

Workplace Behaviour Policy

Effective date	October 2019
Policy owner	Group People & Performance
Applies to	All GWF employees, contractors, customers and visitors - Australia
Contact Officer	Your Functional/Divisional People & Performance Partner

This signed statement of Policy confirms our commitment to making GWF workplaces safe and healthy for ALL and is to be displayed at all work locations.

Purpose and aims

George Weston Foods Limited and their related companies (**GWF, we, us, our, the company**) are committed to providing a safe and healthy workplace where all employees, potential employees, customers, clients, contractors and other external parties are free from **unacceptable behaviour**, which is defined to include unlawful discrimination, sexual harassment, bullying, vilification and victimisation and the improper use of drugs, alcohol and other substances.

This Policy seeks to ensure that our workplace is safe and healthy by minimising (or, where possible, eliminating) behaviours and conditions which may lead to personal injury, including unacceptable behaviours.

If you work at GWF in any capacity, including employees, potential employees and contractors, and on a full-time, part-time or casual basis, on or off-site, or if you are a customer or visitor attending our workplace for an event we have organised (**you, person, people**), then this Policy applies to you and you must familiarise yourself with, and comply with, this Policy and any variations to this Policy. This Policy is subject to all relevant legislation, contracts and industrial instruments, such as enterprise agreements or awards, which apply to your employment, engagement or interaction with GWF.

This Policy may be reviewed, varied, added to or withdrawn by GWF at any time, at our absolute discretion. This Policy, and any amendments to it, does not form part of your employment contract or agreement or independent contractor agreement (as the case may be).

Openness

GWF will make this Policy available through GWF SharePoint – Policies and Procedures or displayed at site in accordance with the applicable industrial instrument.

When does this Policy apply?

This Policy applies to all situations that have a connection to your work or engagement with GWF, including, but not limited to:

- when you are in the workplace, whether during or outside normal working hours;
- during work activities, including but not limited to dealings with colleagues, clients and customers whether on or off-site, whether face to face or using information systems or media forms;
- work-related events, including but not limited to conferences and social functions; and/or

when you are not at work, but where your conduct may have an adverse effect on GWF, the employment relationship or the workplace.

Drugs and alcohol

GWF has a legal duty to provide a safe workplace and to ensure, as far as is reasonably practicable, the safety of everyone in the workplace. Accordingly, all persons at GWF must not:

- possess, sell, distribute or consume alcohol or other drugs unless medication is specifically authorised by a qualified medical practitioner. Illicit and illegal drugs are not permitted in any GWF workplace under any circumstances - this means those drugs prohibited under Federal and State legislation.
- be affected by alcohol or drugs to the extent that there is a risk to their safety or the safety of others; or
- drive a company vehicle with a blood alcohol or drug level above zero.

You must have a zero blood alcohol level when driving or operating plant and/or equipment. If your role involves driving or operating plant and/or equipment, and medication is specifically authorised by your treating, qualified medical practitioner, you must advise your Leader before commencing work.

Please note - if an industrial instrument, such as an enterprise agreement or award, or a policy specific to your business unit applies to your employment, you will need to refer to the relevant instrument or policy as it may have further conditions, requirements or obligations regarding the management of drugs and alcohol in the workplace.

If you have grounds to believe that a person's ability to work safely may be impaired, you have a responsibility to report it to their Leader so action may be taken immediately.

We will not accept liability for any damage to a company vehicle, injury to any person, damage or injury to any third party incurred if you drive a company vehicle in a manner which breaches this Policy or the law.

Senior managers may authorise the moderate consumption of alcohol during social functions authorised by GWF, provided it does not impair the ability of people to perform their work or to return home safely following the function. Attendees at social functions must comply with this Policy in the consumption of alcohol.

Discrimination

What is unlawful discrimination?

Unlawful discrimination may take the form of direct or indirect discrimination.

Direct discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances because of one of the grounds or attributes listed below.

Indirect discrimination occurs when there is a requirement, condition or practice imposed which appears neutral, but which has the effect of disadvantaging a person with a particular attribute, in circumstances where this is unreasonable.

Prohibited grounds or attributes for discrimination

Unlawful discrimination can occur on grounds or on the basis of attributes, including the following:

- marital status;
- sex, which includes pregnancy, potential pregnancy and childbirth, and sexual orientation or lawful sexual activity;
- race;
- religious, ethical or political beliefs;
- disability, illness or injury;

- industrial activity and trade union membership;
- gender history, gender identity, transgender and transsexual status;
- carer status or family responsibilities;
- physical features;
- breastfeeding;
- irrelevant criminal record or irrelevant medical record;
- employment status;
- age; and
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

The grounds or attributes that are protected from discrimination vary between jurisdictions. Appendix A to this Policy sets out the protected grounds and attributes by Australian jurisdiction.

Examples of unlawful discrimination

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

- an employer's refusal to employ a woman because she is pregnant;
- an employer's decision not to offer a job to a candidate because the candidate has a physical disability, even though that disability has no impact on the candidate's ability to do the job;
- offensive 'jokes' or comments about another person's racial or ethnic background, sex, sexual preference, age, disability, and the like;
- display of pictures, calendars, pin-ups, posters, computer images (e.g. in emails) etc. which are offensive or derogatory;
- 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; and/or
- using stereotypes or assumptions when making decisions about a person's career.

Exceptions to unlawful discrimination

The law provides certain exceptions to discrimination to permit what would otherwise be unlawful discrimination. Where this is the case, discrimination will not be unlawful (e.g. depending on the circumstances, it may not be unlawful to discriminate against a person on the grounds of their disability if the person cannot perform the inherent requirements of their role).

Harassment

What is harassment?

Harassment is a form of discrimination, and may consist of unwelcome, offensive, abusive, belittling or threatening behaviour which leads to a person feeling offended, humiliated, insulted or intimidated on the basis of one or more of the grounds or attributes listed above.

The fact that no offence was intended or that the conduct was engaged in as a joke does not mean that the harassment is lawful. The conduct will amount to harassment if a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, insulted or intimidated. Harassment can be a single or repeated act of offensive behaviour.

A common form of harassment is sexual harassment. A person sexually harasses another person if they:

- make an unwelcome sexual advance;

- make an unwelcome request for sexual favours; or
- engage in other unwelcome conduct of a sexual nature,

and a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated, insulted or intimidated.

Conduct of a sexual nature includes subjecting a person to any act of physical intimacy, any remark or statement with sexual connotations to a person or about a person, and making any gesture, action or comment of a sexual nature.

Examples of harassment

Harassment may be a single incident, an ongoing situation or a series of incidents involving one person or a group of people. This can occur either at the workplace or at a work-related function outside the workplace, using GWF's information systems, or on social media forums. It may involve another staff member, contractor or someone outside GWF with whom you have contact in the course of your work. Further examples of sexual harassment may include:

- unnecessary/unwanted physical contact;
- using authority or physical strength to place someone in a situation where they feel they need to provide sexual favours to respond to the threat;
- repeated invitations or requests for a date or a meal/drink where the person invited has refused similar invitations before;
- leering or crude hand or body gestures, or sexually explicit jokes, innuendo or comments;
- displaying (or transmitting or viewing by way of email) nude/sexually explicit, pornographic or semi nude pictures or objects, including posters, photographs, calendars or screen savers at the workplace or forwarding emails containing the same or posting same on social media sites such as Facebook or Twitter (where such social media use has a connection with the workplace);
- crude/sexist jokes or comments, wolf whistles, obscene language, sexual propositions; and
- making remarks or comments about a person's appearance or dress, or persistently asking intrusive questions about a person's personal life.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment, nor are interactions that are consensual, welcome and/or reciprocated.

Behaviour can breach this Policy even if it is not unlawful or the subject of a complaint

GWF may decide that behaviour breaches this Policy even if a complaint has not been raised (e.g. storing and viewing sexually explicit images on a computer at work may constitute sexual harassment under this Policy (as well as a breach of the **Information Systems Use Policy** and/or the law), even if no complaint has been made). This behaviour is still unacceptable at work, even if it is not unlawful, and may result in disciplinary action being taken, up to and including termination of employment.

Bullying

What is bullying?

Bullying is repeated, unreasonable behaviour by a person or group of people, directed towards a person or a group of people that creates a risk to their mental or physical health and safety.

Unreasonable behaviour is behaviour which a reasonable person, having regard to the circumstances, would see as unreasonable. It includes behaviour that victimises, humiliates, undermines or threatens the person being bullied, or would reasonably be expected to do so.

Repeated unreasonable behaviour means persistent unreasonable behaviour and may include a range of behaviours over time. There is no specific number of incidents required for behaviour to be regarded as repeated, as long as there is more than one occurrence.

Bullying breaches this Policy as well as the **Health & Safety Policy** which provides that all workers must take reasonable care for the health and safety of their co-workers. Importantly, in Victoria (**Australia**), bullying is now a crime and the instigator can face up to 10 years imprisonment.

Examples of bullying

Depending on the circumstances, bullying may include behaviour such as:

- verbal abuse, screaming, insults, swearing at a person or name calling;
- deliberately excluding or isolating an individual or a group from workplace activities;
- initiation practices , physical intimidation or threats;
- assigning meaningless tasks unrelated to a job;
- sabotaging somebody's work, including deliberately withholding information that a person needs to adequately undertake their role; and
- spreading gossip or rumours, or ridiculing somebody's opinions or humiliating someone through sarcasm or insults face to face, or through other mediums such as social media.

You should note that GWF has the fundamental right to direct, monitor and control how work is done. Directions, performance management and disciplinary action are NOT bullying where the action is reasonable and warranted.

What is not bullying?

Reasonable management action carried out in a reasonable manner is not bullying. For example, if GWF undertakes justified performance management or disciplinary action in a reasonable way, this would not constitute bullying.

Isolated or “one-off” incidents of discrimination, harassment or other unwelcome or inappropriate behaviour are not bullying. However, such behaviour may breach other GWF policies or procedures, industrial instruments, contracts of employment or legislation and may be pursued through other procedures (for example, GWF’s Grievance Handling Procedure).

Conflicts, differences of opinion and disagreements are not necessarily bullying. Such incidents are a normal part of working life and, while they can leave people feeling upset, they should not be confused with bullying behaviour.

Victimisation

What is victimisation?

Victimisation is subjecting or threatening to subject someone to a detriment because they propose to, have, or are believed to have, under this Policy or anti-discrimination or other relevant legislation:

- asserted their rights under this Policy or the relevant legislation;
- alleged that another person has breached this Policy or the relevant legislation; or
- assisted someone or been involved in proceedings under this Policy, or relevant equal opportunity legislation.

A **detriment** in employment may include 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.

GWF does not permit retaliation against a person because they propose to make, have made, or are believed to have made, a complaint of unacceptable behaviour under this Policy or equal opportunity legislation.

Victimisation breaches this Policy and may also breach the **Health & Safety Policy**, which provides that all workers must take reasonable care for the health and safety of their co-workers.

Vilification

GWF will not tolerate vilification in the workplace. Any employee found to have engaged in vilification may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a workplace participant who is not an employee is found to have engaged in vilification.

What is vilification?

Vilification is a public act which incites, encourages, or urges others to hate, have serious contempt for, or severely ridicule, a person, or group of people, because they are (or are thought to be) members of a particular group. Vilification has no justification in "free speech".

Certain forms of vilification, such as racial vilification, are unlawful; however, the fact that a type of vilification is not unlawful does not mean that it does not breach this Policy.

Disclosure of Relationships

If an employee (**leader**) becomes involved in an intimate relationship with an employee of a lower classification (**subordinate**), the leader must disclose the relationship to the People and Performance Manager as soon as practicable.

The People and Performance Manager will implement such measures as are reasonably necessary to avoid actual or perceived conflicts of interest arising from the relationship. Both the leader and the subordinate are required to follow any lawful and reasonable directions issued by the People and Performance Manager in order to manage any actual or perceived conflicts of interest.

Leaders and subordinates must ensure that their behaviour in respect of a relationship between them does not breach this Policy or any other GWF policies and procedures, legislation or their contracts of employment.

Information about intimate relationships between leaders and subordinates in their direct teams will be treated confidentially as far as is practicable.

Dealing with unacceptable behaviour

What if someone complains about my behaviour?

If a person raises a complaint directly with you about your behaviour, speak immediately to your Leader or your Functional/Divisional People & Performance Partner. In any circumstance, you must not victimise the person making the complaint.

Have you been subjected to unacceptable behaviour?

If you believe that you are being subjected to unacceptable behaviour in the workplace, you should:

- tell the person that their behaviour is unacceptable and that it must stop. Otherwise, they may interpret your silence as consent. However, if you do not feel comfortable saying these things, this will not mean that you lose your right to object; and/or
- promptly report the behaviour or incident to your Leader and/or your Functional/Divisional People & Performance Partner. You should tell the Functional/Divisional People & Performance Partner if you have been subjected to unacceptable behaviour even if you do not want to make a formal complaint so that the Functional/Divisional People & Performance Partner can attempt to resolve the issue informally and ensure that the behaviour does not continue.

How we will respond to your grievance or complaint?

GWF has a legal responsibility to take reasonable steps to prevent unacceptable behaviour in the workplace, particularly if such behaviour poses a risk to the health and safety of you or others in the workplace. This Policy is an important part of those steps.

If you make a complaint of unacceptable behaviour in the workplace, we will take your complaint seriously. You may wish to lodge a grievance under **Grievance Handling Procedure**. The grievance or complaint may be investigated and, if proven, appropriate disciplinary action may be taken against the perpetrator.

We will take all reasonable steps to ensure that you will not be victimised or treated unfairly for making a complaint. However, complaints that are vexatious or malicious may result in disciplinary action against the complainant.

Your obligations

You are responsible for ensuring that you are familiar with this Policy, comply with this Policy, attend regular training dealing with this Policy, and take all reasonable steps to ensure that the workplace is free from unacceptable behaviour.

You are also responsible for ensuring that, at no time in providing goods or services to our clients, an unacceptable ground or attribute for discrimination is used to decide whether the goods or services should be provided, the type of goods or services to be provided, or the manner in which the goods or services are to be provided.

All employees and contractors are responsible for their own behaviour and can be held personally, legally liable as individuals for behaviour that is unlawful; including discriminatory, harassing or bullying behaviour. If a court finds that an employee has discriminated against, harassed, vilified, sexually harassed, bullied or victimised someone else at work, the court may order the individual employee to pay compensation to the other person or otherwise rectify the behaviour.

If you observe another person breaching this Policy, you are required to notify an appropriate member of management. All complaints will be treated impartially and confidentially, except to the extent GWF may have to disclose information to a regulatory body, as required by law or to allow for a proper investigation or disciplinary process.

Leaders have additional responsibilities under this Policy, which include:

- foster a harassment and discrimination free work environment;
- when recruiting or making decisions about promotion or re-deployment, apply non-discriminatory screening and interviewing processes;
- when using labour hire or temporary staff, request that agencies apply non-discriminatory screening and interviewing processes;
- model appropriate behaviour;
- ensure that all employees who report to them are aware of this Policy and GWF's expectations that they behave respectfully and tolerantly;
- know GWF's procedures for the resolution of complaints;
- treat all complaints seriously and follow appropriate investigation procedures;
- refer complaints to another appropriate person if there is an actual or perceived conflict of interest;
- monitor the work environment and take immediate action to deal with any behaviour which breaches the organisation's policies;
- take suitable disciplinary action against any person found to have victimised, vilified, harassed, bullied or discriminated against another workplace participant.

It is the responsibility of the People and Performance Partner/Manager to:

- be a point of contact for employees who have concerns about inappropriate behaviour;

- act impartially if involved in investigating complaints of harassment, bullying or discrimination in the workplace; and, where appropriate, refer complaints to another employee or external source for investigation;
- maintain confidentiality and take responsibility for the safe-keeping of confidential documents;
- assist employees in the resolution of any complaint, including Leaders in their implementation of any disciplinary or remedial action; and
- know, assist and advise employees about GWF's procedures for the resolution of complaints.

Vicarious liability

GWF is responsible for ensuring proper standards of behaviour at work and can be held legally liable for all behaviour at work. GWF can also be held vicariously liable for all employees' (including casual employees) and contractors' behaviour, unless GWF has taken reasonable steps to prevent an employee or contractor from committing acts of sexual harassment, discrimination, vilification, bullying or victimisation in connection with his or her employment or engagement. Leaders and supervisors, therefore, have a particular responsibility for ensuring that this Policy is applied comprehensively and consistently.

Confidentiality and Privacy

Information collected by GWF for the purposes of any of the processes covered by this Policy will, to the fullest extent possible, be stored confidentially and, where applicable, will be handled in accordance with the Australian *Privacy Act 1988* (Cth).

Consequences of breaching this Policy

We retain discretion to commence disciplinary action for breaches of this Policy. Disciplinary action may include a written warning, counselling, suspension or the termination of a person's employment or engagement. We may also refer a breach of this Policy to law enforcement authorities where necessary.

Related documents

- Code of Conduct
- Health & Safety Policy
- Information Systems Use Policy
- Grievance Handling Procedure

Statement from Chief Executive

I am fully committed to the implementation of this Policy and the motivation of all our people to achieve its objectives.



Stuart Grainger
GWF Chief Executive

Appendix A – protected grounds/attributes under Australian anti-discrimination legislation

This table is a summary of the ground/attributes protected by anti-discrimination legislation in Australian jurisdictions and is intended to provide broad guidance only. It is not a complete statement of the law. If employees require further information, they should contact the anti-discrimination regulator in the relevant jurisdiction.

Protected ground or attribute	FED	VIC	NSW	QLD	SA	WA	TAS	ACT	NT
Race (including colour, descent or national or ethnic origin)	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Sex	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Marital status/relationship status/domestic partnership status	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Identity of spouse or domestic partner					⊗				
Pregnancy	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Potential pregnancy	⊗		⊗		⊗		⊗	⊗	
Family responsibilities/parenthood	⊗			⊗		⊗	⊗		⊗
Carer's responsibilities	⊗	⊗	⊗		⊗			⊗	
Disability/impairment (including physical, intellectual or psychiatric)	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Genetic predisposition to disability	⊗	⊗	⊗		⊗		⊗	⊗	
Religion or religious belief or religious conviction	⊗	⊗		⊗		⊗	⊗	⊗	⊗
Political opinion, belief, conviction, affiliation or activity	⊗	⊗		⊗		⊗	⊗	⊗	⊗
Age	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Medical record	⊗								
Criminal record	⊗								
Irrelevant medical record							⊗		⊗
Irrelevant criminal record							⊗		⊗
Sexual preference/sexual orientation/sexuality	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Expunged homosexual conviction		⊗							
Gender identity/ gender history/ transgender	⊗	⊗	⊗	⊗		⊗		⊗	
Intersex status	⊗								
Trade union/ industrial activity	⊗	⊗		⊗			⊗	⊗	⊗
Lawful sexual activity		⊗		⊗			⊗		
Physical features		⊗							
Breastfeeding	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Employment activity		⊗							
Spent conviction						⊗		⊗	
Profession, trade, occupation or calling								⊗	

Publication of relevant details on Fines Enforcement Registrar's website						⊗			
--	--	--	--	--	--	---	--	--	--