

EQUAL OPPORTUNITY & DIVERSITY

1.0 PURPOSE

The Management of Bradken is committed to providing a work environment in which the principles of diversity and equal opportunity are incorporated into all management decisions. We believe that the Bradken Culture enhances our business success. It does this through a common set of values that are role modelled and used to select and train our people.

The purpose of this policy is to give guidelines on diversity and also how to treat employees under the various Equal Opportunity requirements under legislation so that the opportunities provided through diversity are not lost.

Bradken as an employer has a strong commitment to diversity and equal opportunity in employment and recognises the right of all employees to be treated fairly and with respect at all times and work in an environment free from harassment and discrimination. This underpins our core value of "Respect"

Bradken will not tolerate discrimination in any form and will take disciplinary action against any person or persons discriminating against another individual or group.

2.0 DEFINITION OF TERMS

For the purposes of the policy the following definitions apply:

Diversity

This recognises the unique contribution people can make because of their individual backgrounds and different skills, experiences and perspectives. People differ not only on cultural and gender, but also have other dimensions such as lifestyle, education, physical ability, age and family responsibility.

Equal Opportunity

"Equal Opportunity" (EO), shall embrace the provisions of the:

- Racial Discrimination Act 1975,
- Sex Discrimination Act 1984,
- Human Rights and Equal Opportunity Act 1984,
- Equal Employment Opportunity for Women in the Workplace Act 1999,
- Various State Equal Opportunity and Anti Discrimination Acts,
- Disability Discrimination Act 1992, and
- Work Place Relations Act 1996.

Complainant

A person who has initiated a complaint.

Contact Officer

A person appropriately trained to act as the initial contact for a complainant.

Discrimination

Discrimination is when people are treated differently because of an attribute such as sex, disability or race, so as to advantage some people and disadvantage others on the basis of that attribute. Discrimination does not have to be malicious or intended, targeted at a particular person or even foreseen.

Harassment

A person harasses another person if he or she subjects another person to behaviour, which is considered unwelcome, offensive, humiliating or intimidating. If that behaviour is based on an attribute, real or imputed, such as sex, disability or race then the harassment is also discriminatory. The test is whether a reasonable person would expect the person complaining, in the circumstance, to have been as offended, humiliated or intimidated as in fact they were.

Investigating Officer

A person who has not previously been involved in the assessment or management of the complaint, whose task is to gather evidence, draw conclusions and come to a finding about the complaint.

Respondent

A person against whom a complaint has been initiated.

Sexual Harassment

A person sexually harasses another person if he or she:

- Makes an unwelcome sexual advance, or an unwelcome request for sexual favours to the other person; or
- Engages in any other unwelcome conduct of a sexual nature in relation to that other person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Victimisation

Occurs when an individual is threatened with or suffers detriment because they intend to make a complaint or intend to provide information as a witness

or support an individual who intends to make a complaint. Victimization is prohibited.

3.0 OBJECTIVES

This policy has three major objectives.

- To promote diversity in the workplace
- To ensure that employees of Bradken act in accordance with the spirit and intent of this policy in all management and employment practices, and
- To eliminate discrimination and harassment in the workplace.

4.0 DIVERSITY

Bradken employees people based on the “best fit” for job. Where a recruitment process yields candidates of equal standing Bradken will use this opportunity to consider diversity in its decision making process.

It is Bradken’s intent to promote and increase gender diversity at all levels within the organisation.ie Board level, Executive level and Operational level. This proactive approach begins at the recruitment phase but also is an important consideration in internal promotion, and training and development activities.

5.0 SPECIFIC RESPONSIBILITIES UNDER EEO LEGISLATION

5.1 Employers Liability

It should be noted that an employer can be held vicariously liable for the harassment of their employees. Employers are more likely to be found vicariously liable if lack of supervision, training, or a harassment policy allows the harassment to take place.

5.2 Employees Liability

Employees can be held liable for the harassment of fellow employees. Employees can also be criminally charged for various offences.

5.3 Natural justice and due process

All procedures used by employees of Bradken in handling complaints of harassment will have proper regard to principles of natural justice and fair process having regard to the rights of both parties. In brief, these principles include:

- The right of each party to be heard and to be treated fairly in any investigation of the facts.
- The right of a respondent to know the full particulars of any allegations and the identity of the person(s) making them.

- The right to have sufficient time to prepare a considered response to the allegations.
- The right to expect that the complaint will be dealt with by Bradken without undue delay.
- The complainant retains the right to apply to an external body for resolution of the matter.
- Confidentiality

5.4 Rights and Responsibilities

It is the responsibility of all employees of Bradken to take an active role in the elimination of the various forms of discrimination and harassment. Since failure to act could be interpreted as condoning discrimination or harassment, employees with supervisory responsibilities must act promptly.

Managers, Supervisors and Contact Officers are expected to provide information, advice and support upon request from any employee of Bradken who feels they have been harassed and/or discriminated against.

Bradken will seek to prevent the occurrence of discrimination, harassment or vilification through training including induction training, training for supervisors and management training programs.

Contact Officers will be appointed on all Bradken sites as an initial contact point for persons who wish to discuss instances of alleged harassment.

The complainant has the right:

- To have the complaint treated promptly and seriously by Bradken;
- To express views and opinions in an acceptable way, without fear of intimidation or victimisation for having made the complaint; and
- To insist that no further action be taken without their consent and to discontinue a complaint at any stage.

And the responsibility:

- To provide specific details of any allegations and to ensure that false or deliberately misleading claims are not lodged;
- To treat complaints seriously; and
- To maintain confidentiality as far as possible throughout the procedures.

The respondent has the right:

- To natural justice in the procedures used to pursue the complaint;
- Not to be defamed or to be the subject of unfounded or malicious complaints; and
- Not to be punished unfairly, harshly or unreasonably.

And the responsibility

- To provide responses to allegations within a reasonable period of time;

- To treat complaints seriously; and
- To maintain confidentiality as far as possible throughout the procedures.

Bradken management has the right:

- To require the full cooperation of all members of Bradken in handling complaints of harassment and discrimination; and
- To invoke disciplinary action including dismissal where it is deemed reasonable to do so.

And the responsibility

- To promote an environment in which harassment and discrimination does not occur;
- To ensure that fair process in handling complaints is observed at all times;
- To initiate complaints procedures within a reasonable time;
- To provide adequate support to ensure that all parties are able to participate in the procedures; and
- To maintain confidentiality as far as possible throughout the procedures.

5.5 Lodging a complaint

Should a person wish to lodge a complaint the Contact Officer should be approached. If the complaint is accepted, the Contact Officer discusses options for resolution and if required to assist the complainant to put the complaint in writing.

5.5.1 Conditions under which a complaint may not be accepted

The Contact Officer will make the initial assessment of the complaint and, if it is considered the complaint would not constitute unlawful discrimination or harassment, in that a reasonable person having regard for all the circumstances would assume that the behaviour is misconceived, or if the complaint is considered trivial or vexatious, then the complaint may not be accepted. If the Contact Officer considers that the nature of the complaint does not constitute unlawful discrimination or harassment, other options for possible further action will be discussed with the complainant.

If the complaint is not accepted, the complainant will be informed of the reasons. On notification of non-acceptance of the complaint the complainant may appeal to the Senior Site Manager or General Manager Human Resources for reconsideration.

5.5.2 Resolving the complaint through an informal resolution process

This is concerned with reaching an outcome which is acceptable to both parties and which allows the parties to continue in a productive working relationship. With an informal resolution process, Bradken does not investigate the complaint and does not form any view about the merits of the

complaint. The Contact Officer's role is to facilitate an agreement between the parties with the key being a mutually acceptable outcome.

5.5.3 Resolving the complaint through a formal resolution process

Where a formal complaint has been raised with Bradken, or where Bradken is aware of circumstances, which might be in breach of this policy, an investigation will be undertaken. The aim of the investigation is to gather evidence and to make findings that can be the basis of recommendations to the Senior Site Manager for resolving the complaint.

The investigation will:

- Be conducted by an investigating officer independent of the informal process;
- Apply the principles of natural justice;
- Result in a finding as to whether unlawful discrimination or harassment occurred; and
- Result in a report being made to the Senior Site Manager which outlines the investigation, the evidence, conclusions of the investigation and the recommendations for resolution.

The investigation report will be provided to the parties before presentation to the Senior Site Manager and parties will have the right to make a written submission to the Senior Site Manager about the report. Parties must indicate their intention to make such a submission within seven days of the Senior Site Manager's receipt of the report and to provide their submission within the timeframe negotiated with the Manufacturing Manager.

5.5.4 Support Persons

Parties are permitted to have a support person present at any interviews or meetings. The role of the support person is to assist the party and to act within the bounds of the processes established for the meeting or interview. A support person could include a friend, a family member or an officer of a Union. The support person should not be in receipt of specific payment for acting as a support person. The support person should not be someone who may be called upon to provide evidence in the event of a formal resolution process. In addition to support persons, parties may have an interpreter or other person with specialist skills, or other necessary equipment present at all the meetings or interviews.

5.5.5 Time limit on complaints

Complaints should be made as soon as possible after the incident. Complaints made after three months of an incident will be referred to the OH&S and HR Coordinator who will assess whether the reasons for the delay are such that the complaint should still be accepted and dealt with by Bradken's internal procedures.

5.5.6 Possible outcomes

Outcomes can include (but are not restricted to) any, or a combination of any, of the following;

- Counseling of the respondent;
- Official warnings noted on the respondent's personal file;
- Formal apology by the respondent;
- Reimbursement of any costs associated with the un-lawful discrimination or harassment, including for example, restoration of sick leave or other leave credits, where the leave was taken as a result of the unlawful discrimination or harassment.
- Any mutually acceptable resolution arising out of the informal resolution process;
- Disciplinary action against the respondent;
- Disciplinary action against the complainant, if after investigation, a complaint is found to be vexatious or malicious; and
- Complaint not upheld.

6. ENFORCEMENT

Non compliance by any employee with this policy will result in disciplinary action.

7. REFERENCE DOCUMENTS

- The Federal Racial Discrimination Act 1975.
- The Federal Sex Discrimination Act 1984.
- The NSW Anti Discrimination Act 1977.
- The VIC Equal Opportunity Act 1995.
- The SA Equal Opportunity Act 1984.
- The WA Equal Opportunity Act 1984.
- The ACT Discrimination Act 1991
- The QLD Anti Discrimination Act 1991.
- The NT Anti Discrimination Act 1992.
- The TAS Anti Discrimination Act 1998.
- The Federal Disability Discrimination Act 1992.