



Alkira Fuel recognises that discrimination in any form is not acceptable in our operations and that Equal Employment Opportunity is a matter of social justice, our employment obligation and our legal responsibility.

Alkira Fuel covers the whole group and includes *Alkira Fuel Program Pty Ltd* and *Alkira Fuel Management Pty Ltd*.

## OBJECTIVE

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Alkira Fuel is committed to:

- Providing an environment that is free from unlawful discrimination, harassment and vilification, and where employees and others in the workplace are treated fairly and with respect
- Ensuring that employment decisions are based on merit, and not on attributes or characteristics that an individual may possess
- Creating a work environment which promotes good working relationships, where every individual can thrive and where diversity is encouraged
- Providing equal opportunities in employment including in relation to training, promotion and recruitment
- Not discriminating against any person on any ground in accordance with the legislation set out in Commonwealth and relevant State legislation.

Alkira Fuel's Equal Employment Opportunity and Anti-discrimination Policy has been designed to facilitate the creation of a workplace culture that maximises its performance through employment decisions. These decisions will be based on Alkira Fuel's needs and will ensure that all decisions relating to employment issues are based on merit.

Specifically, Alkira Fuel will provide equal opportunity in employment and employment conditions, including:

- Recruitment and selection
- Reward and recognition
- Training
- Career succession and promotions
- Support and guidance.

# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

## PURPOSE / WHY WE HAVE THIS POLICY

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The purpose of this *Equal Employment Opportunity and Anti-discrimination Policy* is to articulate Alkira Fuel's commitment to creating an environment of equal employment opportunities and anti-discrimination, and on that embraces all that makes us different where everyone is treated with respect.

This policy is also designed to ensure that Alkira Fuel complies with all of its obligations under the relevant legislation.

## OUR POLICY

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Alkira Fuel is an equal opportunity employer, and we will provide equality in employment for all people employed or seeking employment at all our locations. In regard:

- Employment decisions relating to appointment, promotion, transfer, training and development opportunities will be determined according to performance, individual merit and competence
- Alkira Fuel will give every person a fair and equitable chance to compete for these opportunities, and to pursue their career as effectively as others.

Consistent with this philosophy, Alkira Fuel does not condone any forms of unlawful discrimination or vilification, including any which relates to the following categories:

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| <ul style="list-style-type: none"><li>• Gender</li><li>• Pregnancy and/or potential pregnancy</li><li>• Marital / domestic status</li><li>• Religious belief or activity</li><li>• Political belief on activity</li><li>• Physical features</li><li>• Age</li><li>• Disability</li></ul> | <ul style="list-style-type: none"><li>• Race, colour, national extraction, social origin, descent, and ethical ethno-religious or national origin</li><li>• Medical condition</li><li>• Trade union activity</li><li>• Breastfeeding</li><li>• Criminal record</li><li>• Racial Classification</li></ul> | <ul style="list-style-type: none"><li>• Family responsibilities, family status, status as a parent or carer</li><li>• Sexuality</li><li>• Transsexuality</li><li>• Transgender</li><li>• Profession, trade, occupation</li></ul> |
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# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

## SCOPE

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This Policy:

- Applies to everyone who is engaged with Alkira Fuel, including all directors of the Board, employees, contractors and consultants
- Is not limited to Alkira Fuel's workplace or work hours, but extends to all its work-related functions and places
- Does not form part of any employee's contract of employment.

*It is essential that everyone associated with Alkira Fuel is familiar with this Equal Employment Opportunity and Anti-discrimination Policy.*

## LEGISLATION GOVERNING EQUAL EMPLOYMENT AND DISCRIMINATION

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Under Equal Employment Opportunity laws (EEO Laws), discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited. Under the NSW Anti-Discrimination Act 1977 it is unlawful to discriminate against a person in employment, either directly or indirectly, on a basis listed in this policy.

Legislation governing Equal Employment Opportunity and discrimination includes:

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Workplace Gender Equality Act 2012
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1986
- Fair Work Act 2009
- NSW Anti-Discrimination Act 1977.

Unlawful acts of discrimination will not be tolerated and may lead to dismissal. Alkira Fuel will also treat a grievance raised by an employee in relation to discrimination or harassment very seriously, and complainants will not be victimised.

# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

## DIRECT DISCRIMINATION

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Direct discrimination occurs when a person is treated "less favourably" than another simply because the person belongs to a particular category.

For example, refusing to interview someone based upon their ethical background or refusing to promote someone to a senior position because of their gender.

The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and a full list of the grounds of discrimination are listed under "Our Policy" above.

## INDIRECT DISCRIMINATION

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Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but has an unequal or disproportionate effect or result on a particular group because of a characteristic of that group, such as their sex, age, race, etc.

For example, scheduling meetings regularly outside normal work hours (in the evening or on weekends) discriminates against people with family responsibilities, particular the sole carer.

Discrimination also includes situations where employees harass others based on the ground of discrimination. Harassment is an unwelcome conduct that a reasonable person would find offensive, humiliating or intimidating.

## VILIFICATION

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Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group and is unlawful under the NSW Anti-Discrimination Act and a serious breach of EEO Laws.

## SEXUAL HARASSMENT

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Sexual harassment is an unlawful conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated.

A conduct:

- Can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate another person
- Will not be a sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate another person
- Does not have to be direct at a particular individual to be deemed sexual harassment and unlawful
- Which creates a hostile working environment for other employees can also be unlawful.

Examples of sexual harassment that will not be tolerated include:

- Physical contact such as touching, grabbing, pinching, kissing or hugging
- Sexual jokes or comments
- Requests for sexual favours
- Persistent request to go out, where they are refused
- Staring or leering at a person or at parts of their body
- Sexually explicit conversations
- Displays of offensive material for example, poster, screen savers, internal material, sexual objects, 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.

# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

## BULLYING

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Bullying is repeated, unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to health and safety.

Bullying will not be tolerated and please refer to Alkira Fuel's *Workplace Bullying and Harassment Policy* For more information in relation to workplace bullying.

## VICTIMISATION

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Victimisation is where a person is treated less favourably or is retaliated against or subjective to detriment because they:

- Have lodged a complaint
- Intend to lodge a complaint
- Are involved in a complaint of unlawful conduct.

Workplace participants must not victimise a person who raises a complaint or subject them to any detriment.

## RECRUITMENT

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Alkira Fuel is committed to recruit all employees based on genuine merit and suitability for the job regardless of a personal characteristic. The following practices will apply:

- Those responsible for recruitment will be trained in an equal employment opportunity principles and guidance will be available to all employees
- When interviewing, only information that is needed for the position will be requested and guidelines will be provided to those involved in interviewing
- Employees will be promoted on merit, based on the future skills and needs of Alkira Fuel, and in a manner, which is sensitive to the individual/s concerned
- People & Culture procedures will be reviewed regular to ensure that its practice is consistent with this Policy.

Complaints will be investigated quickly and with utmost confidentiality according to Alkira Fuel's *Grievance Policy* as well as the relevant legislations.

## OUR ROLES AND RESPONSIBILITIES

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All employees at Alkira Fuel should be aware that they can be held legally responsible for their unlawful conduct.

### All employees are responsible for:

- Understanding and complying with this policy
- Ensuring they do not engage in any unlawful conduct towards other workplace participants, members and guest
- Ensuring they do not encourage other persons to engage in unlawful conduct
- Following the complaints procedure in this policy if they experience or observe any unlawful conduct and informing their manager and / or people and culture
- Maintaining confidentiality if they are involved in the complaint procedure.

### The CEO is responsible to ensure that:

- All managers understand and are committed to the principles and legislation relating to equal opportunity and applying it in all Alkira Fuel's venues
- Employment decisions relating to appointment, promotion and career development are determined according to individual merit and the individual's inherent ability to perform the role
- Alkira Fuel has a workplace culture that encourages equal employment opportunity.

# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

## People & Culture is responsible to ensure that:

- All employees are aware of and understand their obligations, responsibilities and rights in relation to equal employment opportunity by providing ongoing support and guidance
- All employees are committed to comply with equal opportunity laws in the workplace
- Matters which do not comply with the principles of equal employment opportunity are identified and addressed promptly and sensitively
- Immediate and appropriate action is taken to minimise or eliminate unlawful harassment, discrimination and bullying with Alkira Fuel.

## GENDER EQUALITY IN OUR WORKPLACE

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Alkira Fuel aims to fulfil its obligations under the Gender Equality Act 2012 (Cth) by developing and implanting a workplace program which will mitigate discrimination and contribute to gender equality in employment at its venues. This program is about attempting to achieve the potential of all employees and its benefits include increased productivity, increased morale, reduced absenteeism, and aim higher retention rates of employees.

Alkira Fuel's Aim is to:

- Eliminate discrimination on basis of gender in relation to employment matters
- Promote and improve gender equality in employment and in the workplace
- Support employees in removing barriers to the full and equal participation of women in the workforce
- Foster workplace consultation with employees on issues concerning gender equality employment and in the workplace.

## BREACH OF THIS POLICY

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Alkira Fuel will monitor this Policy on a regular basis to determine its effectiveness and is committed to supporting employees and managers in achieving a diverse workplace.

Managers are responsible for developing and encouraging a positive environment, where all employees are treated with respect and dignity, and must take responsibility for reporting breaches of this policy.

All employees are required to comply with this policy at all times.

Any breach of this policy may be subject to disciplinary action. In serious cases this may include termination of employment.

## HOW WE WILL HANDLE COMPLAINTS

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Alkira Fuel has a complaint procedure for dealing with situations where an employee feels that they have been subjected to any form of conduct contrary to EEO laws or this Policy. There are numerous options available to suit the particular circumstances of each individual situation.

Employees who believe they are being treated unfairly as a result of discrimination should promptly notify their manager.

## Complaints may be addressed as follows:

### *Confront the issue*

- If an employee feels comfortable doing so, they should address the issue with the person concerned. The employee should identify the offensive behaviour, explain that the behaviour is unwelcomed and offensive and request that the behaviour be stopped. It may be that the person was not aware that their behaviour was unwelcomed or caused offence
- If an employee does not feel comfortable confronting the person, or if the behaviour continues after the employee confronts the person, this should be reported to their manager or people & culture
- If an employee is unsure about how to handle a situation and is also unsure to make a complaint, they must contact their manager or People & Culture for support and guidance

# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

## **Report the issue**

- The issue should be reported by the employee to their manager or People & Culture
- The manager or People & Culture will aim to deal with the complaint in accordance with this Policy.

The complaint procedures that can be used may be informal and formal, depending on the nature of the complaint that is made.

## **Informal complaint procedure**

The informal complaint procedure is more suited to less serious allegations that if found, would not warrant disciplinary action being taken.

Under the informal complaint procedure there are more options for addressing the complaint, depending on the individual circumstances of the case. Possible options include, but are not limited to the manager or People & Culture:

- Discussing the issue with the person against whom the complaint is made
- Facilitating a meeting between the parties in an attempt to mediate and resolve the issue.

## **Formal complaint procedure**

Any formal complaint of discrimination or harassment will be formally investigated by People & Culture or an independent external person, appointed by Alkira Fuel. All such investigations will be undertaken in a confidential and fair manner. If proven, the person responsible will be disciplined, and in serious cases, this may involve dismissal.

An investigation generally involves:

- Collecting information about the complaint
- Making a finding based on the available information as to whether or not. The alleged behaviour occurred
- People & Culture or the independent investigator making recommendations about resolving the complaint once a finding is made.

If Alkira Fuel considers it appropriate for safe and efficient conduct of an investigation, employees may be required not to report for work during the period of an investigation. Alkira Fuel may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

## **CONFIDENTIALITY**

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The employee's manager or People & Culture will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other employees to determine the facts and to ensure fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has occurred, appropriate action will be taken in relation to the complaint.

All employees involved in complaint must also maintain confidentiality, including the employee who lodges the complaint.

Spreading rumours or gossip is not tolerated and may expose employees to a defamation claim.

## **POSSIBLE OUTCOMES OF A COMPLAINT**

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The possible outcomes will depend on the nature of the complaint and the procedure that is followed to address the complaint. These may include, where an investigation results in a finding that:

- A person has engaged in unlawful conduct or breach of this policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors.
- The person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the effected employee and Alkira Fuel.

Contractors and consultants who are found to have engaged in unlawful conduct and/or breached the Policy may have their contracts with Alkira Fuel terminated or not renewed.

Alkira Fuel may take a range of other non-disciplinary measures to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- Appropriate training or assist in addressing the problems related to the complaint
- Monitoring to ensure that there are no further problems

# EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION POLICY

- Implanting a new policy where required
- Undertaking that certain behaviour is stopped, or requiring an apology
- Changing work arrangements.

## WHAT TO DO IF YOU ARE NOT SATISFIED WITH THE OUTCOME

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If either party is not satisfied with the manner in which the complaint was handled or the outcome of the complaint process, they can contact People & Culture.

Alkira Fuel's goal is to resolve issues in-house wherever possible. Employees can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed. Contact details for outside agencies are provided within the Policy.

## CONTACTS FOR OUTSIDE AGENCIES

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- Australian Human Rights Commission – Toll Free: 1300 656 419
- Anti-Discrimination Board (NSW) – Toll Free: 1800 670 812.

## DEFINITIONS

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| Terms                        | Definitions   |
|------------------------------|---|
| Discrimination               | <i>Discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. It can also occur if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute; and is not reasonable.</i>                                     |
| Equal Employment Opportunity | Equal Employment Opportunity consist of ensuring that all employee is given equal access to opportunities such as training and promotions or any other employment related issues without regard to any factors that is not related to their competency and ability to perform their duties.   |
| Victimisation                | Victimisation means subjecting, or threatening to subject, a person to any detriment because they have: <ul style="list-style-type: none"><li>• Asserted their rights under equal opportunity law</li><li>• Made a complaint</li><li>• Helped someone else make a complaint</li><li>• Refused to do something because it would be discrimination, sexual harassment or victimisation.</li></ul> |

## DOCUMENT CONTROL

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|----------------------------|---|
| <b>Policy name</b>         | Equal Employment Opportunity and Anti-discrimination Policy |
| <b>Approved by</b>         | Alkira Fuel CEO   |
| <b>Date approved</b>       | December 2021   |
| <b>Frequency of review</b> | Every two year  |
| <b>Last reviewed</b>       | December 2021   |
| <b>Next reviewed</b>       | December 2023   |