviour contrary to this policy has several options available to them:

1. Speaking directly to the person(s) concerned and informing them of the concerns about their behaviour, including that the behaviour is unwelcome and must stop; and/or
2. Discussing the issue with a member of the Leadership Group to obtain guidance and support, then:
  - a) Speaking directly to the person(s) concerned and informing them of the concerns about their behaviour, including that the behaviour is unwelcome and must stop; and/or
  - b) Making a formal complaint about the alleged conduct.

Any instances of assault (including sexual assault) must be immediately reported to the police.

## Equal Employee Opportunity (EEO) and Anti-Discrimination Policy

**Document No:**

Revision: (1) March 2019

Approved: Colin Moffatt

In the event that either a concern could not be successfully resolved informally, a formal complaint has been lodged or if Batchfire considers that information regarding alleged work-related behaviour is sufficiently serious such that it may amount to a breach of one or more of Batchfire's policies, procedures or its expectations of all employees, Batchfire may decide to deal with the matter by conducting a workplace investigation.

If a complaint or concern regarding alleged inappropriate workplace behaviour is found to have been made in circumstances where the Complainant knew or believed that the information was untrue or where the complaint or concern was vexatious, improperly made for the purpose of pursuing a personal interest or grievance, or where there was no reasonable or genuine concern about inappropriate conduct, Batchfire may treat the Complainant's conduct as a separate disciplinary matter.

Employees may at any time contact an external body such as the Anti-Discrimination Commission Queensland, Australian Human Rights Commission or Fair Work Commission for advice or to make an external complaint.

## 6 REVISION

This policy will be reviewed as required.

## 7 ROLES AND RESPONSIBILITIES

Role	Responsibility
Leadership Group	<ul style="list-style-type: none"> <li>• Aim to ensure there is consistent interpretation of this policy</li> <li>• Aim to ensure that employment decisions and the work environment are in compliance with this policy</li> <li>• Model appropriate behaviour</li> <li>• Treat all complaints or concerns regarding alleged inappropriate workplace behaviour seriously, including taking action where appropriate to refer complaints or report conduct that may be in breach of this policy</li> <li>• Act as a first point of contact for persons wishing to raise issues or concerns about inappropriate workplace behaviour that may be in breach of this policy</li> </ul>
Investigation Officer	<ul style="list-style-type: none"> <li>• Undertake an Investigation Officer role as per the Policy</li> <li>• Receives training in the role of an Investigation Officer.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• Understand their obligations and rights in relation to EEO and Anti-Discrimination</li> <li>• Comply with their responsibilities under this policy</li> <li>• Follow the established procedure should they have a complaint</li> <li>• Offer support to anyone who is being discriminated against</li> <li>• Notify a member of the Leadership Group of any conduct that they reasonably suspect may be in breach of this policy</li> <li>• Maintain confidentiality during any investigations into allegations of any inappropriate workplace behaviour.</li> </ul>

**Equal Employee Opportunity  
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**8 DOCUMENT CONTROL**

Revision	Reason for Review	Review Team	Summary of Changes	Review Approved	Date	Authorised (SSE)	Date
(1) March 2018	New Document	Donia Walton	Creation of new document	Donia Walton		Colin Moffatt 	8/4/19