

Policies & Standards

EQUAL OPPORTUNITY & WORKPLACE BEHAVIOUR

1. Overview

Alumina Limited is committed to treating Employees with respect and fairness. This goal is reflected in the Company's value statements and Code of Conduct. As such, Alumina does not condone discrimination or harassment and any occurrence will be dealt with in accordance with the following policy.

2. Guidelines

Alumina recruits, develops and promotes personnel on the basis of merit.

Alumina strives to maintain a work environment free from discrimination and harassment.

This policy is an integral part of Alumina's values Code of Conduct.

2.1 What is equal opportunity?

Equal opportunity means treating individuals fairly and without discrimination in all aspects of their employment.

Discrimination means treating an individual less favourably than others on grounds prohibited by law.

2.2 Unlawful discrimination

Grounds of unlawful discrimination include:

- sex
- pregnancy
- marital status
- parental status or status as a carer
- breastfeeding
- disability/impairment
- race
- political beliefs or activity
- employment activity
- religious beliefs or activity
- age
- sexual orientation
- gender identity
- physical features
- personal association (whether as a relative or otherwise) with a person with a protected attribute
- freedom of association
- industrial activity,

Note: The law varies from State to State.

2.3 Discrimination

Discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law.

2.4 Direct discrimination

Direct discrimination occurs when a person treats or proposes to treat someone with one or more of the above attributes unfavourably because of that attribute.

Examples of direct discrimination include, but are not limited to:

- not promoting an employee because she is pregnant
- not hiring someone because they are considered too old for the job

2.5 Indirect discrimination

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. a prohibited ground of discrimination).

For example, an advertisement for a position of Office Clerk states "Applicants must have a good command of the English language." A Caucasian and an Asian apply for the position. The position does not require the Employee to answer the telephone or talk to anyone other than work colleagues, however the Asian is rejected due to that person's heavily accented English language skill.

2.6 Harassment

Harassment occurs when an individual engages in offensive, abusive, belittling or threatening behaviour directed at an individual or a group because of a real or perceived attribute or difference of the other person(s). The behaviour is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated.

It may take many forms, e.g. sexual harassment, racial harassment.

2.7 Sexual harassment

Sexual harassment means any verbal, written or physical conduct that is unwelcome and uninvited resulting in an individual being offended, humiliated or intimidated where that result was reasonably anticipated. It may be a single act. The intention of the person is not relevant. It includes subjecting a person to any act of physical intimacy or making any action or comment of a sexual nature in a person's presence.

For example, asking a colleague whether they had sex on the weekend; sending a sexually explicit email.

Further examples of behaviour which constitutes sexual harassment are documented at the end of this policy.

2.8 Racial harassment

Racial harassment means any verbal, written or physical conduct that is unwelcome and uninvited resulting in an individual being offended, humiliated or intimidated where that result was reasonably anticipated. It may be a single act.

For example, telling a joke about a particular race; using derogatory names.

2.9 Workplace bullying

Workplace bullying is repeated, unreasonable behaviour, that creates a risk to health and safety of employees. Bullying is a hazard because it may affect the emotional, mental and physical health of employees.

The risk of bullying is minimised in workplaces where everyone treats each other with dignity and respect.

Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, would see victimising, humiliating, undermining or threatening.

Examples of Direct Bullying:

- Abusive, insulting or offensive language;
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling or screaming;
- Spreading misinformation or malicious rumours;
- Inappropriate comments about a person's appearance, lifestyle or family;
- Teasing or regularly making someone the brunt of pranks or practical jokes;
- Interfering with a person's property or work equipment.

Examples of Indirect Bullying (subtle):

Unreasonably overloading a person with work or not providing enough work;

Setting timelines that are difficult to achieve or constantly changing deadlines;

Setting tasks that are unreasonably below or beyond a person's skill level;

Deliberately excluding, isolating or marginalising a person from normal work activities;

Withholding information that is vital for effective work performance;

Deliberately changing work arrangements, such as leave, to inconvenience a particular employee.

Bullying can be intentional where the actions are intended to humiliate, offend, intimidate or distress, whether or not the behaviour did have that effect.

Such behaviour may breach Alumina's Code of Conduct; Occupational Health and Safety laws or Criminal laws.

2.10 Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Employees must not retaliate against a person who raises a complaint or subject them to any detriment. Alumina will not tolerate victimisation and may take disciplinary action in response to any victimisation.

2.11 Vilification

Vilification means conduct which incites hatred towards, serious contempt for, or severe ridicule of a person or group of persons for a prohibited reason. For example, a person's race.

2.12 Consequences

Alumina will make every effort to prevent harassment, discrimination or bullying in the workplace. Employees do not need to wait for a complaint to be made before taking action on inappropriate behaviour in the workplace. If employees observe or overhear unacceptable conduct or comments, or are approached by another individual with what they believe is a discrimination, bullying or harassment issue, employees should intervene even if a complaint has not been made.

A breach of this policy or of the anti-discrimination laws may result (among other things) in one or more of the following:

- a. disciplinary action against the offender
- b. legal proceedings against the offender
- c. legal proceedings against the employer of the offender
- d. legal proceedings against an individual who has somehow facilitated the commission of the unlawful conduct/behaviour by the offender
- e. defamation proceedings in the civil courts

2.13 False accusations

If a person makes a frivolous complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

3. Responsibilities

Managers

It is the responsibility of all managers to identify, prevent and address potential problems in the workplace:

- Model appropriate behaviour which promotes the principles of this policy;
- Monitor working environments to ensure acceptable standards of conduct are maintained at all times and to take action if they observe unacceptable conduct;
- Promote this policy to ensure that all employees have an understanding of the policy and its requirements;
- Participate in discussions that will prevent unlawful conduct in the workplace. This is particularly relevant when issues of potential indirect or unintended unlawful conduct are identified;
- Ensure employees covered by this policy are aware of Alumina's commitment to assist them should they experience unacceptable workplace behaviour;
- Encourage employees to discuss their concerns;
- Manage complaints of unlawful conduct in a timely, confidential and fair manner ensuring due process;

Employees

It is the responsibility of all employees to:

- Understand and comply with this Policy;
- Ensure they do not engage in any unlawful conduct towards other employees, customers/clients or others with whom they come into contact through work;
- Ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- Follow the complaint procedure in this Policy if they experience any unlawful conduct;
- Report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- Maintain confidentiality if they are involved in the complaint procedure.

Employees should be aware that they can be held legally responsible for their unlawful conduct. Employees, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

4. Fair Treatment

4.1 Overview

Employees are encouraged to discuss with their Manager concerns about their employment relationship with Alumina, their colleagues or management.

If a satisfactory response is not achieved within a reasonable timeframe, the Employee should elevate the concern to the CEO.

For procedures regarding the process in reporting a complaint, refer Appendix A.

Alumina reserves the right to review and amend this policy at any time.

Appendix A

1. Managing complaints

If an individual has a concern about discrimination at work, Alumina encourages the individual to first address the issue directly with the colleague who has given rise to the concerns and to make it clearly known to that person that the behaviour/conduct is unwelcome and ask the person to desist.

Complaints of an equal opportunity nature should be referred to the General Counsel/Company Secretary for consideration and action according to guidelines set out below.

2. Procedure

1. Self-Management can be used if an employee is confident and feels safe to ask that the offending behaviour stop or for a decision to be reviewed. The employee should indicate the affect the behaviour is having and the change in behaviour required.
2. If Step 1 is not an option or not resolved; the grievance or concern will be discussed between the employee and their manager as soon as possible after the grievance or concern arises. If the grievance or concern relates to the manager of the employee, the employee may elect to directly discuss the grievance or concern with their manager's manager or the General Counsel/ Company Secretary.
3. If the grievance or concern is not resolved after Step 2, a formal complaint may be submitted to the General Counsel/ Company Secretary.
4. General Counsel/Company Secretary will document receipt of complaint.
5. General Counsel/Company will establish and document a plan of action including the need (if any) to take immediate action (e.g. may suspend offending individual on full pay pending outcome of investigation) to alleviate a situation or to involve lawyers at an early stage.
6. General Counsel/Company Secretary will inform the complainant of plan of action.
7. (Any concerns raised by complainant about plan of action need to be addressed at this stage)
8. The General Counsel will conduct investigation (in private) and document. Employees are entitled to have a support person of their choice present for any interview, subject to this not unnecessarily delaying the process and the support person not also being a participant in the investigation. The support person is not entitled to take an active role in the interview, and is also required to maintain confidentiality.
9. The General Counsel will inform the outcome of investigation and recommendations for further action to Chief Executive Officer (CEO).
10. The General Counsel will inform the outcome of investigation to complainant; alleged offender and CEO.
11. Consider and deal with any comments or responses of the complainant and alleged offender to outcome of investigation with an external HR Adviser.
12. Decision as to appropriate disciplinary action (if any) is to be taken by CEO.
13. Implement and document disciplinary action.
14. Inform complainant of the investigation conclusion and appropriate action taken (which may be confidential) and obtain confirmation (in writing) that the complainant accepts that complaint is resolved.

3. Confidentiality

At all stages of this procedure, it is imperative that confidentiality is maintained as to the issues, their nature, the identity of the complainant, the identity of the alleged offender and any documents generated in the process.

While respecting confidentiality, Alumina is obliged to investigate and act upon complaints, and this will likely involve details and/or documents being passed onto persons involved in, and those investigating, the complaint. Alumina will do this on a "need to know basis".

All persons involved with the process are required to maintain confidentiality. This is to protect the rights of the complainant and the alleged offender. It is also to minimise the risk of defamatory action being taken.

4. Documenting Complaints and Resolutions

Documenting each step in the procedure is important to enable:

1. Issues to be clarified
2. Timely recording of information and evidence
3. Natural justice processes to be followed
4. Defence of any legal proceedings issued

Documents should be visibly marked on each page: **"Strictly Private & Confidential"**

All documents generated in relation to the lodgement of a complaint must be collated and retained on a file (separate from an individual's personal file). The file is to be visibly marked **"Strictly Private & Confidential"** and is to be retained in a secure place.

Once the complaint is resolved, the file needs to be placed in a sealed envelope and forwarded to the CEO marked "**Strictly Private & Confidential**".

The CEO will retain the file in a secure place and relevant personal files will be cross-referenced appropriately.

5. Forms

To assist with the resolution of issues in accordance with this procedure, the following pro forma forms should be used - refer **Schedule of Forms Appendix C**.

Where appropriate, the forms can be adapted to suit individual circumstances.

If unsure at any stage of the process, please contact the General Counsel/Company Secretary.

Appendix B

1. Sexual Harassment - expanded definitions and examples.

The Sex Discrimination Act 1984 ("the SDA"), which is a Federal Act, and equivalent legislation in the States and Territories, makes sexual harassment in employment unlawful.

Sexual harassment is unwelcome conduct of a sexual nature, which a reasonable person would find offensive, humiliating or intimidating. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.

Certain conduct that may be tolerated socially could constitute sexual harassment in the workplace when it is unwelcome. However, sexual harassment must not be confused with conduct that has the consent of all involved.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other employees by, for example, displaying or discussing sexually explicit material, can also be unlawful.

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

- Physical contact such as pinching, touching, grabbing, kissing or hugging;
- Staring or leering at a person or at parts of their body;
- Sexual jokes or comments;
- Requests for sexual favours;
- Persistent requests to go out, where they are refused;
- Sexually explicit conversations;
- Displays of offensive material such as posters, screen savers, Internet content etc;
- Accessing or downloading sexually explicit material from the Internet;
- Suggestive comments about a person's body or appearance;
- Sending rude or offensive emails, attachments or text messages.

Need help?

Any queries in relation to this policy or its implementation should be referred to the General Counsel/Company Secretary.

LEGISLATION (at October 2017, subject to change from time to time).

Commonwealth

Fair Work Act 2009 (Cth)

Sex Discrimination Act 1984 (Cth)

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Work Health & Safety Act 2011

Victoria

Occupational Health and Safety Act 2004 (Vic)

Equal Employment Opportunity Act 2010 (Vic)

Racial and Religious Tolerance Act 2001 (Vic)

Occupational Health and Safety Regulations (Vic 2007)

Worksafe Victoria Preventing and Responding to Bullying at Work Guidance Note June 2009

Crimes Amendment (Bullying) Bill 2011 (Vic)

Appendix C

Schedule of Forms

1. Complaint
2. Action Plan
3. Document control

FORM 1

"STRICTLY PRIVATE & CONFIDENTIAL"

EQUAL OPPORTUNITY & WORKPLACE BEHAVIOUR POLICY

COMPLAINT FORM

NOTE: All information contained in this form will be dealt with confidentially

Name: _____

Details of Incident:

Date of Incident*: _____ Time of Day: _____ am / pm

*(*If more than one incident, record on a separate page)*

Place where incident occurred: _____

Witnesses (if any) to the incident: _____

General description of incident *(if insufficient space, attach separate page)*:

Result you hope to achieve: _____

Have you spoken to the alleged offender/s? YES / NO

If YES, what was the outcome? _____

If NO, why not? _____

Have you spoken to your supervisor in relation to this incident? YES / NO

If YES, what is their name and position? _____

What was the outcome? _____

Signature of Complainant: _____

Date: _____

For Management only

Date Received: _____

Received by: _____

FORM 2

"STRICTLY PRIVATE & CONFIDENTIAL"

EQUAL OPPORTUNITY & WORKPLACE BEHAVIOUR POLICY

ACTION PLAN

Once a complaint is received, Complainant's Manager and the General Counsel/Company Secretary need to develop an action plan, using the following as a guide:

1. Name of Line Manager: _____
2. Name of Complainant: _____
3. Date Complaint received: _____
4. Name of Alleged Offender(s): _____
5. Type of unlawful discrimination: _____
6. (a) Internal investigation to be conducted? YES/NO
- (b) Person responsible for investigation: _____
7. (a) External investigation to be conducted? YES/NO
- (b) Refer to Alumina lawyers? YES/NO
- (If unsure, refer to General Counsel/Company Secretary)

Immediate Steps

8. (a) Investigation process explained to Complainant? YES/NO
- (b) Alleged Offender(s) notified of the complaint and its substance? YES/NO
- (c) Investigation process explained to Alleged Offender(s)? YES/NO
- (d) Given nature of allegation(s), does the Complainant have to be separated from Alleged Offender(s)? YES/NO
 - i. Suspend Alleged Offender(s) on full pay pending outcome of investigation? YES/NO
 - ii. Locate Complainant to a different work area temporarily? YES/NO
 - iii. Locate Alleged Offender(s) to different work area? YES/NO
 - iv. Other (give details): _____

Aides to Planning

9. List names of potential witness(es): _____

10. List relevant document(s) to be viewed: _____

11. Does Complainant wish to have a support person present during the interview? YES/NO
12. Does the Alleged Offender(s) wish to have a person representing their interests at the investigation? YES/NO
13. Does the Alleged Offender(s) wish to have a support person present during the interview? YES/NO
14. Name of person(s) who will conduct investigation: _____
15. What, if any, additional resources may be required to conduct the investigation?

16. Proposed timeframe within which to prepare a draft report? Specify date: _____

FORM 3

EQUAL OPPORTUNITY AND WORKPLACE BEHAVIOUR POLICY

DOCUMENT CONTROL

(Note: Confidentiality is paramount)

The following procedures must be followed in relation to all documents generated in relation to the complaint:

1. All steps taken in relation to a complaint must be recorded in writing (in legible form).
2. Documents produced must specify the date and name of person who created the document.
3. Statements taken must be signed and dated by the person making the statement.
4. All documents created are to be visibly marked on each page:
"Strictly Private & Confidential"
5. Copies of documents must be limited and only made when absolutely necessary.
6. All documents (including handwritten notes) generated must be retained, collated and placed on a file (separate from personal files) marked "Strictly Private & Confidential".
7. The file should include (among other things) the following documents:
 - a. Original written complaint
 - b. Action Plan
 - c. Statement taken from complainant
 - d. Statement taken from alleged offender(s)
 - e. Other relevant statements
 - f. Draft report to CEO
 - g. Letter to complainant
8. Access to the file must be restricted. The file should be kept in a secure place with limited access allowed.
9. Once the complaint is resolved the file must be placed in a sealed envelope and forwarded to the General Counsel/Company Secretary.
10. The General Counsel/Company Secretary must retain the file in a secure place.