

Appropriate Workplace Behaviour Policy

Purpose

DuluxGroup is committed to diversity and having a workplace where our people are treated fairly and with respect. We are dedicated to taking reasonable steps to ensure that our workplaces support equal employment and are free from unlawful discrimination, bullying and harassment (known as **Unacceptable Behaviour**). We have a legal responsibility to prevent Unacceptable Behaviour at work, otherwise DuluxGroup can be liable for that Unacceptable Behaviour.

This policy is intended to provide managers and employees with information to help DuluxGroup achieve its policy objectives by outlining expectations of behaviour and procedures for dealing with complaints.

Our commitment to this policy is serious. Anyone found to have breached this policy will be subject to appropriate disciplinary action, which may include dismissal (with or without notice).

Who does this policy apply to?

This policy applies to the conduct of everyone working at DuluxGroup whether or not they are employees of it. This policy applies to the treatment of all other people associated with the workplace including employees, contractors, customers, suppliers and visitors (**Employees**).

When does this policy apply?

This policy applies to all behaviours that occur in employment including:

- in the workplace (even outside of normal working hours);
- during all work-related activities (for example when dealing with a supplier or customer);
- at work related social events, even if they occur outside of work hours or off-site (e.g. work lunches, conferences and Christmas parties etc); and
- during any activity where there is a relevant connection to the workplace or which has a significant effect on the workplace (e.g. posting a message about, DuluxGroup, an employee or customer on Facebook or another social networking site, or sending an email, text message or tweet).

Complaints and the management of potential misconduct such as fraud, corruption, bribery, criminal activity, conflicts of interest, etc are not dealt with under this policy. Please refer to the [Speak Up Policy](#) for more information in managing those matters.

Policy

General

The following sets out the types of behaviours that DuluxGroup defines as Unacceptable Behaviour. In general, if an employee is unsure whether their behaviour might breach this policy, they should consider:

- whether they would make the comment in front of their partner, parents or children;

- whether they would do it in front of their partner, parents or children;
- whether they would like the behaviour done to them;
- whether they would like a loved one subjected to that behaviour;

If any answer is NO, then the employee should think about what they do or say before they put themselves in a situation which may constitute a breach of the policy.

Discrimination

DuluxGroup is committed to maintaining a workplace that promotes equal opportunity for all who work with us. We aim to ensure that all decisions about employment (including recruitment, terms and conditions, promotions, leave and training) are made based on merit and do not involve discrimination.

It is unlawful to discriminate against a person on the basis of a range of attributes or personal characteristics protected by law (**Attributes**). The Attributes include (but are not limited to):

Age	Lawful Sexual Activity	Race/Colour/Descent or National or Ethnic Origin
Breastfeeding	Marital or Domestic Status, including being affected by domestic violence	Religious or Ethical Belief or Activity
Carer Status/Family Responsibilities	Parental Status	Sex / Transgender / Gender Identity / Intersex Status
Disability / Impairment	Physical Features	Sexual Preference
Breastfeeding	Political Belief or Activity	Sexual Orientation
Industrial Activity or Employment Activity	Pregnancy / Potential Pregnancy	Personal association with a person who is identified by reference to any of the above attributes/grounds

Discrimination can be direct or indirect.

Direct discrimination is treating or proposing to treat a person unfavourably on the basis of an Attribute, regardless of the discriminator's motive and whether they are aware of the discrimination or consider the treatment to be unfavourable.

Examples of unlawful discrimination in the workplace may include:

- pressuring a pregnant employee to resign prior to taking any parental leave; or
- making the decision not to hire an employee on the basis of the person's ethnicity.

Indirect discrimination is imposing, or intending to impose an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an Attribute.

Indirect discrimination occurs when a requirement, condition or practice, which appears to be neutral, has a disproportionately negative impact on a particular group. For example, a manager requires the weekly staff meeting be held at 7:00 am. This appears to be a neutral requirement, however it could indirectly discriminate against those with family responsibilities because they may not be able to comply with the requirement to attend work so early. If the 7:00 am meeting time is not a reasonable requirement, then the requirement

to attend may constitute indirect discrimination.

Exceptions

In some situations, legislation may provide exceptions to discrimination, or permit what would otherwise be unlawful discrimination. In these circumstances discrimination will be permissible. For example, while it is unacceptable to discriminate against a person with a disability, what would otherwise be unlawful discrimination may be lawful if the person cannot perform the inherent requirements of their position even if reasonable adjustments are made.

Harassment

Harassment is any uninvited or unwelcome behaviour that offends, humiliates or intimidates another person, whether or not that effect is intended, and in circumstances where it would have been reasonable for them to feel that way. It may be against the law to harass someone on the basis of the same Attributes listed above in this policy.

Harassment may occur as a single act, or as a series of incidents, persistent innuendoes or threats.

Behaviour can constitute unlawful harassment even if it was not intended to offend or harm the other individual.

Sexual Harassment

DuluxGroup is committed to maintaining a working environment which is free from sexual harassment. DuluxGroup regards sexual harassment as a serious issue and aims to treat any complaints in a sensitive manner.

Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature in which a reasonable person, having regard to all of the circumstances, would anticipate the other person would feel humiliated, intimidated or offended. The conduct may be physical, verbal or written, and can occur at work, outside the workplace and outside normal business hours.

Examples of Sexual Harassment include (but are not limited to):

- continued use of jokes containing sexual innuendo;
- intrusive enquiries into another employee's private life, their sexuality or physical appearance;
- sexually offensive telephone calls, email messages or text messages;
- requests for, or expectations of, sexual activity under threat, or in exchange for favours or promises of preferential treatment;
- deliberate or unnecessary physical contact, such as patting, pinching, fondling, deliberate brushing up against another body, or attempts at kissing;
- public displays of nudity (flashing).

Consensual conduct is not sexual harassment.

Sex-based Harassment

Harassment on the ground of sex is:

- unwelcome conduct of a demeaning nature in relation to the person harassed that is carried out by reason of the sex of the person harassed or a characteristic generally appertaining or imputed to a person of the same sex as that person, and
- in engaged in circumstances where a reasonable person, having regard to all of the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of Sex-based Harassment include (but are not limited to):

- commenting about an employee because of their gender;
- ignoring, isolating or excluding an employee because of their gender;
- referring to a transgender employee by their previous name or gender;
- displaying or circulating sexist material, or putting it in an employee's workspace; belongings, or on a computer.

Other Harassment

Examples of other forms of harassment include (but are not limited to):

- **Racial harassment:** offensive jokes or derogatory comments about another person's racial or ethnic background, including jokes or comments about a person's skin colour, accent etc.
- **Disability harassment:** mimicking the habits of someone with a disability.

Vilification

Vilification is a public act which incites hatred, severe contempt or ridicule of person or a group based on their race, religion, colour, sexual orientation, sex or gender identity or HIV/AIDS status.

Bullying

Bullying is repeated, unreasonable behaviour directed towards an employee, or group of employees which may create a risk to the health, safety or welfare of persons at work (including putting at risk people's psychological wellbeing). Within this definition:

- **Repeated behaviour** refers to the persistent nature of the behaviour and is considered repeated if an established pattern can be identified, which may involve a series of diverse incidents;
- **Unreasonable behaviour** means behaviour that a reasonable person, having regard to all of the circumstances, would expect that their actions may victimise, humiliate, undermine or threaten another person; and
- **Risk to health and safety** includes risk to the mental or physical health of the employee.

Bullying may involve physical or verbal abuse, aggression or intimidation, but it may also be more subtle or indirect. Examples of bullying may include (but are not limited to):

- verbal abuse, threats, sarcasm or other forms of demeaning or intimidating language or communication;
- constant negative criticism or unreasonable "nit-picking";

- placing unreasonable work demands on people, such as deliberately overloading them with work;
- teasing or regularly making someone the brunt of pranks or jokes;
- deliberately isolating a staff member by refusing to talk to or interact with them or excluding them from normal work activities.

Bullying can be verbal or in writing, including online. It can be carried out by more than one person and be experienced by individuals as well as groups of people.

Bullying can be directed downwards (from supervisors/managers to workers), sideways (between workers) or upwards (workers to supervisors/managers).

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

What is not Bullying?

Managing staff does not constitute bullying if it is done in a reasonable manner. Managers have the right and are obliged to manage their staff. This includes directing the way in which work is performed, undertaking performance reviews, and providing feedback (even if negative) and disciplining and counselling staff.

Examples of reasonable management practices include, for example:

- reasonable management action or supervisory practices, carried out in a reasonable manner (including directing and controlling how work is done and what work is done);
- informing a worker about unsatisfactory work performance in a constructive way;
- setting reasonable performance goals, work, standards and deadlines;
- implementing organisational change or restructuring
- exercising a difference in opinion or views, conflicts, personality clashes or feeling upset or undervalued or that the work is unpleasant.

Victimisation

Victimisation is treating a person unfairly because that person, or someone they associate with, has made or intends to make a complaint of discrimination, harassment, bullying, or other inappropriate behaviour.

In particular, victimisation occurs if someone suffers unfavourable treatment because they:

- make, or intend to make, a complaint of Unacceptable Behaviour in good faith; or
- provide information or evidence in relation to such a complaint.

Victimisation is unlawful and no action should be taken against anyone for making or helping someone make a genuine complaint.

Resolving concerns

Anyone who experiences or witnesses Unacceptable Behaviour is encouraged to report it as soon as possible. The complaints procedure set out below has numerous options available to suit the circumstances of each individual situation.

1 - Self Resolution

Often a person is not aware that their behaviour is causing distress, and they will stop immediately if told. If you feel comfortable to do so, speak directly to the person concerned, tell them you object to their behaviour and ask them to stop. This may resolve the problem. You should keep detailed notes of any concerns and steps you take to resolve them.

If a person raises concerns about your behaviour with you, you should appreciate that they are letting you know that they find your behaviour unacceptable. They are giving you an opportunity to stop or change your behaviour, and possibly prevent a formal complaint from being made against you. If someone does raise a complaint with you about your behaviour, you should consider monitoring and stopping/changing your behaviour, and you must not victimise the person making the complaint.

2 - Speak with a Manager, HR People Services, PCC or EAP

If a concern cannot be resolved by direct discussion, or you do not feel comfortable addressing the issue face to face, you can discuss the matter with, and seek guidance from:

- your manager or a senior manager; and/or
- HR People Services or People, Culture & Change (HR, referred to as PCC) ; and/or
- the Employee Assistance Program (EAP).

Speaking with a Manager, Senior Manager, HR People Services or PCC

DuluxGroup encourages employees to discuss their concerns with a manager, senior manager and/or HR People Services or PCC. This will generally lead to the quickest and most effective resolution. Depending on the individual circumstances, a meeting facilitated by a manager or PCC in an attempt to resolve the issues or mediation between the parties are just some of the options that may be considered to assist those concerns. It may also be that after conferring with the employee a more formal complaint process commences as set out in 3 below.

Employee Assistance Program

DuluxGroup engages the services of EAP in certain countries around the world. This is a free professional and confidential counselling service for the benefit of all employees and DuluxGroup encourages anyone involved with a workplace issue to access this service. Please consult your relevant PCC representative to discuss further. For Australian employees, please contact EAP on 1300 361 008. For New Zealand employees, please contact EAP on 0800 372 669.

3 - Formal Complaint

At any stage an employee can make a formal complaint to PCC, who will assess whether the behaviour the employee is concerned about could constitute a breach of this policy, and whether the matter requires investigation (internal or external). Not all complaints will be appropriate for investigation.

Note: Where a situation is serious and/or involves conduct that may be contrary to this policy and/or the law, DuluxGroup may take any action it deems appropriate, such as conduct a formal investigation and, if appropriate, implement disciplinary action. This may occur in circumstances where the complainant does not want to take the matter further.

Confidentiality

In instances of any alleged breach of this policy, it is important to protect all people concerned. All employees are required to observe confidentiality of complaints of which they become aware. Should you be found to be inappropriately discussing a complaint, you may be disciplined for that conduct.

PCC, or others involved in managing a complaint or investigation will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to:

- determine what happened;
- afford procedural fairness to those against whom the complaint has been made; and
- to resolve the complaint.

Further, if there is suspected Unacceptable Behaviour that for example could create a risk to health and safety, confidentiality may not be able to be maintained due to DuluxGroup's duty of care obligations to its employees.

False complaints

Allegations of Unacceptable Behaviour are serious matters and can potentially damage an individual's reputation.

DuluxGroup takes complaints of Unacceptable Behaviour very seriously. It is expected that employees raise such complaints in good faith. If an employee intentionally makes false allegations that a person has engaged in Unacceptable Behaviour, then that employee may be defaming that person. It is therefore very important that all complaints of Unacceptable Behaviour are based on truth and fact.

If an employee is found to have deliberately made a false or malicious complaint, that employee may be disciplined for that conduct.

Responsibilities

Everyone working at or for DuluxGroup is expected to contribute towards an environment that is free from Unacceptable Behaviour.

Employees are responsible for ensuring they:

- are familiar with this policy;
- comply with this policy;
- attend or complete any required training on rights and responsibilities.

Managers and Supervisors are also responsible for:

- leading by example, modelling appropriate behaviour and ensuring that they do not engage in Unacceptable Behaviour;
- promoting this policy within their work area and acting upon any Unacceptable Behaviour in breach of this policy;
- providing guidance and information about options available to staff when approached;
- treating all complaints seriously and taking prompt steps to resolve any complaints made under this policy. This may include referring the matter to their Line Manager and/or the relevant PCC Manager where appropriate.

Related Policies

This policy applies in conjunction with other relevant DuluxGroup policies and procedures, including the [Speak Up Policy](#), as amended from time to time.

Variation

This policy may be varied from time to time, or cancelled at any time, by DuluxGroup at its sole discretion. This policy is not in any way incorporated or form any part of an employee's contract of employment or a contractor's independent contractor agreement.

Definitions

Company means any employing entity which is a wholly owned subsidiary of DuluxGroup Limited.

DuluxGroup means DuluxGroup Limited and all its associated entities as defined by the *Corporations Act 2001* (Cth).

Document control

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