



### 1. Overview and Purpose

The purpose of this policy and procedure is to express the commitment Codan Limited and all of its subsidiaries ('Codan' or the 'Company') has to equal opportunity of employment and to the provision of a work environment that is healthy, safe, secure and free from bullying, victimisation, discrimination and harassment.

### 2. Scope

This document applies to all Codan group employees, contractors, suppliers and other individuals who are engaged for their services or the provision of services to Codan globally.

### 3. References & Legislative Requirements

Document Title
<ul style="list-style-type: none"> <li>• <b>Codan Documents</b></li> <li>• Codan Group Code of Conduct (CP1000-077)</li> <li>• Grievance Procedure (OP 1000-009)</li> <li>• IT Usage Policy (CP0900-002)</li> <li>• Codan Core Values</li> <li>• <b>Australian Legislation</b></li> <li>• Overseen by the Australian Human Rights Commission, the laws relevant to this Policy include:</li> <li>• Age Discrimination Act 2004</li> <li>• Disability Discrimination Act 1992</li> <li>• Racial Discrimination Act 1975</li> <li>• Sex Discrimination Act 1984</li> <li>• Human Rights and Equal Opportunity Commission Act 1986 (Cth)</li> <li>• Occupational Health, Safety and Welfare (SafeWork SA) Amendment Act 2005 (SA) and other applicable OHSW Acts in other Australian states and PNG</li> <li>• Fair Work Act 2009 (Cth)</li> <li>• Work Health and Safety Act 2011 (Cth)</li> <li>• <b>New Zealand</b></li> <li>• Health and Safety at Work Act 2015</li> <li>• Employment Relations Act 2000</li> <li>• Human Rights Act 1993</li> <li>• Bill of Rights Act 1990</li> <li>• <b>Canada</b></li> <li>• Canadian Human Rights Act 1985 (Cth)</li> <li>• Occupational Health and Safety Act</li> <li>• Employment Equity Act 1986</li> <li>• <b>USA</b></li> <li>• Civil Rights Act 1964</li> <li>• Americans with Disabilities Act 1990</li> <li>• Age Discrimination in Employment Act 1967</li> <li>• Pregnancy Discrimination Act 1978</li> <li>• Occupational Health and Safety Act 1970</li> <li>• <b>United Arab Emirates</b></li> <li>• Anti Discrimination Law 2015</li> <li>• Federal Law 1980</li> <li>• <b>United Kingdom</b></li> <li>• Equality Act 2010</li> <li>• Employment Rights Act 1996</li> <li>• The Sex Discrimination Act 1975</li> <li>• The Race Discrimination Act 1995</li> <li>• Disability Discrimination Act 1975</li> <li>• The Health and Safety Act 1974</li> <li>• <b>Ireland</b></li> <li>• Employment Equality Acts 1998</li> <li>• Safety, Health and Welfare at Work Act 2005</li> </ul>



## 4. Definitions

### 4.1. Definitions

**Bullying:** Bullying is repeated and systematic behaviour that a reasonable person would find humiliating, undermining, intimidating or threatening. It has many characteristics in common with harassment, but the reasons for the bullying behaviour can be broader than the grounds that constitute harassment.

Bullying is dealt with by relevant occupational health and safety legislation and individuals accused of bullying may be subject to prosecution.

Bullying can include:

- Isolating someone;
- Psychological abuse that impacts self-esteem and confidence;
- Unfair or excessive criticism;
- Public humiliation;
- Use of aggressive language;
- Yelling abuse;
- Threats of violence or unfair dismissal;
- Setting impossible deadlines;
- Deliberately withholding information that is vital for effective work performance; and
- Continually ignoring or dismissing a person's contribution to a team;

Behaviour will not be considered bullying if it is reasonable management action carried out in a reasonable manner. Examples of management actions that may be considered reasonable if conducted in a reasonable manner include:

- Legitimate performance management processes;
- Reasonable direction and constructive feedback; and
- Action taken to transfer a worker or make a role redundant.

**Discrimination:** occurs when a person or group is treated less favourably and suffers a detriment because they possess a certain protected characteristic including, but not limited to, gender, marital status, pregnancy, race, disability, medical history, sexuality, age, religion or political beliefs.

Discrimination does not have to be conscious or calculated and neither motive nor intent is relevant in determining whether a particular act is discriminatory.

Direct discrimination occurs when a person or group of people are treated less favourably because they possess a characteristic listed as a ground of discrimination.

Indirect discrimination occurs when rules, practices and decisions appear to treat people equally but actually have an adverse effect on an individual or group, thus reducing a benefit or opportunity. The practice appears fair in form but is discriminatory in outcome. For example, the "last on, first off" rule may have the effect of indirectly discriminating against people who have joined the workforce most recently.

Discrimination on the basis of disability is lawful if:

- the person cannot meet the inherent requirements of the job because of his/her disability; and
- the person needs adjustments made which would cause unjustifiable hardship to the company.



**Harassment:** Harassment is defined as any unwelcome behaviour or conduct that intimidates, humiliates or offends another person or group of people. Harassment can be a single or repeated act. Examples of harassment include but are not limited to:

- Derogatory remarks;
- Offensive jokes;
- Spreading rumours;
- Obscene telephone calls, text messages or emails;
- Threats or insults and;
- Physical contact e.g. pushing or shoving.

When the harassment relates to certain characteristics that the person possesses, such as a persons' racial or ethnic background, gender, sexual preference, disability, age or marital status, the harassment is unlawful.

**Repeated behaviour:** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

**Sexual Harassment:** is any unwanted, unwelcome or uninvited behaviour of a sexual nature where a reasonable person would anticipate the possibility of the person being harassed feeling humiliated, intimidated, afraid or offended. Sexual harassment can take many different forms, including, but not limited to:

- Unwelcome comments or questions about an individuals' personal life, sexual habits or physical appearance;
- Suggestive behaviour such as leering or ogling;
- Offensive hand or body gestures;
- Deliberate physical contact such as patting, pinching, brushing up against or putting an arm around a person;
- Sexual jokes and comments;
- The display of photographs, posters, reading matter, graffiti, computer images or objects of a sexual nature;
- Offensive telephone calls, text messages, faxes or emails;
- Sexual propositions or repeated requests for dates when the other person has asked the requestor not to ask again;
- Requests, demands, pressure or threats for sexual favours; and
- Sexual assault, indecent exposure, stalking and rape.

Sexual assault, indecent exposure, stalking and rape are criminal offences and victims of criminal behaviour will be encouraged to report the offence to the police. This does not alleviate the Company's responsibility to deal with the matter internally.

Sexual harassment does not refer to behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment. Friendships, whether sexual or otherwise, are a private matter.

**Unreasonable behaviour:** means any conduct falling within the scope of the above definitions and/or behaviour that a reasonable person, having considered the circumstances, would see as unreasonable.

**Victimisation:** is the term used to describe any pay-back, retribution or intimidation associated with a complaint of harassment, bullying or unlawful discrimination. Victimisation refers not only to intimidation of complainants and potential complainants, but also to the alleged harasser, witnesses, supporters and those resolving or investigating any complaints. Any form of victimisation against a complainant or witness to an incident is unlawful, will be

 CODAN	<b>Codan Policy</b>	<b>No. CP1000-076</b>
<b>Fair Treatment</b>		<b>Issue: 2</b>
<b>Process Owner: Human Resource Group</b>		<b>Date: 19 September 2019</b>

deemed serious misconduct by management.

A person who raises a complaint in good faith and has been victimised is entitled to lodge a complaint that will be dealt with in accordance with this policy.

## 5. Policy Statement

The Policy reflects relevant laws that define unlawful behaviour with respect to Harassment and Discrimination, and;

- *Serves to protect individuals from Victimisation;*
- *Informs all employees of their rights and obligations;*
- *Sets standards of behaviour in accordance with legal requirements; and*
- *Addresses the consequences of breaches of this policy*

Codan encourages a workplace of equal opportunity which is free from Bullying, Harassment and Discrimination with an aim to provide an inclusive, supportive, and productive environment that respects the differences and dignity of individuals.

Employment practices and decisions in regards to recruitment and selection, promotions, transfers, training, career development, employment terms and conditions, disciplinary action, and terminations will be on the basis of facts and merits of the individual, including their skills, qualifications, competencies, and development potential without making judgements based on stereotypes, characteristics, or irrelevant attributes.

Codan will not treat any employee or group of employees less favourably than another on grounds such as sex, sexuality, race, national origin, age, religion, disability, medical record, marital status, pregnancy, breastfeeding or other parental responsibilities, political opinion, association, or any other factor irrelevant to the inherent requirements of the position.

## 6. What you can do

### Informal Approach

Any person who feels they have been unfairly treated under the terms of this policy is encouraged in the first instance to let the offender know how they feel, and ask that they stop the offending behaviour. If the employee has not adopted any strategies to stop the behaviour, s/he may be encouraged to do so prior to proceeding with more formal action, however employees are entitled to make a formal complaint regardless of whether they have tried to manage the *scenario or not*.

An employee can raise their concerns with their Manager or Human Resources Business Partner and seek assistance to cease any Unreasonable behaviour and/or resolve any issues. Mediation or facilitation can form part of the informal process.

If an informal process cannot resolve the concern, the employee can choose to lodge a formal complaint following the steps below. If the employee has been subject to unfair treatment in relation to a decision associated with their employment or employment conditions, then they may lodge a grievance through the Grievance Procedure (OP 1000-009), available on the intranet.

### Formal Approach

Employees may choose to lodge a formal complaint if they have witnessed unreasonable treatment or have experienced this themselves.



Complaints can be made verbally or in writing to a Manager or the Human Resource Business Partner. The Manager or Human Resources Business Partner must accept the complaint unless it is of a frivolous nature.

The complaint whether verbal or in writing must detail;

- Date or approximate dates of the offence;
- The alleged behaviour;
- The person or people against whom the allegation is made;
- Names of witnesses or bystanders;
- How the complainant responded to the behaviour;
- The strategies adopted to stop the behaviour; and
- Any outcome of adopting this strategy.

Complaints cannot be made anonymously as the principles of “natural justice” means that the person against whom allegations are being made has the right to respond fully to those allegations. Complainants can be assured that Managers and Human Resources will not intervene on their behalf without their knowledge and that information will only be given on a “need-to-know” basis.

**Additional Support:**

Employees who have experienced or witnessed unreasonable treatment can also make use of the Company's Employee Assistance Program. This is a free and confidential service.

---

## 7. What if a Complaint has been made against you?

The Company recommends employees to adopt the following measures when dealing with an alleged complaint:

- Don't dismiss the complaint out of hand;
- Try to remain calm and not to aggravate the situation any further;
- Listen to the concern and try to perceive it from their point of view;
- If you don't understand the issue, discuss it with someone you trust; and
- If you believe you are being unfairly accused, discuss the matter with your manager.

Stop the behaviour that caused the offence. If you are found to have bullied someone after they have brought it to your attention, the fact that you continued will make the offence more serious if disciplinary action is taken.

---

## 8. How the Company will respond

If any conduct falling within the scope of the above definitions is reported or observed the Company will take the following steps:

1. The responsible supervisor or manager will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
2. If the issues cannot be resolved or the Unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both parties will be provided the opportunity to state their case and relevant information will be collected and considered before a decision is made. This may include statements from witnesses.
3. All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will be advised of details necessary to the extent of their



involvement.

4. The Company does not condone any form of Victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith will result in disciplinary action.
5. Managers have the ability to take action against unfair treatment in the workplace regardless of whether a complaint has been received or not. If the Manager witnesses unfair treatment, s/he must counsel the perpetrator in relation to their behaviour. If the behaviour continues, the matter must be referred to Human Resources.
6. If the Manager has heard of the unfair treatment through hearsay, the Manager can ask the affected employee if s/he would like to make a complaint. If the employee affected does not make a complaint, the Manager must take general action to stop the unfair treatment. General action can include addressing the workgroup generally to remind them of their obligations, re-issuing the procedure or providing training.

## 9. Breaches of this Policy

Any person found to have either committed or condoned behaviour in the workplace that breaches this Policy may be subjected to disciplinary action.

Appropriate disciplinary action will be taken against a person where an investigation outcome supports or substantiates the allegations. These measures will depend on the nature and circumstance of each breach and could include:

- A verbal or written apology;
- One or more parties agreeing to participate in counselling or training;
- A verbal or written warning for the offender; and/or
- Other disciplinary action, up to and including, dismissal.

If the investigation finds a breach of this policy has not occurred, or cannot be substantiated, the Company may determine the appropriate action required to address any workplace issues that lead to the original complaint (e.g. training).

All employees are required to read and observe the Company Code of Conduct, and complete the Bullying, Harassment and Discrimination Awareness training on a regular basis through their employment lifecycle.

## 10. Responsibilities

*Codan expects all employees to abide by the relevant state and federal legislation, Codan Group Policy and Code of Conduct:*

### Expected Workplace Behaviours

The Company expects all persons covered by this policy 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;
- Be fair and honest in their dealings with others; and
- Bring any Unreasonable behaviour witnessed to the attention of their manager as a matter of urgency.



This policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours;
- During work activities, for example when dealing with clients;
- At work related events, for example at conferences and work-related social functions; and
- On social media where workers interact with colleagues or clients and their actions may affect others either directly or indirectly.

## 11. Approval and Review

This document has been reviewed by the CEO and Human Resource Group and is in force until rescinded or altered by the HR Manager. The HR Manager must approve revisions to this procedure.

## 12. Revision Table

Issue	Revision Description	Release Date	Approved By
1	New Document	<i>March 2019</i>	Human Resource Group and reviewed by Donald McGurk, Managing Director and CEO
2	11. Human resource nominee wording changed to HR Manager	<i>September 2019</i>	HR Manager