

ST BARBARA GROUP

WORKPLACE BEHAVIOUR POLICY

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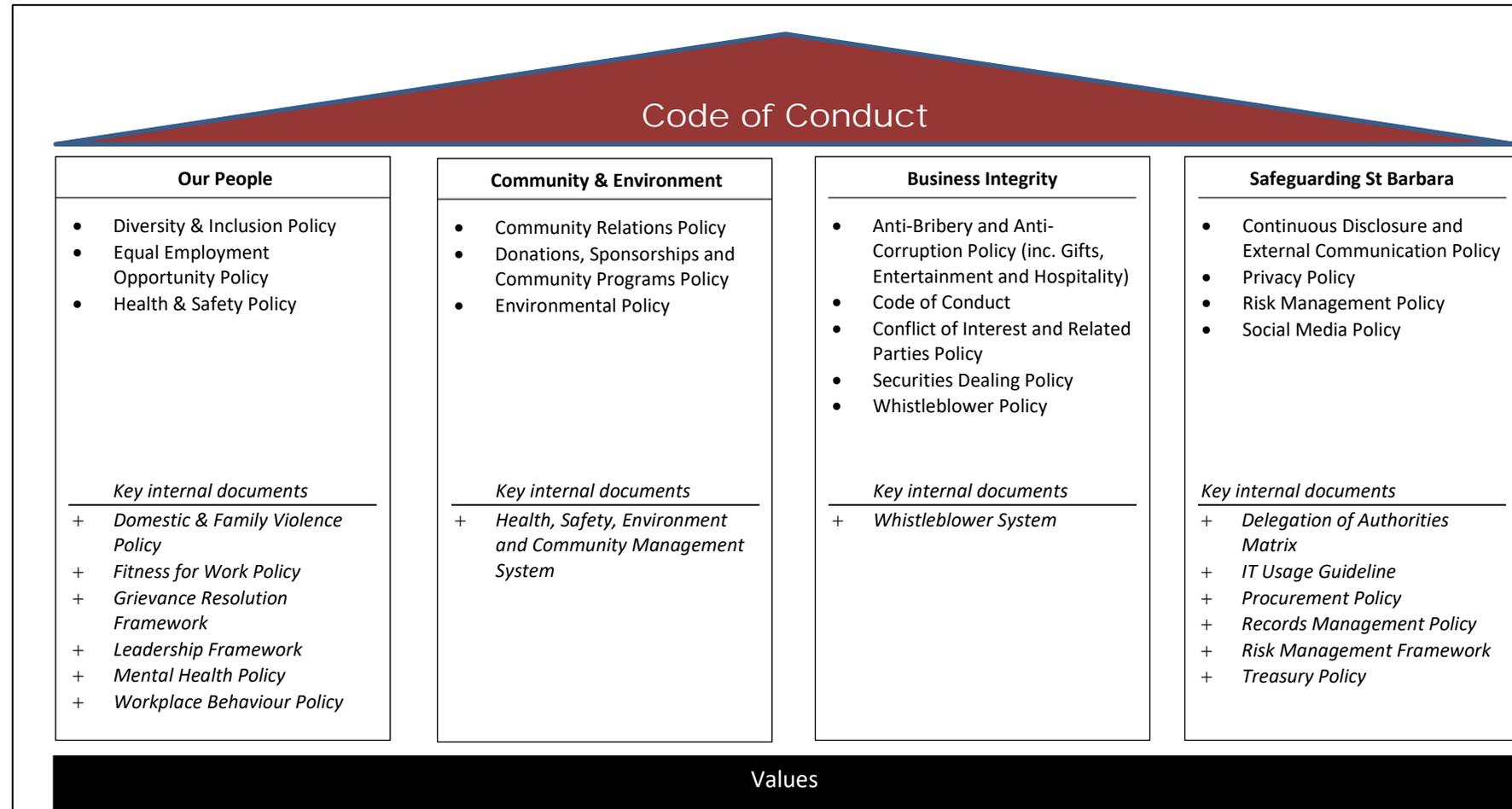
TABLE OF CONTENTS

1. OVERVIEW.....	1
2. PURPOSE.....	1
3. SCOPE	1
4. SUPPORTING DOCUMENTS.....	2
5. UNLAWFUL & UNACCEPTABLE BEHAVIOUR.....	3
6. ADDRESSING UNLAWFUL BEHAVIOUR	7
7. CONFIDENTIALITY.....	8
8. ACCOUNTABILITIES.....	9
9. SUPPORT.....	10

St Barbara Code of Conduct Framework

This Policy is one component of St Barbara’s Code of Conduct Framework.

At the time of publication of this Code, the Code of Conduct Framework includes the following policies and related documents:



● = Policy published on www.stbarbara.com.au

○ = Document in preparation

+ = Internal document published on ROCKi

1. OVERVIEW

St Barbara Limited and its subsidiaries (**St Barbara**) is committed to ensuring a work environment which is free from unlawful and unacceptable behaviour and where all employees are treated with dignity, courtesy and respect. St Barbara does not tolerate unlawful behaviour including discrimination, harassment or any form of violence at work.

St Barbara expects people to:

- behave in a responsible and professional manner;
- treat others in the workplace with courtesy and respect;
- listen and respond appropriately to the views and concerns of others; and
- be fair and honest in their dealings with others.

This Policy is aligned with the St Barbara Values:

- We act with honesty and integrity
- We treat people with respect
- We value working together
- We deliver to promise
- We strive to do better

All St Barbara Personnel must ensure that they:

- are familiar with and comply with this Workplace Behaviour Policy (**Policy**); and
- complete regular training related to this Policy as provided by St Barbara.

Any actions which are alleged to be in breach of this Policy may be regarded as misconduct and will be investigated under St Barbara Discipline Management System. Where allegations are substantiated as a result of an investigation, the matter is then addressed where disciplinary action up to and including termination of employment will be determined.

Any St Barbara employee who is found to have made a false, slanderous or malicious complaint under this Policy may also be subject to disciplinary action up to and including termination of employment.

2. PURPOSE

The purpose of this Policy is to:

- ensure that all St Barbara Personnel understand and are aware of what is considered to be unlawful behaviour including discrimination, bullying, harassment and workplace violence; and
- to provide a framework for St Barbara Personnel to raise and effectively resolve any unlawful behaviour that has been witnessed or experienced in the workplace.

3. SCOPE

This Policy applies to all individuals at all levels who are employed by, act for, or represent St Barbara or any of its subsidiaries anywhere in the world (**St Barbara Personnel**), including:

- a) directors;
- b) officers;
- c) managers;
- d) employees;

- e) contractors;
- f) consultants;
- g) agents; and
- h) any other person representing or acting on behalf of St Barbara.

This Policy applies to all St Barbara Personnel during the course of their work:

- in the workplace, including work or work-related activities outside normal working hours;
- during work activities, including interactions with external parties;
- at work-related events, including conferences and social functions; and
- on social media where St Barbara Personnel interact with colleagues or others where their actions may affect St Barbara Personnel either directly or indirectly.

All St Barbara employees are required as a condition of their employment to ensure that their behaviour is consistent with the standards of behaviour set out in the St Barbara *Code of Conduct* and St Barbara Values and includes but is not limited to:

- interacting with others in a professional, courteous and polite manner that does not interfere with the health, safety and comfort of others;
- treating others respect, dignity and fairness; and
- communicating in a clear, calm and professional manner.

4. SUPPORTING DOCUMENTS

The following supporting St Barbara documents can be found on ROCKi:

- Grievance Resolution Framework
- St Barbara Values
- Code of Conduct
- Domestic and Family Violence Policy
- Social Media Policy
- Acceptable IT Usage Procedure
- Equal Employment Policy
- Diversity and Inclusion Policy
- Discipline Management System: Overview

Country Specific Legislation

This Policy should be interpreted in the context of country specific laws (including, but not limited to the legislation set out below). To the extent where there is any inconsistency with the country-specific laws and this Policy, the applicable laws of that country will prevail.

Australia

Federal laws

Fair Work Act 2009 (Cth)
 Workplace Gender Equality Act 2012 (Cth)
 Work Health and Safety Act 2011 (Cth)
 Age Discrimination Act 2004 (Cth)
 Disability Discrimination Act 1992 (Cth)
 Sex Discrimination Act 1984 (Cth)
 Australian Human Rights Commission Act 1986 (Cth)
 Racial Discrimination Act 1975 (Cth)

State laws

Equal Opportunity Act 2010 (Vic)
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Racial and Religious Tolerance Act 2001 (Vic)
Equal Opportunity Act 1984 (WA)
Anti-Discrimination Act 1991 (Qld)

Canada

Federal laws

Canada Human Rights Act (R.S.C. 1985)
Employment Equity Act (S.C. 1995)
Canada Labour Code (R.S.C. 1985)

Province of Nova Scotia laws

Human Rights Act (1989)

Papua New Guinea

Employment Act 1978
Discriminatory Practices Act 1963
HIV/AIDS Management and Prevention Act 2003

5. UNLAWFUL & UNACCEPTABLE BEHAVIOUR

The following details types of unlawful and unacceptable behaviour covered under this Policy:

5.1 WORKPLACE VIOLENCE

Workplace violence is a physical attack or threat to a worker, or group of workers that creates a risk to health and safety. Examples of workplace violence include but not limited to:

- striking, kicking, scratching, spitting and tripping;
- grabbing, shoving, pushing or any direct contact;
- throwing objects or attacking with any form of weapon; and
- threatening to harm an individual or his/her family, friends or associates, or their property.

St Barbara maintains a complete and total ban on the possession of weapons on St Barbara premises. This includes weapons kept in a vehicle while on St Barbara premises. Weapons include but are not limited to firearms of any description, bows, crossbows, arrows, slingshots, airguns, spears, swords or knives.

5.2 DISCRIMINATION

Unlawful Discrimination

Unlawful workplace discrimination occurs when an employer takes adverse action or unfavourable treatment against a person who is an employee or prospective employee because of one or more of their 'protected attributes'.

'Protected Attributes' include but are not limited to:

- race
- colour
- gender identity or sex
- sexual preference
- age
- physical or mental disability
- marital status

- family or carer's responsibilities
- pregnancy and breastfeeding
- religion
- political opinion / industrial activity
- national extraction or social/ethnic origin

Adverse Action/Unfavourable treatment

For discrimination to be unlawful, there needs to have been (or proposed to be) some unfavourable treatment or adverse action. In the workplace, unfavourable treatment or adverse action may include undertaking, threatening or organising any of the following as a result of a 'protected attribute':

- terminating an employee;
- injuring an employee;
- changing an employee's role to their disadvantage or detriment;
- discriminating between one employee and another employee;
- refusing to employ a prospective employee; and
- offering a potential employee different (and unfair) terms and conditions compared to other employees.

Types of Unlawful Discrimination

There are two types of unlawful discrimination:

1. **Direct discrimination** occurs when an employer takes adverse action against an employee or treats an employee less favourably because of an attribute which is protected by law. Direct discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do.

Examples of Direct Discrimination:

- An employee tells her manager she is pregnant and will soon be taking the parental leave she is entitled to. The employer terminates the employee because she is pregnant.
- An employee asks about a job as a truck driver that has been advertised. She is told not to apply because they are only looking for male truck drivers.
- A man phones about a job advertised for a cook on site. He is told not to apply because he is a man and site is only looking for female cooks.

2. **Indirect discrimination**, in the workplace occurs when a work requirement, condition or practice seems the same for all employees, but actually disadvantages certain people because of a protected attribute. To be considered as unlawful discrimination, the work requirement must also be considered unreasonable.

Examples of Indirect Discrimination:

- To pass probation for an office role, all new employees were required to pass an eye test, even though first-rate vision was not required for the role. One new employee has vision impairment and fails their probation because they cannot pass this test.
- An employer says they will only renew the employment contracts of employees who are on a 1 year maximum term contract, if they have not made a workers' compensation claim. An employee's contract is not renewed because they made a workers' compensation claim after being injured at work.

Lawful Discrimination

In some circumstances, treating someone differently is not necessarily unlawful discrimination. This may include where the adverse action or unfavourable treatment:

- is permissible under applicable anti-discrimination laws; and
- is based on the inherent requirements of the role concerned.

Discrimination is not unlawful if action is taken because of the inherent requirements of a role or due to genuine occupational requirements, which may include a person's ability to respond in emergency situations and being able to adequately perform the role without endangering themselves or others.

Example of Lawful Discrimination:

- A potential employee is unable to obtain a particular licence due to a certain disability; however as this licence forms an inherent requirement of the role, the potential employee is unsuccessful in their application for the role.

5.3 HARASSMENT

For the purposes of this Policy, harassment is defined as *'any words, physical behaviour or conduct, which is unwelcome or offensive to an employee'*.

The types of harassment covered within this Policy are:

- workplace or work-related harassment;
- bullying;
- display of offensive materials;
- sexual harassment; and
- victimisation.

Workplace or Work Related Harassment

Workplace or work related harassment consists of offensive, abusive, intimidating or threatening behaviour directed at a person or persons because of an attribute which is protected by law. Unlawful harassment occurs in a workplace when a person is made to feel intimidated, insulted or humiliated because of a 'protected attribute'.

Bullying

Workplace bullying is 'repeated' and 'unreasonable behaviour' directed towards a person or persons that creates a risk to their health and safety. Due to the effect on the safety and health of personnel at the workplace, bullying is unlawful.

'Repeated behaviour' refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

'Unreasonable behaviour' is behaviour which victimises, humiliates, intimidates or threatens a person, either physically or verbally.

Examples of bullying behaviour include, but are not limited to:

- aggressive or intimidating conduct;
- belittling or humiliating conduct;
- victimisation;
- spreading malicious rumours;
- teasing, practical jokes or 'initiation ceremonies';

- exclusion from work-related events;
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
- displaying offensive material;
- pressure to behave in an inappropriate manner; and
- sending threatening messages using email, SMS or other forms of social media.

What is not considered to be workplace bullying?

It is reasonable for supervisors and managers to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner.

Examples of reasonable management action include but are not limited to:

- directing and controlling how work is done (a fundamental right of all employers);
- allocating rosters and working hours to suit role and business requirements;
- constructively delivered feedback or counselling that is intended to address an employee's substandard performance and/or unacceptable behaviour;
- genuine disciplinary processes or substandard performance management processes.

Display of Offensive Material

St Barbara Personnel are prohibited from displaying any material which may cause offence to another person. Any materials, which could be interpreted as offensive, that are displayed at a workstation or anywhere within the workplace must be removed. Examples of such materials include, but are not limited to:

- posters, cartoons or electronic images of a political, sexual or sexist nature;
- offensive computer software, including screen-savers, internet images and games;
- pornographic literature, including videos and magazines;
- racist graffiti and cartoons, or slogans of a racist nature; and
- cartoons which poke fun at individuals or groups of people.

All St Barbara Personnel are accountable for ensuring that offensive material is not displayed in the workplace and if it is, that it is removed immediately. Where there is uncertainty with respect to the offensive material, the matter should be referred to a Human Resources representative.

Sexual Harassment

Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature and in which circumstances a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can involve St Barbara Personnel, clients, customers and others connected with or attending a workplace. It can happen at work, at work-related events or activities, or between colleagues outside the work environment including interaction on social media. Sexual harassment may be physical, verbal or written and may include but not limited to:

- sexual advances or requests for sexual favours;
- acts of physical intimacy;
- remarks or statements with sexual connotations, including slurs or jokes;

- gestures, actions or comments of a sexual nature; and
- sexually explicit emails or materials

A single action of unwelcome sexual behaviour may constitute unlawful sexual harassment. This means that it does not have to be continuous or repeated behaviour.

5.4 VICTIMISATION

Victimisation means subjecting a person to some form of detriment or harm because that person has:

- asserted their rights under this Policy, the St Barbara Grievance Resolution Framework, or relevant legislation;
- alleged that a member of St Barbara Personnel has breached this Policy, the St Barbara Grievance Resolution Framework, or relevant legislation; and
- assisted someone in raising an issue.

It is against the law to punish or threaten to punish someone because they have made a complaint, helped someone else make a complaint or refused a work direction because it may be considered as unlawful discrimination, harassment, sexual harassment or victimisation.

6. ADDRESSING UNLAWFUL BEHAVIOUR

All St Barbara leaders are responsible to address all incidents of unlawful and unacceptable behaviour in the workplace in accordance with this Policy.

Managers are required to immediately initiate the Discipline Management System if they directly witness any of their team members breach this Policy.

In an instance where alleged unlawful behaviour is **not** directly witnessed by a manager, this Policy applies.

St Barbara Personnel who believe that they have experienced or witnessed unlawful behaviour in the workplace (**Complainant**) are encouraged to bring the matter to the attention of their manager in the first instance. If the Complainant does not feel comfortable approaching their manager, they are encouraged to approach their manager-once-removed or Human Resources representative at the earliest possible opportunity.

The Complainant has two options in addressing an incident of unlawful behaviour in the workplace under this Policy:

Option 1: Informal Discussion

Option 2: Formal Complaint

It should be noted that if the allegation/s warrant/s it, St Barbara reserves the right to investigate an issue even if a *Formal Complaint* has not been lodged, regardless of the preference of the Complainant.

OPTION 1: INFORMAL DISCUSSION

Informal Discussion may be considered as the first option. The purpose of the *Informal Discussion* is for the Complainant to raise the matter with the respondent of the complaint (**Respondent**) with the aim to resolve the matter between them without the need for a formal

investigation. The Complainant may also request the informal discussion to occur with the manager and/or Human Resources representative present.

If the matter is resolved through the *Informal Discussion*, no further action is required. If the matter is not resolved using the *Informal Discussion*, **Option 2** is to be considered by the Complainant.

OPTION 2: FORMAL COMPLAINT

If the Complainant elects to make a *Formal Complaint* against the Respondent, the Complainant must lodge a written complaint with their manager, manager-once-removed or Human Resources representative. The written complaint should detail the issue/s or incident/s, date/s, witnesses and include the name of the Respondent. When submitting the written complaint, the Complainant should advise that they are lodging a *Formal Complaint* under this Policy.

Verbal complaints will be accepted in the first instance and must be reported to the manager, manager-once-removed or Human Resources representative. However, the Complainant may be requested by St Barbara to lodge a written complaint within 24 hours of making the verbal complaint.

The person who receives the *Formal Complaint* will immediately and confidentially inform the Complainant's manager, the relevant manager-once-removed and Human Resources representative to initiate the formal investigation process. However, if the Respondent holds any of these roles, then the person receiving the complaint will use their discretion and consult with the relevant Human Resources representative.

In certain cases, where the allegations warrant it, an investigation may be required regardless of the preference of the Complainant.

For details on the investigation process under the Discipline Management System, please refer to the Discipline Management System Overview.

Suspension On Pay

In certain cases, to ensure that the investigation is conducted fairly and to ensure that there is no risk to any employee's health, safety and well-being, the Complainant and/or the Respondent may be placed on *Suspension on Pay*. This decision will be determined by the manager and authorised by the relevant General Manager and General Manager Human Resources.

7. CONFIDENTIALITY

St Barbara requires that all persons involved in an investigation of a complaint preserve the confidentiality of the matter and where practicable, any information or discussion of the complaint is kept between those persons directly involved. Employees interviewed in relation to an investigation, or who participate as a support person, will be provided with a Confidentiality Statement and will be required to sign this document as acknowledgement of their understanding. All breaches of confidentiality will be treated as misconduct and may be subject to disciplinary action up to and including termination of employment under the Discipline Management System.

In certain circumstances, St Barbara may be required to act on information it receives, which may include reporting the incident to the relevant authorities, external legal providers or other parties. Subject to any whistleblower law requirements, this may include providing details of the allegation/s, investigation documents and the Respondent's name.

8. ACCOUNTABILITIES

The following outlines the accountabilities of key roles under this Policy:

COMPLAINANT

The Complainant is accountable to:

- decide which course of action is appropriate to resolve the matter (refer to Section 5: Option 1 Informal Discussion or Option 2 Formal Complaint); and
- provide honest and accurate information to St Barbara as required.

RESPONDENT

The Respondent is accountable to:

- provide honest, complete and accurate information to St Barbara as required.

MANAGER

All St Barbara managers are accountable to ensure compliance with this Policy and are accountable to:

- seek advice from Human Resources in addressing workplace behaviour;
- address all directly witnessed unlawful discrimination or harassment in the workplace;
- address all Formal Complaints received as set out in this Policy;
- inform the manager-once-removed and Human Resources of a Formal Complaint; and
- if required and in consultation with their manager-once-removed and Human Resources, initiate Suspension on Pay for an employee pending an investigation.

MANAGER-ONCE-REMOVED

The manager-once-removed is accountable to:

- inform Human Resources of a Formal Complaint;
- consider if an employee is placed on Suspension on Pay pending an investigation; and
- review and authorise the findings report prepared by Human Resources following the investigation.

HUMAN RESOURCES

Human Resources are accountable to:

- provide advice to St Barbara Personnel on this Policy;
- clarify if the Complainant is making a Formal Complaint under this Policy, and if so, follow the process as outlined in this Policy;
- consider if legal advice is required;
- conduct the investigation;
- review and authorise the findings of the investigation;

- ensure Contact Officers are in place across St Barbara; and
- provide ongoing training, support and coaching for St Barbara employees, managers and Contact Officers.

CONTACT OFFICER

Contact Officers are St Barbara employees conversant with St Barbara’s Grievance Resolution Framework which incorporates this Policy, the Fair Treatment System and the Whistleblower System. A list of Contact Officers is available on St Barbara’s Intranet (ROCKi) or by contacting a Human Resource representative.

Contact Officers are accountable to:

- provide information on options to employees to resolve their grievances; and
- provide information on support and counselling available through St Barbara’s Employee Assistance Program.

SUPPORT PERSON

Support persons are accountable to:

- take notes during investigation interviews as requested by the Respondent; and
- act as a witness during investigation interviews.

The support person does **not** express their opinion, advocate for the employee or actively participate in the investigation interview.

9. SUPPORT

Contact your manager, Human Resources representative or Contact Officer if you have any questions relating to this Policy. You also have the option of reporting the unlawful behaviour to St Barbara’s confidential external independent Whistleblower Provider, Your-Call. A secure report can be made (including an anonymous report) via:

Website: www.yourcall.com.au/report (Company ID: STBM1986)

Telephone line 9:00am to 12:00am midnight Monday to Friday (AEST / Melbourne time) except National Public Holidays. Calls are taken by a trained Protected Disclosure Officer

Australia	1300 798 101
Canada	(800) 897 2761
PNG	00086 1281

Your-Call will notify St Barbara’s Whistleblower Protection Officers within 24 hours of receiving a report. An automated message will be sent to the discloser to confirm the report has been sent to St Barbara.

Postal Mail: St Barbara Whistleblower Service
 Locked Bag 9
 Collins St East VIC 8003
 Australia

For more information, please refer to the St Barbara Whistleblower Policy.