

Equity & Diversity Policy

March, 2020

Definitions

The Company: means AUTOPACIFIC Group and its related bodies corporate as defined in the Corporations Act 2001.

Behaviour: is anything a person says or does which is observable (you can see it), audible (you can hear it) or tangible (you can feel it).

Diversity: broadly covers differences such as age, gender, disability, ethnicity, marital or family status, religious or cultural background, sexual orientation and gender identity.

Equity: is the quality of being fair and impartial to equalise inequalities and exploitation.

Misconduct: means conduct or behaviour that warrants disciplinary action being taken by the Company against the employee which may include termination of employment.

Reasonable person: An objective test or hypothetical person who exercises average care, skill, and judgment in conduct that serves as a comparative standard for behaviour under similar circumstances

Serious and wilful misconduct: is defined to include but is not limited to:

- engaging in wilful or deliberate behaviour that is inconsistent with the continuation of your employment;
- engaging in theft, fraud or assault;
- being found, in the reasonable opinion of the Company, to be intoxicated or under the influence of non-prescribed drugs during working hours;
- engaging in conduct that causes imminent and serious risk to the health or safety of a person or the reputation, viability or profitability of the Company's business;
- engaging in sexual harassment, discrimination or bullying against another employee or any other person;
- being charged or convicted of any criminal offence which, in the reasonable opinion of the Company, affects your position or brings the Company into disrepute; and
- failing to carry out a lawful and reasonable direction from the Company.

The Company may terminate a person's employment at any time with immediate effect (i.e. summary dismissal) and without providing any notice of termination or payment in lieu of notice if that person commits an act of serious misconduct.

Workplace participants – means all employees, directors and contractors of the Company, and includes contractors and employees from other companies working at the Company.

Purpose and Scope

The Company is committed to promoting a workplace that encourages diversity and inclusion and providing a discrimination and harassment-free workplace, with equal opportunity and respect for all

The Company values an environment where all people are treated with dignity, courtesy and respect. The Company believes that diversity in the workforce maximises the talent, potential and contribution of all participants. The aims of this policy are:

- recognise and value diversity and inclusion in the workforce;
- treatment of workplace participants based on merit;
- provision of information and support to all workplace participants in relation to their rights and responsibilities under this policy; and
- to provide an effective avenue for dealing with complaints of harassment, bullying, vilification, victimisation and/or discrimination.

This policy reflects the Company's obligations under Federal and relevant State anti-discrimination laws to provide equal opportunity in employment.

Relevant Legislation

<p>Federal Fair Work Act 2009 Racial Discrimination Act 1975 Sex Discrimination Act 1984 Disability Discrimination Act 1992 Age Discrimination Act 2004 Australian Human Rights Commission Act 1986 Workplace Gender Equality Act 2012</p> <p>South Australia Equal Opportunity Act 1984 Workplace Health and Safety Act 2012</p> <p>Western Australia Equal Opportunity Act 1984</p>	<p>New South Wales Anti-Discrimination Act 1977</p> <p>Queensland Anti-Discrimination Act (1991) Crime and Misconduct Act (2001)</p> <p>Victoria Equal Opportunity Act 2010 Racial and Religious Tolerance Act 2001 Crimes Amendment (Bullying) Act 2011 Crimes Act 1958 Occupational Health and Safety Act 2004</p>
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Apart from applying to all workplace participants, this policy and relevant legislation also applies to employees when interacting with the Company's clients, customers, suppliers, contractors, volunteers, people applying for employment and members of the public and is not limited to the workplace or work hours. (i.e. this policy applies to use of social media where conduct or behaviour is related to the workplace and / or colleagues) and also includes:

- email and Internet usage, including Social Networks;
- work related social activities, including outside the Company premises and outside usual working hours;

Rights and Responsibilities

All employees are responsible for contributing to a culture where individual differences are understood, respected and valued. We expect a supportive workplace to diversity and that all employees behave in a fair, professional and courteous manner, ensuring employees can feel, valued and engaged at work.

The Company intends, so far as is practicable, to:

- communicate its policy and procedure to all workplace participants and provide appropriate training;
- provide an effective procedure to investigate complaints of harassment, bullying and discrimination and to support workplace participants through the complaint resolution process, and
- take appropriate disciplinary action against any person found to have victimised, vilified, harassed, or bullied another person or to have discriminated against another person.

Workplace participants have a responsibility to:

- treat everyone with whom they have contact with during their employment with, courtesy and respect;
- take reasonable and prompt action to resolve any incidents of harassment, bullying or discrimination they may experience or witness;
- ensure they do not engage in discriminatory, harassing (including of a sexual nature), vilifying, or bullying behaviour against another workplace participant
- ensure they do not victimise any person involved in a complaint;
- display behaviours in accordance with the company values [refer to The Spirit and The Letter (Code of Conduct)], and
- ensure they act in accordance with this policy at all times.

Workplace participants should be aware that in some circumstances they can be held personally responsible for their unlawful acts. Workplace participants, who aid, abet or encourage other persons to discriminate, harass or bully may also be held legally liable by association.

All workplace participants have an obligation to maintain confidentiality if they provide information during the

investigation of a complaint. Spreading rumours or gossip may expose workplace participants to a defamation action. Breaching confidentiality may result in disciplinary action being taken.

Supervisors, Managers and Directors have a responsibility to:

- take reasonable and timely action to address complaints or if they observe conduct or behaviour occurring in breach of this policy;
- ensure their direct employees are aware of this policy;
- model appropriate behaviour;
- promote a work environment free of bullying, harassment and discrimination;
- protect the right of all their workplace participants to raise concerns or take action (see 'Resolution and possible outcomes') without being victimised;
- follow appropriate complaint handling procedures;
- refer concerns or complaints to the HR Department.

The Company's expectations of workplace participant behaviour are as follows:

1. show respect for one another
2. build positive, productive and professional work relationships
3. try to understand and value individual differences
4. alert company leadership to actual or potential bullying, harassment and/or misconduct problems
5. don't do or say anything that give another person reasonable cause to feel offended, humiliated or intimidated.

Diversity and inclusion in the Workplace includes:

- supporting diversity
- eliminating discrimination, bullying and harassment
- the complaint handling procedure for handling complaints
- additional support

Workplace Gender Equality

AUTOPACIFIC Group is committed to the principles of the Workplace Gender Equality Act 2012 and aims to improve and promote equality for both women and men in the workplace.

The aim of the Workplace Gender Equality Agency (WGEA) is to promote and improve gender equality in Australian workplaces and to eliminate discrimination and promote equal opportunity for women in relation to employment matters.

The Company consults with workplace participants on any issues, including gender equity issues through:

- consultative meetings
- performance discussions
- exit survey

Supporting Diversity and Inclusion

AUTOPACIFIC Group considers diversity to broadly cover differences such as age, gender, disability, ethnicity, marital or family status, religious or cultural background, sexual orientation and gender identity. Diversity does not address how these different people function or work – this is inclusion. Inclusion enables us to strive to have all people respected and valued, not just for their abilities, but also for their unique qualities and perspectives. The Company will encourage workplace participants to observe the values of inclusiveness and fairness whilst maintaining high professional standards.

This will be accomplished through initiatives such as:

- non-denominational multi-cultural prayer room
- private rooms
- the Company's expectations of employee behaviour

Linguistic Diversity

Diversity is both an opportunity and challenge. It can be a source of tension, division or conflict if difference is associated with exclusion, disadvantage or racism. Everyone needs to work together. It should be recognised that cultural, social and linguistic diversity are assets in an internationally competitive market.

The expectation that workplace participants speak and read English to a level to be able to fulfil the inherent requirements of their role, including instructions and general conversations between colleagues is to ensure fair and equitable communication and to promote inclusion, as well as safety and wellbeing. During one to one conversation in isolation, languages other than English may be appropriate. To provide support for non-English languages, global documentation will be available to read in various languages where possible. An interpreter or translator can also be engaged upon request for formal meetings, formal documents and as required.

Discrimination

Discrimination occurs where a person is **treated unfavourably in their employment** because of an **attribute they possess, or are thought to possess**. Discrimination is the different treatment of individuals or groups in identical circumstances without justification.

There are two types of discrimination:

- *Direct discrimination* occurs when a person is treated unfavourably because of a characteristic or attribute listed as grounds for discrimination. It makes no difference if the characteristic or attribute is not real but is only presumed or imputed to a person, it is still unlawful to treat them less favourably on this ground.
- *Indirect discrimination* occurs where there is a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, and that requirement, condition or practice is not reasonable.

Among other things, it is unlawful to discriminate against a person in any area of their employment. This includes recruitment, terms and conditions of employment, promotion, transfer, training, leave and termination of employment.

Discrimination is also unlawful in the provision of goods and services, which means that workplace participants must not discriminate against or harass customers or clients of the Company.

A person's intention or motive is not relevant when it comes to assessing whether unlawful discrimination has occurred or not. Accordingly, a person can discriminate against another person even if they did not intend to do so.

It is unlawful to discriminate against a person on the basis of any of the following protected attributes:

- Age;
- Sex;
- Disability or impairment (including intellectual or mental impairment, illness (including HIV), injury or medical record);
- Sexual orientation and preference;
- Gender identity;
- Lawful sexual activity;
- Marital or relationship status (including being unmarried or in an unmarried domestic partnership);
- Pregnancy (including potential pregnancy);
- Family responsibilities, parent / carer status;
- Genetic predisposition to disability;
- Medical record;
- Association with a child;
- Breastfeeding;
- Employment activity (e.g. the individual's right to enquire about workplace entitlements);
- Lawful industrial activity (including trade union membership or activity);
- criminal record;
- political belief or activity;
- Physical features;
- Race, colour, nationality, or national or ethnic origin;
- Religious belief or activity;
- Intersex status or
- Association with persons having any of the above attributes.

It is not discrimination where a characteristic or an attribute is relevant to the genuine requirements of a position.

Harassment

Harassment is any **unwelcome conduct based on one of the attributes listed above that is likely to make a person feel intimidated, threatened, humiliated or offended**. This type of behaviour can be physical, verbal or visual in nature. It can include telling offensive jokes, making derogatory comments, probing personal questions, repeated reference to a person's personal characteristics, campaigns of hate, silence or isolation.

Harassment can be a single or repeated act of offensive behaviour.

There is no requirement for a person to advise the alleged harasser that their behaviour is unwelcome and/or causing the person to feel offended, humiliated or intimidated by that behaviour before making a complaint.

Sexual Harassment

Sexual Harassment is unwelcome **conduct of a sexual nature** that a reasonable **person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct**. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

In Australia, sexual harassment is unlawful under the Sex Discrimination Act 1984 (Cth) as well as anti-discrimination legislation operating in every state and territory.

Examples of sexual harassment may include:

- making an unwelcome sexual advance;
- making derogatory comments of a sexual nature,
- repeated reference to a person's personal characteristics (i.e. leering)
- making an unwelcome request for sexual favours;
- making gestures or actions of a sexual nature.
- sexually explicit conversation i.e. of a verbal, written and electronic nature; (i.e. telling offensive jokes or sharing inappropriate emails and/or text messages) or
- crude conversation or innuendo
- offensive jokes
- general sexual banter

Sexual harassment may take the form of physical contact, verbal or written comments, gestures or actions with sexual connotations whether it is in that person's presence or about them behind their back. Sexual harassment is not consensual, welcome or reciprocated behaviour. Generally sexual harassment involves a pattern of unwelcome behaviour. However, one incident is sufficient to constitute sexual harassment.

A person can be sexually harassed by a supervisor or manager, co-worker, contractor, service provider, client or customer. Sexual harassment laws cover harassment against both men and women and between people of opposite sex or the same sex. Sexual harassment may include conduct that occurs in the workplace or in connection with work, for example, at a Christmas party or at a work-related event function outside work hours.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. However, the organisation does not support comments or actions which may create an unpleasant sexualized environment, even where parties consent to the actions. AutoPacific will not tolerate a workplace culture that is sexually permeated or hostile, such as the display of obscene or pornographic materials, general sexual banter, crude conversation or innuendo and offensive jokes. It is important that all employees, even if in a consensual relationship, do not kiss or touch each other in an unprofessional way at work so as to maintain a professional workplace environment.

Responsibilities

All leaders are responsible for fostering a culture where there is no opportunity for workplace harassment. Leaders are also responsible for providing a positive example of correct behaviour in the workplace and support for employees if a complaint is made. They must know what to do if a person brings a complaint of discrimination or harassment to them.

All employees are responsible for behaving or acting in a manner that may be deemed discriminatory or harassment against a person or persons.

Bullying

Bullying is **repeated, unreasonable behaviour** directed towards a workplace participant or group of workplace participants that **creates a risk to health and safety**. Unreasonable behaviour means behaviour that a reasonable person, having regard to all of the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Workplace participants have a right to work in an environment where they are not subjected to bullying behaviour. Such behaviour impacts upon the productivity and wellbeing of the person being bullied and others who witness it. Any workplace participant who engages in bullying behaviour will be subject to disciplinary action which may include termination of employment.

Bullying behaviour does not need to be based on a protected discriminatory ground to constitute bullying. A workplace participant can be bullied for any reason.

Bullying behaviour is not confined to the workplace and can occur by publishing information or statements about the person on the internet, by email or text message.

Generally, or conduct to constitute bullying it must be repeated. A one-off incident would not normally constitute bullying but if the incident involves a person feeling threatened and fearful or any physical contact is involved it could amount to criminal assault.

While there is no requirement that deliberate or intentional bullying behaviour be proved a person's intention may however be relevant in assessing the level and severity of the conduct.

Reasonable management action does not constitute bullying. If a manager or supervisor counsels a workplace participant about his or her performance it is not bullying. Performance counselling is a necessary part of ensuring that workplace participants meet the Company's standards of work and

behaviour. Also, other reasonable managerial actions such as taking disciplinary action against a workplace participant, delivering work directions/instructions and orders or allocating work to workplace participants will not constitute bullying.

Examples of bullying include:

- physical assault or threats of physical assault;
- isolating someone (including withholding information);
- subtle psychological abuse which affects self-esteem and confidence;
- repeated and unjustified, unfair or excessive criticism;
- unnecessary shouting or using aggressive inappropriate language, or initiation rituals;
- using abusive or offensive words to, or in front of, the person;
- performing abusive or offensive acts in front of the person, and
- directing abusive or offensive acts towards the person.

It is important for workplace participants to note that certain types of bullying such as stalking behaviour can be considered to be criminal behaviour in Australia. People found guilty of an offence under the Crimes Amendment (Bullying) Act 2011 (Vic) may be fined or imprisoned.

It is a crime to act with the intention to cause a person physical or mental harm (including self-harm), or cause a person to fear for a person's own safety.

Eliminating discrimination, bullying and harassment

A person's intention is not relevant in determining whether behaviour is regarded as harassment or discrimination. It is the way the behaviour is perceived that determines this. If a person claims they are offended, intimidated or humiliated, the behaviour or actions may constitute harassment or bullying and must stop.

Vilification

Vilification occurs when a person, by public act, engages in conduct that incites hatred against, contempt, or ridicule of another person or class of people because of their protected attributes such as race, religious belief, HIV status or religious activity. The meaning of public act includes but is not limited to making statements or wearing clothing with offensive slogans in any location where other persons are congregated (including a workplace or related locations). Behaviour of this nature could result in disciplinary action including termination of employment or termination of contract.

Victimisation

Victimisation occurs when a person singles out another person and subjects or threatens to subject that person to unfair behaviour because that other person has or is believed to have:

- made a complaint;
- given information or documents to any relevant person or body with respect to a complaint; or
- asserted the rights of any person under equal opportunity legislation.

Any person involved in the victimisation of or retaliation against a complainant, potential complainant or other workplace participant who comes forward with information regarding harassment, discrimination or bullying, will be subject to disciplinary action which could include immediate termination of employment for serious misconduct.

Complaint Handling Procedures

It is the Company's aim to deal with all harassment, discrimination, vilification, victimisation or bullying issues as quickly as practicable. If a workplace participant feels that he or she has been discriminated against, harassed, vilified, victimised or bullied, the workplace participant should not ignore it.

Internal company procedure

If a workplace participant feels comfortable doing so, the workplace participant should address the issue with the person concerned. For example, the workplace participant should firmly but politely request that any

inappropriate behaviour cease. It is useful to calmly state the effect of the unwelcome behaviour (e.g. "I find that really offensive.")

If the workplace participant does not feel comfortable confronting the person, or if the workplace participant confronts the person and the behaviour continues, the workplace participant should contact

their manager or a member of Human Resources to notify them of the behaviour that is occurring.

The Company treats all complaints seriously. Accordingly, once a complaint is made, the Company will deal with the matter in a timely manner, impartially and in accordance with this process (unless it is determined by the Company that the process is not appropriate in the circumstances). All parties involved in the process must keep the complaint confidential so far as possible. It may be necessary for the Company to speak with other persons about the matter in order to determine what has occurred. All parties have the right to receive procedural fairness and natural justice.

Generally, the Company will need to meet with the person making the complaint to discuss and attempt to resolve the matter. The complainant can have a support person present with them if they choose to.

Depending on the nature of the complaint, the Company may elect to adopt a formal or informal complaint handling procedure. The type of complaint handling procedure adopted by the Company will depend upon the particular circumstances. In determining the most appropriate course of action, a member of Human Resources or the appropriate manager will consider the nature of the complaint, the complainant's views and any other relevant factors.

No conclusions will be made and no action will be taken until all relevant information has been collected and considered. In appropriate circumstances, a workplace participant may be suspended with or without pay pending the outcome of an investigation.

In order to comply with privacy legislation, records of the investigations, complaints, witness statements, etc. should be kept and retained for at least 7 years after completion of an investigation.

Access to documentation should be strictly limited to those with a demonstrated 'need to know'.

All parties should be kept updated periodically on the progress of the complaint.

No action will be taken against anyone for making a complaint or helping someone make a complaint; provided the complaint is not frivolous and vexatious. Any workplace participant found to have knowingly made a false, vexatious, frivolous and/or malicious complaint may be subject to disciplinary action that may include dismissal.

The Company also acknowledges that it is the workplace participant's legal right to make a complaint to an appropriate external authority about any matter at any time and that the workplace participant is not obliged to follow the internal company complaint process.

Informal complaint procedure

The informal complaint procedure provides a broad range of options for addressing the complaint, including but not limited to:

- discussing the matter with the person against whom the complaint is made;
- conducting a meeting between the parties in order to resolve the matter; or
- requiring the parties to participate in and successfully complete training relevant to the matter.

The aim of an informal complaint procedure is to facilitate a discussion between the parties so as to enable them to try and reach a workable solution as to the matters in dispute.

The informal complaint procedure will typically be adopted in situations where the allegations are less serious and if found proven, would not result in disciplinary action being taken.

Formal complaint procedure

The formal complaint procedure involves a formal investigation of the complaint. Where a complaint involves allegations that may result in disciplinary action being taken against a person, the complaint will generally be dealt with in a more formal manner. A formal complaint procedure may also be adopted where the informal complaint procedure has not been effective in resolving a complaint.

An investigation involves collecting evidence about a complaint and making a finding based on the evidence as to whether or not, on the balance of probabilities, the alleged behaviour has occurred.

The Company will offer to the complainant and the respondent, the option of having a support person at the interview.

An investigation may involve the following steps:

1. the complainant will be interviewed regarding their complaint and be asked to provide details of the incident;
2. the respondent(s) will be interviewed regarding the complaint;
3. the respondent(s) will be provided with details of the allegations and allowed sufficient time to consider the allegations prior to being interviewed about the allegations;
4. any witnesses will be interviewed and asked to provide a statement in writing;
5. the investigator (a member of Human Resources, manager or external investigator) will then collect all the evidence and information necessary to determine whether or not, based on the balance of probabilities, the complaint is substantiated;
6. once a finding has been made the Company will determine appropriate ways to resolve the complaint;

The investigator may prepare written documentation providing the required information for the complainant, witnesses or respondent to sign and date.

Additional Support

It may be necessary for the Company to utilise external resources to help resolve the situation. These may include an independent investigator or mediator to be involved. This will be determined on an individual complaint basis.

Resolution and Possible Outcomes

Action taken to resolve a complaint is dependent on the circumstances of the complaint. Workplace participants are encouraged, where possible and appropriate, to resolve issues informally at first instance.

Where a complaint is substantiated, the Company may institute a number of actions, including, but not limited to one of the following:

- an apology from the respondent;
- undertaking from the respondent, etc. that the behaviour will cease;
- formal counselling of the respondent etc.;
- disciplinary action, e.g. transfer, formal warning, suspension or dismissal;
- awareness raising / training session;
- re-crediting leave taken which is associated with the complained behaviour;
- reimbursing costs for treatment associated with harassment, e.g. medical or counselling; or
- notifying the police.

Any breaches of criminal law against another individual (e.g. assault, sexual assault, theft and fraud) will be treated very seriously by AutoPacific. Workplace participants are encouraged to report the offence to the HR Department and to the police if appropriate. A police investigation does not negate the Company's responsibility to internally investigate the complaint.

If, at the conclusion of an investigation, the Company decides that the complaint has not been substantiated, the Company may still take action to resolve issues with any of the following steps:

1. the reasons for the decision will be explained to the parties involved;
2. the complainant will be advised of their right to take the matter to external organisations or jurisdictions if the complainant is not satisfied with the outcome;
3. notes concerning the allegations will be kept on either party's personnel file;
4. implementing training to assist in addressing the problems underpinning the complaint.

If, after investigation, a complaint is found to be false and malicious, it may be appropriate to take disciplinary action against the person who made the complaint. This may include termination of employment.

Once a matter has been brought to the attention of the HR Department, the Company reserves the right to act in its own interests in situations where the complainant may not wish to pursue the matter if a matter is serious or has broader implications for the company.

Breach of Policy

If a workplace participant breaches this policy, he or she may be subject to disciplinary action, up to and including dismissal. In serious cases or in situations where workplace participants continue to breach this policy/and or the law, consequences of breaching this policy may include termination of employment. Agents and contractors who are found to have breached this policy may have their contracts with the Company terminated or not renewed.

