

# Diversity and Inclusion Policy

October 2020





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AGL People & Culture: <b>Diversity and Inclusion Policy</b>	
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## Diversity and Inclusion Policy

### 1. Purpose

AGL respects and values the diversity of its employees, customers and stakeholders and is committed to finding ways to actively support and encourage a diverse workforce and inclusive workplace now and in the future. This policy describes AGL's approach to diversity and inclusion and how these attributes are promoted and embedded in AGL workplaces.

### 2. Scope

This policy applies to all employees of the AGL group of companies.

### 3. General

- 3.1 The Diversity and Inclusion Policy provides a framework to effectively embed and support a diverse workforce and inclusive workplace for all AGL employees.
- 3.2 The first section ("Diversity and Inclusion Principles") outlines AGL's overall commitment to diversity and inclusion and how AGL promotes and embeds these attributes in its workplaces.
- 3.3 The second section ("Compliance") describes behaviours, including discrimination, harassment, and bullying, that are unlawful and unacceptable at AGL and the obligation of all employees and leaders to ensure a workplace free from unlawful behaviours.
- 3.4 This policy sets out the approach which AGL will generally take; AGL may depart from or vary this policy from time to time in its absolute discretion. As this is a policy it does not form part of any employment and contract or employment terms.

### 4. Relationship to other AGL policies

This policy should be read in conjunction with other AGL policies, procedures and documents that define and support AGL's commitment to a diverse and inclusive workplace and the expected behaviour and conduct of its leaders and employees. These include:

- AGL Code of Conduct
- AGL Values
- Workplace Issues Resolution Guidelines
- Flexible Work Arrangements Toolkit
- Recruitment Policy
- Performance and Development Review (PDR) process
- Talent Management at AGL

## Part 1 – Diversity and Inclusion Principles

### 5. Definitions - diversity and inclusion

- 5.1 Diversity is the term used to describe the differences and uniqueness of all people – it includes skills, knowledge, experiences and perspectives of individuals and groups. It can refer to demographic characteristics, such as age, gender, gender identity, sexual orientation, intersex status, religion or national origin or social origin. Diversity can also be recognised by personal characteristics such as disability, medical condition, carers' responsibilities, pregnancy or potential pregnancy and any other characteristic of an individual.
- 5.2 Some personal characteristics are protected against discrimination through state and federal legislation; however valuing diversity is broader, where differences are recognised and valued in a positive and proactive way.
- 5.4 An inclusive workplace:
- values the diversity of its employees, customers and stakeholders;
  - upholds the right of every employee to be treated with respect and fairness whilst performing their work;
  - is fair and equitable; and
  - is free of discrimination, harassment, bullying and other unlawful behaviour.

### 6. Benefits of a diverse workforce and inclusive workplace

6.1 An inclusive workplace, where all employees feel safe and confident to contribute their ideas and perspectives, facilitates more creative, innovative and effective solutions for achieving AGL's business objectives.

6.2 AGL recognises that a diverse workforce and inclusive workplace culture is attractive to potential employees and provides AGL with an edge when competing for talent and retaining its talented people.

6.3 A diverse workforce, with its broad range of experience and perspectives, has a better opportunity to understand and engage AGL's customer base and the communities in which it works.

## **7. AGL's commitment to diversity and inclusion**

7.1 AGL values the diversity of its employees, customers and other stakeholders and recognises that diversity is supported and enhanced by an inclusive workplace culture.

7.2 AGL recognises that all people working in, or visiting AGL workplaces have the right to be treated with respect and fairness and enjoy an environment free of discrimination, harassment, bullying and other unlawful behaviour. This is a key feature of an inclusive workplace.

7.3 AGL is committed to finding ways to actively support and encourage a diverse workforce and inclusive workplace now and in the future and this commitment is considered and reflected in strategic and operational plans; policies, procedures and new initiatives.

## **8. Promoting and embedding a diverse workforce and inclusive workplace**

8.1 AGL recognises that the culture of its workplaces are a product of the behaviour and conduct of AGL's people - that is, how employees treat each other, customers and stakeholders while conducting AGL's business.

8.2 AGL sets clear expectations for leaders and employees regarding the actions, conduct and behaviour that support a diverse workforce and inclusive workplace. These expectations are described in this policy, the AGL Code of Conduct, AGL Values and other related documents and are explained and reinforced through general communication and targeted education and training programs. Key concepts and obligations are communicated through compulsory training.

8.3 AGL has a Diversity & Inclusion Council which is chaired by AGL's CEO and comprises senior leaders from AGL's major businesses and corporate function. The Diversity & Inclusion Council owns AGL's diversity and inclusion strategy and provides leadership accountability for diversity and inclusion outcomes at AGL.

8.4 AGL regularly consults with employees about key areas and issues relating to diversity and inclusion and uses this information to improve existing processes and develop new initiatives.

8.5 AGL's Diversity and Inclusion strategy is broad, and currently has specific streams of work relating to: cultural identity; gender equity; Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTQ+) inclusion; families and carers support, family and domestic violence awareness and disability inclusion.

8.6 Leaders and employees are encouraged to speak up if they see conduct or behaviour that is not consistent with this policy or other related documents and AGL will address breaches appropriately. Workplace issues resolution processes and disciplinary processes are described in related documents.

## **9. Equal Employment Opportunity**

- 9.1 Equal Employment Opportunity (EEO) is the principle of ensuring that all people have equal access to employment opportunities, free from discrimination and bias. It is one of the ways AGL can actively promote and embed a diverse and inclusive workplace.
- 9.2 As an employer, AGL has a legal obligation to conduct its business in a manner consistent with EEO.
- 9.3 AGL meets its obligations by identifying and removing any unnecessary barriers to employment and to make employment decisions based on merit, and not characteristics that are irrelevant to successfully fulfilling the responsibilities of the position.
- 9.4 EEO applies to an employee's access to career development opportunities including training and development, promotion, secondments or other job opportunities that are appropriate given their skills, knowledge and experience. Career development opportunities are available to all employees and are tailored to meet individual and business needs.
- 9.5 AGL executes its commitment to EEO through its Recruitment Policy and related processes.
- 9.7 In accordance with the Recruitment Policy, recruiting leaders have a responsibility to ensure that recruitment decisions are based on assessing the skills, knowledge and experience of applicants in relation the requirements of the position and the AGL values. This includes making decisions about the tools and processes used for assessing the suitability of applicants.

## **10. Affirmative action initiatives**

- 10.1 Affirmative action initiatives are another way of increasing the diversity of AGL's workforce. Affirmative action describes initiatives and actions that aim to remove barriers to people with particular characteristics, enabling those people to compete equally for employment opportunities, and addressing any disadvantages that may be evident.
- 10.2 Affirmative action initiatives may focus on a particular group or individuals belonging to a group who have been disadvantaged in the past or who are under-represented within AGL's workforce. An example is providing additional support and assistance to people with disabilities, Indigenous Australians or to encourage and support employees to return from and remain with AGL after a period of Parental Leave.

## **11. Reporting and compliance**

- 11.1 AGL monitors its performance in the areas of diversity and inclusion using appropriate measures and targets.

- 11.2 Progress is reported to, and discussed in various forums, including AGL's Diversity & Inclusion Council, Executive Team and the People & Performance Board Committee.
- 11.3 AGL has established a workplace program to remove barriers to women entering and advancing in the company in accordance with the Workplace Gender Equality Act 2012. AGL reports regularly to the Equal Opportunity for Women in the Workplace Gender Equality Agency 2012 on this program and its progress.
- 11.4 AGL monitors gender diversity across the organisation using appropriate measures. AGL's People & Performance Board Committee will establish measurable objectives for achieving gender diversity each year. Progress will be reported to, and discussed in various forums, including AGL's Diversity & Inclusion Council, Executive Team and the People & Performance Board Committee.
- 11.5 In addition, AGL reports its gender diversity objectives and progress in achieving them, as well as the proportion of female employees in the organisation, at Executive Team level and on the AGL Board, in AGL's Annual Report.
- 11.6 AGL also captures, monitors and reviews employee complaints related to breaches of this policy, including complaints relating to sexual harassment, homophobia and transphobia in the workplace.

## **Part 2 – Compliance**

### **12. AGL's approach to eliminating unacceptable and unlawful behaviour**

- 12.1 AGL does not tolerate behaviours that undermine a diverse and inclusive workplace, including but not limited to behaviour that is unlawful such as discrimination, harassment, bullying, vilification and victimisation.
- 12.2 The "workplace" includes an employee's place(s) of work as well as any work-related function (including conferences, seminars and social events).
- 12.3 AGL encourages employees to speak up about unacceptable and unlawful behaviour in the workplace and supports employees to do this by providing them with access to advice, support and a process to raise and resolve complaints.
- 12.4 AGL provides targeted education and training for leaders and employees so they can recognise unacceptable and unlawful behaviour in the workplace and know what to do if they experience, witness or become aware of it.

## 13. Definitions - unacceptable and unlawful behaviour

- 13.1 Unacceptable behaviour is any behaviour that undermines AGL having a diverse and inclusive workplace and includes behaviour that is not consistent with AGL's Code of Conduct and the AGL Values.
- 13.2 Unlawful behaviours are defined in various State and Federal laws and include discrimination, harassment, bullying, vilification and victimisation.

## 14. Discrimination

14.1 Discrimination is any practice that makes distinctions between individuals and groups that disadvantages some people and/or advantages others.

14.2 It is unlawful to discriminate against someone on the following "prohibited grounds":

- Gender
- Sexual Orientation
- Gender Identity
- Gender Expression
- Age
- Intersex Status
- Relationship Status
- Family responsibilities'
- Disability
- Family responsibilities
- Carers' responsibilities
- Race, nationality, or ethnic origin
- Marital status
- Medical or irrelevant criminal record
- Political views
- Pregnancy or potential pregnancy
- Religious beliefs or activity
- Sexuality or sexual orientation
- Trade union activity
- Physical appearance
- Social origin

Not all of these prohibited grounds apply in all States / Territories of Australia. However, all of these grounds for discrimination and harassment are unacceptable at AGL.

- 14.3 This policy does not deal with lawful discrimination such as rewarding high performance or choosing a qualified person rather than an unqualified person.
- 14.4 Discrimination can be direct or indirect.

Direct discrimination is when someone is treated less favourably in their employment due to one of the prohibited grounds e.g. a person is not hired because they are pregnant.

Indirect discrimination occurs where a condition, requirement or practice is imposed that has the effect of disadvantaging one group of people in relation to the other on one of the prohibited grounds, and this is not reasonable in the circumstances.

Example include:

- advertising a job with strength or height requirements may indirectly discriminate against women, unless setting requirements in relation to strength and height is reasonable given the inherent requirements of the job.
- requiring an employee to be married in order to be covered for certain relocation allowances.
- Not providing a means for any employee to update the gender identity in their employee records. This indirectly discriminates against an employee undergoing gender transition.

14.5 A person can unlawfully discriminate against someone else even if they didn't mean to do so.

## 15. Harassment

15.1 Harassment is any unreasonable, uninvited or unwelcome behaviour that a reasonable person would consider offensive, humiliating, intimidating or threatening to another person or makes a workplace uncomfortable and hostile for other employees.

15.2 It is against the law to harass someone on the basis of one of the prohibited grounds that relate to unlawful discrimination.

15.3 Harassment may consist of an isolated incident or a series of incidents or an ongoing pattern of behaviour.

15.4 Harassment does not have to be intentional e.g. telling a racist joke that some people found funny but another person felt was offensive or humiliating; saying "that's so gay" when being critical or negative about something.

15.5 Harassment does not have to be directed at a particular individual e.g. a sexually explicit or a homophobic screen saver or poster can be considered a form of sexual harassment;

## 16. Sexual Harassment

- 16.1 Sexual harassment is against the law. It is unreasonable, uninvited or unwelcome conduct of a sexual nature that makes another person or group of people feel offended, humiliated or threatened.
- 16.2 Sexual harassment may include conduct that occurs in the workplace or in connection with work outside normal hours, for example, at a work function.
- 16.3 Examples of sexual harassment include but are not limited to:
- Unwelcome sexual advances
  - Sexual or suggestive remarks
  - Sexual propositions or repeated requests for dates
  - Repeated questions about personal life
  - Sexual jokes and innuendo
  - Deliberate and unwanted physical contact such as touching, brushing up against a person, hugging etc.
  - Offensive telephone calls, reading matter or objects, email, screen savers, pictures, calendars etc.
  - Suggestive leers

## 17. Bullying

- 17.1 Bullying is against the law. It is repeated, unreasonable behaviour directed towards an employee, or group of employees, that creates a risk to health and safety. Unreasonable behaviour is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, demean or threaten.
- 17.2 Bullying can be carried out verbally, physically or in writing (e.g. via email, social media technologies such as Twitter and Facebook, and via mobile phone technologies such as text messaging).
- 17.3 Bullying can be directed in a range of ways in a workplace – downwards (from leaders to employees); sideways (between employees / co-workers) and upwards (from employee to leaders).
- 17.4 Bullying can be directed at a single employee or at more than one employee. It can be carried out by one or more employees.
- 17.5 Being bullied or working in a climate of bullying can lead to psychological and/or physical injury and can also contribute to other injuries in the workplace.

17.6 Examples of bullying include but are not limited to:

- Unwanted physical contact
- Verbal abuse including offensive language and/or shouting
- Physical assaults or threats
- Isolating or excluding employees
- Taunting someone because of their perceived sexuality
- Calling a transgender man or woman “it” or “he/she”.
- Teasing, sarcasm or insults
- Constant and unreasonable or unconstructive criticism
- Intimidation or trying to make an employee feel unimportant
- Humiliating others or making people the brunt of practical jokes
- Spreading malicious rumours
- Initiation rites
- Assigning meaningless tasks unrelated to the job
- Placing unreasonably high work demands on one employee but not on others
- Deliberately changing work rosters to inconvenience an employee or group of employees
- Displaying written or pictorial material which may degrade or offend certain employees

17.7 Reasonable management actions carried out in a fair way is not bullying. Bullying is not:

- Setting performance goals, standards and deadlines
- Informing an employee about unsatisfactory work performance
- Performance management processes
- Informing an employee about inappropriate behaviour
- Constructive feedback
- Allocating work to someone and rostering and allocating working hours
- Transferring an employee to another worksite
- Deciding not to select an employee for a role
- Implementing organisational change

17.8 Recognising LGBTQ+ bullying and harassment.

In order to prevent bullying and harassment of our LGBTQ+ people, AGL have specific examples to help you recognise bullying behaviour.

Examples of LGBTQ+ bullying and harassment include:

- Making homophobic insults and threats.
- Making unnecessary and degrading references to an individual's sexual orientation.
- Engaging in banter or making jokes which are degrading to a person's sexual orientation or perceived sexual orientation.
- Outing an individual as lesbian, gay, transgender, bisexual or intersex without their permission.
- Ignoring or excluding a colleague from activities because they are LGBTQ+.
- Spreading rumours or gossip about an individual's sexual orientation or gender identity.

- Asking an LGBTQ+ colleague intrusive questions about their private life.
- Making assumptions and judgements about a colleague based on their sexual orientation.
- Using religious belief to justify LGBTQ+ bullying and harassment.

## 18. Vilification

18.1 Vilification is against the law. Vilification is doing or saying something in public that creates, encourages or incites hatred, severe contempt for or severe ridicule of other people. Examples of grounds for vilification include but are not limited to:

- Race, ethnic or religious background
- Having AIDS or being HIV positive
- Homosexuality or being transgender

## 19. Victimisation

19.1 A person is victimised when they are retaliated against, subjected to pressure, adverse comment, isolation or other detrimental behaviour.

19.2 It is against the law to victimise a person for making a complaint about discrimination, harassment, bullying, vilification or victimisation. It is against the law to victimise someone for being involved in a complaint made by someone else or for supporting someone who has made a complaint.

## 20. Addressing unacceptable and unlawful behaviour

20.1 Leaders and employees are expected and encouraged to speak up about and address, through appropriate channels, unacceptable behaviour if it occurs in AGL workplaces.

20.2 AGL's preference is for an employee to try first to address the behaviour directly with the perpetrator, if this is possible or appropriate. If it isn't possible to address the issue directly, then the employee should raise the issue with their direct leader, another leader or their People & Culture Business Partner.

20.3 AGL's process for addressing unacceptable and unlawful behaviour in the workplace upholds the principles of procedural fairness. For further information about how issues relating to unacceptable and unlawful behaviour can be raised and how they are

addressed at AGL, employees should refer to AGL's [Workplace Issues Resolution Guidelines](#) which can be found on the Grid at About You > Diversity & Inclusion at AGL.

## 21. Education and training

- 21.1 AGL has set clear expectations for leaders and employees regarding their behaviour and conduct in the workplace. To ensure everyone understands what is expected of them, all employees, contractors and agency temps are required to complete relevant training.
- 21.2 Initial training is completed by all new employees during the induction process. All employees must complete Diversity and Inclusion Compliance training annually.
- 21.3 Compulsory compliance training is delivered through AGL's online learning system, Empower.
- 21.4 Leaders are responsible for ensuring their team members have completed required training and can track their team's compliance status through Workday.

## 22. Breaches of this policy

- 22.1 AGL recognises the value of a diverse workforce and inclusive workplace to AGL's business success. Additionally, AGL has legal obligations under state, territory and federal legislation to provide a safe working environment that is free from discrimination, harassment, bullying and other unlawful behaviour. Consequently, AGL takes its commitment to encouraging and promoting a diverse workforce and inclusive workplace very seriously.
- 22.2 Breaches of this policy may result in disciplinary action, up to and including termination of employment.

## 23. Responsibilities and Guidelines

### 23.1 Responsibilities of Employees

- Comply with the obligations under this and related policies.
- Understand what it means to value diversity and the attributes of an inclusive workplace at AGL.
- Complete all compulsory training including induction and refresher training.
- Contribute to promoting an inclusive workplace by valuing and respecting others' differences.

- Speak up about behaviour in the workplace that is not consistent with this policy. Issues can be raised with leaders or the People & Culture Business Partner.

### 23.2 Additional responsibilities of Leaders

- Ensure team members complete compulsory training.
- Model, acknowledge and encourage desired behaviour.
- Create a work environment which encourages open dialogue and values diverse perspectives.
- Actively identify and eliminate any barriers to equality of opportunity in employment.
- Consider both the employees' and the business' needs when applying the policy.
- Seek help and advice from the People & Culture Business Partner as required to ensure this policy is applied appropriately.

### 23.3 Responsibilities of People & Culture

- Promote the value of a diverse workforce and inclusive workplace with business leaders.
- Ensure AGL's commitment to a diverse workforce and inclusive workplace is considered and reflected in strategic and operational plans; policies, procedures and new initiatives.
- Develop appropriate measures, targets and regular reporting to assist the Executive Team and the AGL Board assess AGL's performance in the area of diversity and inclusion.
- Provide advice and support to leaders in relation to promoting and embedding a diverse and inclusive workplace.
- Assist leaders to apply the policy appropriately.

### 23.4 Responsibilities of Diversity & Inclusion Council

- Support AGL achieve its vision of a diverse workforce and inclusive workplace culture.
- Provide leadership accountability for diversity and inclusion outcomes at AGL.
- Sponsor the development and implementation of AGL's diversity and inclusion strategy.
- Provide strategic guidance to the People & Culture team to assist them prioritise and develop policies, processes and initiatives that will be delivered under the strategy.
- Monitor AGL's progress in achieving a diverse workforce and inclusive workplace culture.
- Act as ambassadors to drive and promote the benefits of diversity and inclusion throughout AGL.