

Global Bullying, Discrimination and Harassment Policy

COATES GROUP

September 2024



1. Purpose and Overview

This policy applies to all Coates Group employees, contractors, and individuals employed through third-party organisations (referred to as "People") and extends to all associated entities.

The policy also applies to behaviour that occurs:

- In connection with work, be it during work hours or outside of work hours
- At work including when working at a Coates office or from a location other than a Coates office and during work related activities, events, or functions.
- On social media and other social platforms.
- Between People in any context.

Coates Group is dedicated to fostering a safe, respectful, and inclusive environment for all People, where everyone can be their authentic selves without experiencing discrimination, bullying, or harassment. All of our People are responsible for upholding and contributing to a workplace culture that is devoid of discrimination, bullying, and harassment.

Our People have a duty to comply with this policy to ensure:

- Effective implementation of this Policy
- Treating all People with respect and dignity
- Maintaining a work environment free from harassment, discrimination, and bullying
- Holding other People accountable for their actions

This policy offers guidance and examples of behaviour that Coates Group considers acceptable and unacceptable in the workplace, during work-related events, and in situations involving interactions among peers outside the workplace.

2. Workplace Bullying

Workplace bullying is a health and safety issue, and Coates has a zero-tolerance approach towards it. Workplace bullying is defined as any repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety.

Repeated unreasonable behaviour refers to the persistent nature of behaviour and can involve a range of behaviours over time. Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Examples of bullying, whether intentional or unintentional, that may be considered workplace bullying include (but are not limited to):

- aggressive or intimidating conduct;
- abusive, insulting, humiliating or offensive language or comments;
- behaviour that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming;
- deliberately excluding someone from workplace activities and work-related events;
- withholding information that is vital for effective work performance;
- setting tasks that are unreasonably beyond or below a person's skill level;
- unreasonably overloading a person with work, or not providing enough work;



- denying access to information, supervision, consultation or resources to the detriment of the person;
- spreading misinformation or malicious rumours;
- teasing, practical jokes or 'initiation ceremonies';
- displaying offensive material;

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine, or threaten a person, may actually have that affect.

What is not workplace bullying?

A single incident of unreasonable behaviour is not considered to be workplace bullying – the behaviour must be repeated and unreasonable and must create a risk to health and safety.

Examples that are not considered to be bullying include but are not limited to:

a) Reasonable Management Action

Bullying does not include reasonable management action carried out in a reasonable manner.

Reasonable management action includes (but is not limited to):

- performance management processes;
- disciplinary action for misconduct;
- informing an employee about unsatisfactory work performance or inappropriate work behaviour;
- directing an employee to perform duties in keeping with their job;
- setting reasonable performance goals, standards, and deadlines; and
- implementing organisational changes or restructuring
- a decision to not promote an employee

However, a reasonable management action must be conducted in a reasonable manner. If not, it could still be bullying.

b) Workplace Conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have respectful disagreements and differences in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

c) Discrimination or Harassment detailed in sections 3 and 4 below.

3. Discrimination

Coates is committed to providing an inclusive environment free from discrimination and harassment.

Discrimination is defined as treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as:

- race, colour, national or ethnic origin or immigrant status
- sex, pregnancy or marital status and breastfeeding
- age
- disability
- sexual orientation, gender identity and intersex status



- Arrest record (NAM)
- Citizenship or immigration status (NAM)
- Military status (NAM)

Direct discrimination happens when a person, or a group of people, are treated less favourably than another person or group because of their background or certain personal characteristics. Direct discrimination often happens because of unfair assumptions about what people with certain personal characteristics can and cannot do.

Indirect discrimination occurs when there is an unreasonable rule or policy that is the same for everyone but has an unfair effect on people who share a particular attribute.

Unlawful Discrimination

The relevant legislation outlines the grounds upon which it is unlawful to discriminate against a person on the basis of a particular personal characteristic. Unlawful grounds include, but are not limited to sex; race, colour, descent, nationality, or national origin; age; impairment / disability; sexual preference; gender identity and transgender status; pregnancy or potential pregnancy; marital status; family responsibilities, responsibilities as a carer and/or parental/carer status; and religious or political beliefs.

Positive Duty (AU only)

Under the *Sex Discrimination Act 1984*, Coates has a legal duty to take 'reasonable and proportionate measures' to eliminate relevant unlawful conduct as far as possible in relation to:

- discrimination on the grounds of sex in a work context
- sexual harassment in connection with work
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the grounds of sex
- related acts of victimisation

The positive duty aims to create systemic change by preventing unlawful conduct from happening in the first place, rather than reacting to unlawful conduct when it arises. This enables a more effective and proactive system in creating a safe, respectful, and inclusive workplace.

Coates will follow the [Guiding Principles and Standards](#) to ensure we meet our positive duty under section 47C of the *Sex Discrimination Act 1984*.

The guiding principles include:

- consulting our People to understand what is required to have a safe and respectful workplace and discuss the available options to eliminate relevant unlawful conduct.
- implementing measures that advance gender equality.
- adopting an 'intersectional' approach to the risks and impacts of relevant unlawful conduct.
- being person-centred and trauma-informed in our policies, systems, and practices.

4. Harassment

Harassment is any form of behaviour that is uninvited, unwelcome and which humiliates, offends, or intimidates another person and:



- occurs in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated; and is also;
- on a ground that is covered by law, for example:
 - o Race
 - o Marital status
 - o Sexual orientation, gender identity or intersex status
 - o Impairment or disability
 - o Religious or political belief
 - o Age

Unwanted conduct, whether physical, verbal, or non-verbal, based on any prohibited ground, can constitute harassment.

Examples of behaviour that may be considered Harassment include (but is not limited to):

- Verbal and written harassment, such as jokes, remarks, teasing, offensive language, gossip, or threats based on race, age, sexuality, disability etc.
- Anglicising names- or saying someone's name is "too hard to pronounce" and giving a nickname instead.
- Display of insensitive or offensive visual content, including posters, graffiti, obscene gestures, emblems,
- Innuendos of any nature

It is important to note that this list is not exhaustive, and other forms of harassment may also occur which are also unacceptable.

Examples of behaviour that is not Harassment includes (but is not limited to) mutual friendships or relationships based on welcome behaviour, reasonable managerial actions about employment related issues.

5. Sexual Harassment

Sexual harassment is against the law and is not acceptable in a professional work environment. Sexual harassment is defined as being an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Examples of sexual harassment include, but are not limited to:

Sexual jokes, offensive telephone calls, displays of pornographic pictures, reading matter or objects.	Derogatory comments, abuse or request for sexual favours / propositions or persistent requests to go out on a date.
Unwelcome physical contact such as kissing, patting, pinching, or touching in a sexual way;	Unwelcome and uncalled for remarks or insinuations about a person's sex, sexual identity, or private life.
Suggestive gestures or visual images or innuendo.	Suggestive comments about a person's appearance or body or gender-based insults or taunting.

Inappropriate staring, leering, wolf whistles, catcalls, obscene gestures.	Indecent exposure.
Sexual assault or rape. Sexual assault and rape are criminal offences. The victim is advised to report these and any other possible criminal offences to the police.	Threat of dismissal, loss of promotion and/or dismissal for refusal of sexual favours.
Making or distributing a sexually explicit audio recording or photo shopped image of another person	

Sexual harassment can occur through email, text messaging, social media posts and other forms of electronic communication. It can occur regardless of a person's gender identity and may involve individuals of the same or opposite sex, without requiring an individual's sexual desire as the motive.

Sexual harassment can happen to people of all ages, genders, and sexualities, within or outside a relationship. Sexual harassment is an abuse of power and is never the fault of the person who does not consent to the sexual behaviour.

Bullying, discrimination, and harassment will not be tolerated in the workplace. Engaging in such conduct may violate local laws and it is the responsibility of all People to comply with the legislation and Coates expectations as outlined in this policy.

6. Active Bystander Intervention

All our People have an important and active role to play in fostering a safe, inclusive, and respectful workplace. A bystander is witness to a behaviour or situation that feels wrong and may think to themselves 'someone should do something'. If it is safe to do so, Coates empowers all our People to intervene calmly and safely. By challenging unacceptable behaviour, a situation that may otherwise cause significant harm can be prevented.

How can you safely intervene?

Direct intervention:

- Interrupt the behaviour or conversation.
- Use body language to communicate that the behaviour is unacceptable.
- Publicly support the person who is subject to the unacceptable behaviour by simply asking 'are you okay?'
- If safe to do so, query the person who is being offensive about their behaviour. This may help them reflect on their own behaviour and how it makes others feel. For example, "I don't understand the joke, can you explain it to me?"

Indirect intervention:

- Seek help –approach someone who is more suitable to intervene if you do not feel confident to do so yourself. For example, your Manager or a member of the People and Culture team
- Privately support the person who is subject to inappropriate behaviour
- Report the incident in accordance with the below



7. Lodging A Complaint Regarding Bullying, Discrimination or Harassment

People wishing to resolve conflicts or issues regarding inappropriate behaviour (including making a complaint) may do so by:

- by direct discussion with the person involved;
- referring the matter to their Manager or People & Culture;
- lodging a formal written complaint to People & Culture

Informal Direct Approach

If you believe that you have been subject to unlawful discrimination, harassment, or bullying, it is advisable to consider resolving the issue informally, if you feel that is possible. This can be worthwhile as the person involved may be unaware that their behaviour is unacceptable to you or that it poses a risk to your health and safety.

For instance, it may be sufficient to clearly and unambiguously explain to the person involved:

- In the case of harassment, that their behaviour is unwelcome, offensive, insensitive, makes you feel uncomfortable, or interferes with your work; or
- In the case of bullying, that their behaviour is creating a physical or psychological risk to your health and safety

Employees can contact the People and Culture team or TELUS Health, our employee assistance program provider, for free and confidential advice and assistance about how to best approach the conversation.

If the issue is addressed at an early stage, it may be possible to resolve the problem. If you believe it is inappropriate to directly approach the person involved, you might consider asking a sympathetic friend or colleague to speak with them on your behalf or provide support when you speak to them.

If these informal approaches are not feasible or effective, you should proceed with the formal procedure outlined below.

Informal Approach – Manager or a member of the People and Culture team

You can refer the matter to your Manager or a member of the People and Culture team if you do not feel it is appropriate to go to the person involved, or you feel that it would be difficult to discuss the matter with them.

Your Manager or a member of the People and Culture team may:

- speak to the person(s) who the complaint is about, conveying the employee's concerns and desired outcome;
- mediate a meeting between the parties help them talk to each other and find a solution;
- arrange for an independent mediator to meet with the parties to help them talk to each other and find a solution; and/or
- if considered sufficiently serious in nature, arrange for the matter to be investigated.



Formal Approach

An employee may consider lodging a formal written complaint to their Manager or People & Culture where:

- the options outlined above were not successful in resolving the matter; and/or
- the matter is of a sufficiently serious nature to warrant formal investigation; and/or
- they wish to lodge a formal complaint.

If you are uncomfortable reporting providing your name, you may report anonymously via our [FaceUp platform](#), however, using your identity is strongly encouraged to aid the investigation.

When a formal complaint has been received, the People & Culture team will determine the most appropriate course of action to address the complaint in consultation with the manager. This may involve:

- speaking to the person(s) who the complaint is about, conveying the employee's concerns and desired outcome;
- mediating a meeting between the parties help them talk to each other and find a solution;
- arranging for an independent mediator to meet with the parties to help them talk to each other and find a solution; and/or
- if considered sufficiently serious in nature, arrange for the matter to be investigated.

Matters are considered sufficiently serious in nature where:

There are recurring problems or issues; and/or the alleged behaviours:

- have resulted in a crime e.g. an assault;
- cover a long period of time;
- involve multiple people;
- are in dispute;
- involve senior managers;
- or
- when a person has submitted a formal complaint; or
- where other processes have not resolved the matter.

Investigations may be conducted by an internal or external person.

Coates takes allegations of bullying, harassment and discrimination seriously and supports our People to speak up when they have honest concerns. There are multiple pathways available for resolving a concern or complaint, all of which will be handled sensitivity, confidentially and with compassion. People who share/submit a genuine concern or complaint will not be subjected to victimisation or any other detrimental impact as a result.

Possible outcomes

If, it has been determined that discrimination, harassment, or bullying has occurred, Coates will take all necessary and reasonable measures to:

- Eliminate the unacceptable behaviour, or prevent further harassment or bullying
- Take appropriate disciplinary action as deemed necessary
- Follow up with the relevant parties and offer additional support as needed

Monitoring

If deemed necessary, we will monitor the situation to ensure that the discrimination, harassment, or bullying has ceased. If the unacceptable behaviour is repeated or suspected to be ongoing by the



perpetrator, further actions will be taken, which may result in more severe consequences, including termination of employment.

8. Vexatious Claims

Where a person has been found to make a vexatious (a claim lacking in substance, designed to harass, annoy, or damage the reputation of another person) disciplinary action may be taken.

9. Victimisation

A person must not victimise or otherwise subject another person to detrimental action because of making a complaint in good faith.

People who are found to be engaging in victimisation may face disciplinary action up to and including termination of employment. People who witness or suspect victimisation should promptly report it to their manager or the People and Culture Team at peopleandcultureau@coatesgroup.com.

10. Breaches of Policy

Any employee found to be in violation of the Global Bullying, Discrimination and Harassment Policy will be subject to disciplinary action, which may include, but is not limited to:

- Training or coaching sessions
- Formal disciplinary action including a warning or up to termination of employment

11. Amendments

Coates reserves the right to change, vary or revoke this Policy at any time at our discretion and in accordance with our legal obligations. Coates will keep you informed of any changes to this Policy.