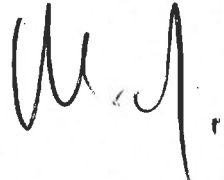





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Diversity & Inclusion Policy (Including EEO)

Policy owner:	Group Executive People Safety and Culture	
Policy authorised by:	Managing Director	
Policy approved by Managing Director:		
Policy signed by:	Managing Director	Date:
Direct questions on Policy to:	Group Executive People Safety and Culture Head of Talent & Capability HR Business Partners	
Next review of Policy:	November 2019	

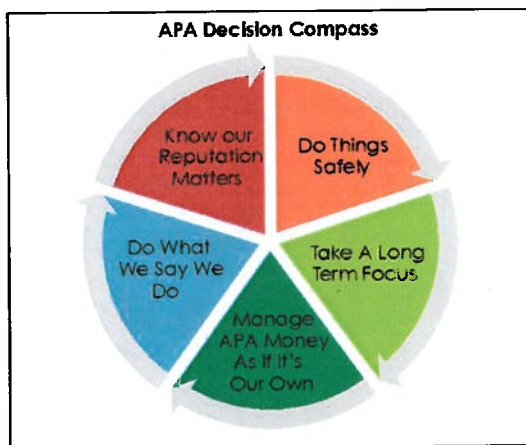
Version control	
<u>Date</u>	<u>Changes</u>
November 2018	Updated to new template & streamline content
April 2016	Updated to include Inclusion
March 2014	Updated for legislation

1 Purpose

This policy seeks to promote and uphold the principles and benefits of a diverse and inclusive workplace and provide guidelines about acceptable behaviour in the workplace that are the responsibility of everyone at APA. It also seeks to ensure that APA attracts and retains the best people whilst seeking and utilising Employees with diverse views and experiences.

This policy must be read in conjunction with the APA Code of Conduct – Our Code.

2 Decision Compass



Effective application of the Diversity & Inclusion Policy is key to ensuring we protect our Values and Our Code. This includes reporting of any behaviour that does not align with this policy.

This policy ensures APA meets its legislative obligations to all employees.

This Policy supports decision making as part of the APA Decision Compass under the segments 'Do What We Say We Do', 'Do Things Safely' and "Know our Reputation Matters".

3 Scope

This policy applies to all APA workplaces and to all APA Employees, contractors, consultants, visitors and other workplace participants (referred to in this policy as "**Employees**"). It operates at all Company premises and worksites, and other sites where the Company conducts business, such as premises and sites operated by contractors, suppliers and customers. It also applies to Employees travelling in or using vehicles for business purposes.

This policy extends to conduct in any work-related context including outside of normal working hours including (but not limited to) at conferences, functions, office parties, business trips and meetings conducted outside normal business hours (business or social) whether or not on APA premises. It covers interactions with customers, suppliers and other third parties as well as colleagues.



This policy does not form part of the contract of employment for Employees and does not impose legally binding obligations on APA. This policy may be varied or withdrawn at any time in APA's sole discretion.

4 Objectives

APA Group (APA) is committed to encouraging and supporting a diverse and inclusive workplace, which is an essential contribution to improving business performance and Employee satisfaction and engagement.

APA's position on Diversity and Inclusion is encapsulated in the following vision statement:

We value and harness diversity of thought for improved business performance.

APA is also committed to the principles of Equal Employment Opportunity (EEO) to ensure that Employees receive fair and equal treatment in all aspects of their work, and can work in an environment that is free from discrimination, bullying, harassment and victimisation. Discrimination, bullying, harassment and victimisation are not acceptable and will not be tolerated by APA. These types of conduct can be unlawful and result in legal action against individuals and APA.

5 Definitions

D&I – Diversity & Inclusion

EEO – Equal Employment Opportunity

Employee – means permanent, part time, fixed term, and casual APA Employees

Leader – means Manager, Supervisor, Team Leader, Team Lead etc.

6 Key principles

APA is committed to providing a safe and professional working environment where people feel valued, respected and are treated fairly. APA recognises the value that a diverse workforce adds to the company and employs principles of inclusion and EEO to achieve that diversity.

The following guiding principles are aimed at promoting awareness and proactive management practices to achieve workforce diversity and an inclusive working environment aligned to the APA Values of Safety Trustworthy, Adaptable, Results and Service. These principles must be applied across all facets of APA's business:

- A diverse and inclusive workforce is a competitive advantage in retaining and attracting the best people, which is critical to APA's ongoing success.
- A diverse and inclusive workplace provides an environment for new ideas and innovation to flourish which contribute to improve our business performance.
- It is everyone's role at APA to promote a work environment that values seeking and utilising the contributions of Employees with diverse views and experiences and that are naturally inclusive and respectful of all Employees.
- We want a skilled workforce that reflects the diversity of our customers, consumers and communities.
- Awareness of the rights and responsibilities of individuals with regard to inclusivity and respect for others is important for all Employees.
- It is the right of all Employees to work in an environment that is safe and free of discrimination, bullying, harassment and victimisation
- By applying principles of diversity and EEO APA is also fulfilling its legal and moral obligations to the community
- We value practices that select the most appropriate candidates based on merit.
- We value practises that provide access to development and other opportunities based on merit.

7 Key requirements

Diversity is a term used to describe the uniqueness of and differences between people. This includes their thoughts, skills, knowledge, experiences and perspectives.

Diversity can also refer to demographic characteristics, such as age, gender, sexual orientation, religion, national or social origin. It can also be recognised by personal characteristics such as disability, carer's responsibilities, pregnancy or potential pregnancy, background, upbringing and personality.

Inclusion describes the behaviours and interactions required to ensure we have a work environment that will benefit from our diversity. An inclusive workplace at APA is characterised by:

- Demonstrating the APA Values by treating people equitably, fairly and embracing differences that build upon diversity of thought;
- Employees empowered to think innovatively and work collaboratively to leverage value through experience and potential;
- Uniting in common goals and shared connections to achieve business results through teamwork



APA is an Equal Opportunity Employer committed to treating all Employees on their merits without regard to race, age, gender or other personal characteristics.

All employment related decisions will be made on the basis of merit. A fair and open process of appointment, promotion and transfer will be conducted to ensure people are assessed according to their abilities, qualifications, experience, and potential for development.

7.1 Legal obligations

Discrimination, bullying, harassment and victimisation can be unlawful and can result in legal liability (including penalties and orders to pay damages):

- personally for an Employee if they engages in such unlawful behaviour; and
- for APA as the employer or principal on the basis that APA is vicariously liable for the acts of Employees.

Laws prohibiting discrimination, bullying, harassment and victimisation in Australia are contained in both Federal and State legislation.

These laws prohibit discrimination, bullying, harassment and victimisation in certain areas of public life – including the workplace – including where such actions are taken on the grounds of any of the following characteristics or attributes of a person:

- | | |
|---------------------------------------|--|
| • Age | • Political belief or activity |
| • Breastfeeding | • Pregnancy or potential pregnancy |
| • Carer status | • Race (colour, nationality, ethnic or national origin, descent or ancestry) |
| • Disability or impairment | • Religious belief or activity |
| • Physical features | • Sex/gender |
| • Gender identity and intersex status | • Sexual orientation |
| • Industrial activity | • Personal association with anyone who has any of these characteristics. |
| • Parental status | |
| • Marital status | |

State and Territory Workplace health and safety laws also give rise to legal duties and obligations in relation to workplace bullying and harassment.

APA has a **legal duty** to prevent discrimination, bullying, harassment and victimisation in the workplace. If it fails to do so it can be held liable for the behaviour of Employees.

APA will work to ensure that all forms of discrimination and harassment are eliminated from the workplace by:

- assessing and removing policies and procedures that may be discriminatory;
- training all employees in appropriate behaviour in the workplace;
- responding appropriately and promptly to allegations of discriminatory or harassing behaviour.

7.2 What is unlawful discrimination?

Unlawful discrimination occurs when someone is treated less favourably than another person or group because of one or more of the attributes referred to in State and Federal legislation above.

Discrimination in the workplace can occur in the following contexts:

- recruitment, selection, appointment and promotion of employees and potential employees;
- the conditions, benefits and terms offered to employees;
- access to training;
- the transfer, discipline, dismissal and retrenchment of employees.

Discrimination can be either direct or indirect.

7.3 What is sexual harassment?

Sexual harassment means an unwelcome sexual advance, an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment is a type of sex discrimination and it is unlawful.

Sexual harassment covers a wide range of behaviours and can be verbal, written, visual or physical. It can include:

- sexually suggestive behaviour, such as staring or leering
- unnecessary familiarity, such as deliberately brushing up against a person, or unwelcome touching (kissing, hugging, patting shoulder, leg, back, etc.)
- suggestive comments or dirty jokes
- insults or taunts of a sexual nature
- intrusive questions or comments about the person's private life or the way they look
- displaying posters, magazines, screen savers or objects of a sexual nature
- sending sexually explicit emails or text messages

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- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

A single/one-off incident can be sexual harassment; it does not have to be repetitive conduct.

Sexual harassment is not limited to members of the opposite sex, and both men and women can bring a sexual harassment complaint.

Sexual harassment can occur when a work environment is permeated with unwelcome conduct of a sexual nature (e.g., sexual banter or innuendo), even where not directed at the person making the complaint.

7.4 What is harassment?

Unlawful harassment occurs when someone is intimidated, insulted or humiliated because of an attribute protected by discrimination legislation (e.g. age, race, sex, disability – see above). Such harassment will amount to unlawful discrimination.

Examples of harassment include:

- telling insulting jokes about particular racial groups;
- making derogatory comments or taunts about someone's race, religion or disability;
- isolating a person or subjecting them to ridicule.

Making unwelcome or uninvited comments or actions (verbal, written or physical) which may offend, intimidate or humiliate a person or group of persons or creating a work environment that is hostile or intimidating towards one or more persons is harassment and will not be tolerated at APA under any circumstances.

7.5 What is not discrimination?

Reasonable Management Action ie, Administrative actions / changes made by Leaders **ie**, changing work allocation/tasks These decisions may not please everybody but they will not generally constitute harassment or discrimination; A Leader giving constructive feedback and taking appropriate corrective action to address a person's under-performance or inappropriate behaviour will not generally constitute harassment or discrimination.



Consensual relationships. A friendship or consensual relationship of a sexual nature does not constitute harassment, provided the interaction is consensual, welcome and reciprocated. However, the fact that a consensual relationship existed between two colleagues in the past will not provide a defence to harassment that takes place by one against the other when the interaction is no longer consensual or welcome.

7.6 What is victimisation?

Victimisation happens where an Employee is treated less favourably or subjected to a detriment because they have made or intend to make a complaint of discrimination, bullying or harassment.

Victimisation also happens if a person is subjected to a detriment because they have furnished information or evidence in connection with a complaint. Failing to take a complaint seriously can also be construed as victimisation.

Victimisation is unlawful under State and Federal laws and APA will not tolerate any Employee being subject to victimisation of any kind.

7.7 Racial vilification

It is unlawful to vilify someone because of their race or religion. Vilification is doing something in a public place (including a workplace) that encourages others to hate, disrespect, or abuse a person or group of people because of their race, colour, national or ethnic origin.

APA values the rich diversity of its workforce and as such will not tolerate vilification.

7.8 Bullying / Workplace Harassment

Workplace bullying/harassment is repeated unreasonable behaviour towards a person or group of people that creates a risk to health and safety. It includes behaviour that a reasonable person would find offensive, humiliating, intimidating, degrading or threatening.

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse, and may include:

- physical or verbal abuse (including via email, text message or social media);
- yelling, screaming or offensive language;
- excluding or isolating someone;
- threats and intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible tasks;



- undermining work performance by, for example, withholding information.

Conduct is not necessarily "bullying" just because it upsets or embarrasses someone. Differences of opinion, non-aggressive conflict and problems in working relations will not necessarily amount to bullying. Reasonable management action (such as counselling and managing under-performance) will not constitute bullying.

Bullying can be extremely harmful to the health of an individual and to the morale in the workplace. Bullying in any form will not be tolerated by APA.

8 Making a complaint

APA has a Grievance Policy. Any person who feels that they have been subjected to any form of discrimination, bullying, harassment or victimisation should refer to the Grievance Policy in the first instance to guide them on resolving the issue internally in an informal or formal manner (as appropriate).

APA's Grievance Policy is based on confidentiality (to the extent possible), procedural fairness, protection from victimization and prompt resolution. Any complaints relating to breaches under the EEO and D&I Policy will be dealt with in accordance with those principles.

Employees covered by an APA Enterprise Agreement (EA) should refer to the relevant clause of the EA in relation to raising a grievance.

9 Roles and responsibilities

Under both anti-discrimination and OH&S legislation all persons have a responsibility to ensure a workplace free of unlawful discrimination, harassment and bullying, and the Company and its' Employees may be held liable for conduct which is in breach of law, unless it can be demonstrated that reasonable steps have been taken to reduce this liability.

Every Employee of APA is expected to contribute to the maintenance of an appropriate and professional work environment by not behaving in a manner which unlawfully discriminates, harasses, intimidates, belittles or offends others, and by not condoning such behaviour by others.

9.1 Governance

As part of APA Group seeking sound and practical corporate governance, the Remuneration Committee will give due regard to:

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- Relevant provisions of the ASX Corporate Governance Principles and Recommendations
- EEO and anti-discrimination legislation
- Relevant legislative provisions under the Workplace Gender Equality Act (WGEA) and commitment made to the Workplace Gender Equality Agency through our annual reporting.

Position	Responsibility
Employees & APA Contractors	<ul style="list-style-type: none"> • Promote a diverse and inclusive working environment in how they behave • They comply with the EEO & D&I policy and attend regular training on the policy; • They treat all colleagues, visitors and customers with respect and professionalism without regard to non-relevant criteria or distinctions.
HR	<ul style="list-style-type: none"> • Ensure all Employees and Leaders are aware of their obligations, responsibilities and rights in relation to D&I and EEO; • Matters which do not comply with the principles of D&I and EEO are identified and addressed as promptly and sensitively as possible; • Ongoing support and guidance is provided to all Employees in relation to D&I and EEO principles and practices; • Conduct workplace investigations as required.
Leaders	<p>Leaders are responsible for ensuring:</p> <ul style="list-style-type: none"> • They work to promote and create a diverse and inclusive working environment by their decisions, actions and role modelling, including working to meet D&I targets and goals set by the organisation • They understand their obligations under legislation and this policy, are committed to the principles of EEO & D&I, and that they are applied effectively in the workplace; • All decisions relating to appointment, promotion, training, and career development encourage diversity of all aspects (gender, age, cultural etc)



	<p>and are made without regard to any matters, other than the individual's inherent ability to carry out the job;</p> <ul style="list-style-type: none"> • Make all reasonable efforts to ensure that Employees are aware of the policy and that policy expectations are understood and practised by the workgroup through Employee onboarding and induction, team activities and completing relevant training on these matters at least every two years; • Take appropriate steps in a timely manner to identify and address matters within their teams that do not comply with this Policy and/or seek assistance to address any non-compliance; • Assist with workplace investigations as required
<p>APA People and Remuneration Committee</p>	<ul style="list-style-type: none"> • Reviewing and making recommendations to the APA Board on workforce diversity practices; • Annually reviewing the diversity initiatives set by the business and forwarding recommendations to the APA Board with regard to the diversity initiatives undertaken; • Monitoring performance on diversity initiatives using appropriate measures and targets, and reporting on initiatives. • Making appropriate disclosure of this policy to shareholders in APA's Annual Report. This will include outlining specific objectives regarding gender diversity as set out in the ASX Corporate Governance Principles and Recommendations.
<p>APA Group Diversity & Inclusion Committee</p>	<ul style="list-style-type: none"> • A consultative group comprising Executive Committee members and senior APA management meet quarterly to provide input into reviewing and/or developing diversity and inclusion plans and initiatives, as well as promoting, communicating and championing diversity and inclusion in their respective business areas.

10 Non-compliance with this Policy

Disciplinary action may be taken against any Employee whose behaviour breaches this policy. Breaches of this policy will amount to misconduct or serious misconduct and may, in some cases, result in dismissal.

Some types of harassment, such as indecently or sexually assaulting another person, or assaulting another person, are considered to be criminal conduct. Any complaints of conduct of a criminal nature will be reported to the police.

11 Related policies/ procedures/ forms

- Our Code (Code of Conduct)
- Grievance Policy
 - Grievance Management Flowchart
- Recruitment & Selection Policy
- Assisted Education Policy
- Flexible Work Policy
- Leave Policy
- Pregnancy and Parental Leave Policy
- Social Media Policy
- Disciplinary Action Policy
- Fair Treatment Training and Policy Acceptance Record
- Workplace Investigation Process and Forms

Legislation

Federal

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Fair Work Act 2009
- Workplace Gender Equality Act 2012

States & Territories

- QLD – Anti-Discrimination Act 1991
- NSW – Anti-discrimination Act 1977
- VIC – Equal Opportunity Act 2010
- SA – Equal Opportunity Act 1984
- WA – Equal Opportunity Act 1984

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- ACT – Discrimination Act 1991
- NT – Anti-Discrimination Act 2015

12 Appendices

- APA Fair Work Treatment Workplace Training Program