

Equal employment opportunity & anti-discrimination, harassment and bullying policy

1 Statement

Magnetite Mines Limited (“the Company”) is committed to providing a safe and respectful environment for all workers, including employees and contractors, free from all forms of discrimination, workplace violence, bullying, harassment (including sexual harassment) and other forms of unacceptable and/or hostile behaviour.

These behaviours/conduct have a detrimental effect on the Company and its people and can result in a loss of trained and talented workers, cause the breakdown of teams and individual relationships, increase absenteeism and reduce efficiency and productivity. People who are subjected to such conduct/behaviours can become distressed, anxious, withdrawn and can lose self-esteem and self-confidence.

Discrimination, workplace violence, bullying, harassment, victimisation and vilification are also against the law. For these reasons, the Company has a zero-tolerance approach to such conduct and/or behaviours.

This policy provides guidance on your responsibilities and how to identify, report and help prevent such conduct/behaviours.

The Company recognises that workplace discrimination, violence, bullying and harassment may involve comments and behaviours that offend some people and not others. The Company accepts that individuals may react differently to certain comments and behaviour. That is why a minimum standard of behaviour is required of workers. This standard aims to be respectful of all workers, and is set out in this policy.

This policy does not form part of your employment contract, or contract of engagement, with the Company and may be updated, varied, removed or replaced at any time. In so far as this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to any contractual rights.

2 Application of policy

This policy applies to:

- (a) Any person working for the Company, including full-time, part-time, casual, temporary or permanent employees; student placements, apprentices or trainees, contractors, sub-contractors, consultants and volunteers (“workers”); and
- (b) All aspects of employment, recruitment and selection processes; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport.
- (c) This policy applies at all times in connection with work, including when workers are:
- (d) On-site, off-site, travelling for work or engaged in after-hours work;

- (e) Attending work-related social functions; conferences – wherever and whenever workers may be as a result of their duties;
- (f) With Company stakeholders, including consultants and contractors; and
- (g) Communicating with colleagues, management and/or third parties, through all methods of communication which may include:
 - (h) face-to-face interactions; and/or
 - (i) email, text messaging and social media communications.
- (j) The Company requires your strict compliance with this policy and requires all workers to engage with others with courtesy and respect. Failure to comply with this policy, or acting inconsistently with this policy, will be viewed seriously and could result in disciplinary action being taken, which could include the termination of your employment or engagement.

3 Respectful workplace behaviour and obligations of all workers

The Company strives to create an environment which allows everyone to achieve their full potential and that is supportive of diversity and inclusion. To that end, the Company will endeavour to ensure that:

- (a) Recruitment and selection decisions are based on merit and not affected by irrelevant personal characteristics;
- (b) Work is carried out free from discrimination, bullying and harassment (including sexual harassment); and
- (c) All workers have appropriate channels for raising or reporting grievances in good faith, without being subject to victimisation in any form.

In this context, workers must behave in a professional and respectful manner at all times. Workers must:

- (a) Reject behaviour that is inconsistent with the Company's Code of Conduct and follow the standards of behaviour outlined in this policy and other Company policies;
- (b) Take responsibility for their own actions and behaviour and how they work together, including by treating everyone with dignity, courtesy and respect;
- (c) Consider the views of others and how their words and actions might impact others;
- (d) Undertake training as and when required by the Company;
- (e) Offer support to other workers in the event they witness, or are told about, any discrimination, workplace violence, bullying or harassment, including providing information about how to report a grievance (make a complaint); and
- (f) Avoid gossip and respect the confidentiality of any grievance handling processes and procedures.

4 Additional responsibilities of manager

Managers have an important role to play in terms of fostering a culture that does not tolerate or encourage discrimination, harassment, bullying or workplace violence and must not engage in any conduct of this nature themselves.

Managers are additionally required to:

- (a) Provide leadership and role-modelling in appropriate standards of behaviour and conduct;
- (b) Take steps to educate and make their colleagues aware of their obligations under this policy, related Company policies and at law;
- (c) Intervene appropriately when they become aware of inappropriate behaviour or conduct, and ensure that any incident of unacceptable behaviour is promptly and appropriately dealt with in accordance with the Company's Grievance Handling Policy, which may include, as appropriate:
 - (i) facilitating the early and informal resolution of workplace grievances; and/or
 - (ii) referring matters to management;
- (d) Ensure workers who raise an issue or make a complaint are not subject to victimisation; and
- (e) Ensure that recruitment decisions are based on merit.

5 Equal employment opportunity

All recruitment and job selection decisions at the Company will be based on merit, being the skills and abilities of the candidate as measured against the inherent requirements of the position, regardless of irrelevant personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

6 Workplace violence

The Company will not tolerate any form of workplace violence and/or aggression, including from a co-worker (or between co-workers), contractor, sub-contractor, consultant, client, customer or visitor.

Workplace violence and aggression can be any incident where a person is abused, threatened or assaulted at the workplace. Such actions may also constitute discrimination, harassment or bullying (as below). Violence can be physical or psychological; once-off or repeated; and may be gendered in nature. Examples of workplace violence include (but are not limited to):

- (a) Any type of actual or threatened direct physical contact such as punching, pushing, tripping, spitting or blocking of someone's way;
- (b) Any form of unwanted physical contact;
- (c) Hazing or initiation practices for new or young workers; and/or
- (d) Gendered violence, which is any behaviour directed at any person or that affects a person because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety.

7 Discrimination, harassment and sexual harassment

Discrimination and harassment (including sexual harassment) will not be tolerated under any circumstances at the Company and are unlawful including under:

- (a) Fair Work Act 2009 (Cth);
- (b) Sex Discrimination Act 1984 (Cth);
- (c) Racial Discrimination Act 1975 (Cth);

- (d) Disability Discrimination Act 1992 (Cth);
- (e) Age Discrimination Act 2004 (Cth);
- (f) Australian Human Rights Commission Act 1986 (Cth);
- (g) In New South Wales, the Anti-Discrimination Act 1977;
- (h) In Western Australia, the Equal Opportunity Act 1984; and
- (i) In South Australia the Equal Opportunity Act 1984.

Workers can be held personally liable for breaches of law, and the Company can also be vicariously liable for workers' unlawful conduct.

All workers should note that:

- (a) A single incidence of discriminatory conduct or harassment can be unlawful;
- (b) You can discriminate against or harass someone without intending to do so. Keep in mind that a joke or comment can be unlawful, even if it was intended to be harmless;
- (c) You can discriminate against or harass someone even if the conduct in question was not directed at the person. For example, a person might be sexually harassed when they inadvertently overhear another employee telling an offensive joke of a sexual nature; and
- (d) Conduct which does not amount to unlawful discrimination, harassment or sexual harassment may still be inappropriate in the workplace and attract disciplinary measures. You must behave in a professional and respectful manner at all times.

Employees found to have engaged in conduct in breach of this policy and/or an applicable law will be subject to action under the Company's Discipline & Termination policy, up to and including termination of employment.

8 What is discrimination?

Discrimination means treating a person less favourably than another, because of a protected attribute or because they are personally associated with a person who has a protected attribute.

These attributes differ from State to State but include:

- (a) Disability, including work-related injury;
- (b) Parental status or status as a carer;
- (c) Race, colour, descent, national origin, or ethnic background;
- (d) Age;
- (e) Sex;
- (f) Industrial activity;
- (g) Religion;
- (h) Pregnancy and breastfeeding;
- (i) Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
- (j) Marital or relationship status;
- (k) Political opinion;
- (l) Social origin;
- (m) Medical record;

- (n) An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

Discrimination can be direct or indirect as follows:

- (a) Direct discrimination - when a person or group is treated less favourably than another person or group in a similar situation because of an attribute protected at law (see list above). An example of this is refusing to hire the best qualified applicant for a job because they are a particular gender or age.
- (b) Indirect discrimination - when an unreasonable requirement, condition, policy or practice is imposed that applies equally to all, but which disadvantages a person or group with an attribute protected at law (see list above). An example of this might be a rule that all staff meetings are held at 5.30pm, as this might disadvantage employees with family and carer's responsibilities.

It is also against the law to treat someone unfavourably because they are assumed to have a personal characteristic or may have it at some time in the future.

Examples of discrimination include:

- (a) Giving a person an insensitive nickname or making jokes about them or their appearance because they have a protected attribute;
- (b) Making offensive comments about a person because they have a protected attribute;
- (c) Teasing a person because they have a protected attribute; and/or
- (d) Excluding or isolating a person because they have a protected attribute.

9 What is harassment?

Harassment means unwanted, offensive, humiliating, hostile or intimidating behaviour on the basis of a protected attribute. Unlawful harassment may include unfair comments and actions, taunts, pranks and derogatory comments directed at a person because they have a protected attribute.

Single incidents of unreasonable behaviour (such as harassment, violence or threatening behaviour) can present a risk to health and safety and will not be tolerated.

For example, sexual harassment is unlawful even when it is a one off incident and not repeated conduct.

10 Sexual harassment and conduct subjecting others to a hostile workplace environment on the ground of sex

Sexual harassment means any unwanted, unwelcome or uninvited behaviour of a sexual nature that a reasonable person would find offensive, humiliating or intimidating in the circumstances, and which the person did find offensive, humiliating or intimidating. Sexual harassment can take many different forms and can be obvious or indirect, repeated or once off. Sexual harassment can be physical, spoken or written. It can include:

- (a) Comments about a person's private life or the way they look;
- (b) Sexually suggestive behaviour, such as leering or staring;
- (c) Brushing up against someone, touching, fondling or hugging;
- (d) Sexually suggestive comments or jokes;
- (e) Repeated unwanted requests to go out;

- (f) Requests for sex;
- (g) Sexually explicit posts on social networking sites;
- (h) Insults or taunts of a sexual nature;
- (i) Intrusive questions or statements about a person's private life;
- (j) Sending sexually explicit emails or text messages;
- (k) Inappropriate advances on social networking sites;
- (l) Accessing sexually explicit internet sites;
- (m) Behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

The Sex Discrimination Act also prohibits conduct that subjects another person to a workplace environment that is hostile on the ground of sex where a reasonable person, having regard to all the circumstances, would have anticipated the possibility of the conduct resulting in the workplace environment being offensive, intimidating or humiliating. This includes conduct/behaviour that is sexually charged or hostile, even if the specific conduct is not directed at a particular person.

Examples include:

- (a) Displaying offensive, obscene or pornographic materials, such as screen savers, photos, calendars or objects; and/or
- (b) General sexual banter, or innuendo and offensive jokes.

Please bear in mind that conduct which does not amount to sexual harassment or hostile workplace conduct may still be inappropriate in the workplace and warrant disciplinary steps, which could include the termination of your employment or engagement.

All workers should note that:

- (a) A person not expressly objecting to conduct/behaviour in the workplace at the time does not mean they are consenting to the behaviour.
- (b) All workers have the same rights and responsibilities in relation to sexual harassment.
- (c) The Company is required to respond swiftly and appropriately to all sexual harassment concerns, no matter who is involved.

11 Bullying

Workplace bullying is unlawful and will not be tolerated under any circumstances at the Company.

12 What is workplace bullying?

- (a) Bullying means repeated and unreasonable behaviour directed towards a person or a group of people, which creates a risk to their health and safety.
- (b) Repeated behaviour: means the behaviour must be repeated. The behaviour could be a range of different behaviours or more than one occurrence of the same behaviour;
- (c) Unreasonable behaviour: means behaviour that a reasonable person, having regard to all the circumstances, may see as unreasonable. It includes behaviour that is threatening, humiliating or intimidating; and
- (d) Risk to health and safety: means a risk of psychological and/or physical injury.

Bullying behaviours can take many different forms, from the obvious to the more subtle.

The following are some examples of bullying:

- (a) Abusive, insulting or offensive language or comments;
- (b) Violent, aggressive or intimidating conduct;
- (c) Belittling or humiliating comments;
- (d) Victimisation;
- (e) Practical jokes or initiation;
- (f) Unjustified criticism or unreasonable complaints about work performance;
- (g) Deliberately excluding someone from work-related activities;
- (h) Withholding information that is vital for effective work performance;
- (i) Setting unreasonable timelines or constantly changing deadlines unreasonably;
- (j) Setting tasks that are unreasonably below or beyond a person's skill level;
- (k) Denying access to information, supervision, consultation or resources to the detriment of the worker;
- (l) Spreading misinformation or malicious rumours; and/or
- (m) Changing work arrangements such as rosters and leave to deliberately and unreasonably inconvenience a particular worker or workers.

The above examples are indicative of the type of behaviours that may constitute bullying and are not exhaustive. If you are unsure whether the behaviour not provided on this list constitutes bullying you should discuss with your manager in the first instance.

Note that a single incidence of such conduct may also present a risk to health and safety and will not be tolerated, even if it does not amount to bullying as described above.

13 What is not workplace bullying?

Reasonable management action carried out in a reasonable way is not bullying. Managers sometimes have a responsibility to manage poor performance and provide feedback about work, conduct and performance. On occasion, this may include negative or constructive feedback, which may be stressful or unpleasant or perceived this way but will not amount to bullying.

The following are some examples of reasonable management action:

- (a) The setting of realistic and achievable performance goals, standards and deadlines;
- (b) Reasonable rostering and allocation of working hours;
- (c) Transferring a worker to another area or role for operational reasons;
- (d) Reasonably determining not to select a worker for a promotion;
- (e) Informing a worker about unsatisfactory work performance in a reasonable way, and discussion or counselling designed to assist a worker in meeting performance targets;
- (f) Informing or counselling a worker about the worker's unacceptable behaviour or conduct in an reasonable way;
- (g) Implementing organisational changes or restructuring; and
- (h) Taking disciplinary action, including suspension or termination of employment where appropriate and reasonable.

14 No victimization

Victimisation occurs when a person is treated less favourably or is subject to some other detriment because:

- (a) they make, or propose to make, a genuine complaint of unacceptable or unlawful behaviour; or
- (b) they are involved in a complaint process or investigation (for example, as a witness).

Victimisation is unlawful and will not be tolerated under any circumstances. This means that you must not retaliate against a person or subject them to any detriment because they have lodged a complaint, may lodge a complaint or are otherwise involved in a complaint or investigation process.

Any person who is found to have engaged in victimisation may be subject to disciplinary action, up to and including termination of employment.

15 Vilification

It is unlawful and the Company has a zero-tolerance approach to any form of hatred or vilification due to a protected attribute of another person.

Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because they have a recognised characteristic (for example on the basis of their race).

Vilification laws vary State to State however, you should be aware that in New South Wales, it is a criminal offence to publicly threaten or incite violence towards a person or group of people because of their race, religious belief or affiliation, sexuality, gender identity, being transgender or intersex or because they have HIV or AIDS.

The Company may be vicariously liable for workers found to have engaged in any form of unlawful hatred or vilification. Workers may also be liable, including criminally liable, for any such conduct or behaviour.

Public acts in relation to vilification could include making remarks in the media or on the internet (for example, using social media), graffiti, putting up posters, verbal abuse, making speeches and wearing badges or clothing with slogans on them. Workplaces can be public places.

16 Confidentiality

If you raise a grievance or if you are involved in a grievance process in any way, you must keep the nature of the grievance, the identity of the people involved and details of your involvement confidential at all times.

You must not disclose these matters without the Company's express written permission.

Gossiping and/or spreading rumours in connection with a grievance or a breach of this policy will not be tolerated under any circumstances.

17 What to do if you observe or are subject to behaviour/conduct in breach of this policy?

The Company strongly encourages any worker who believes they have been discriminated against, bullied, harassed, vilified or victimised to take appropriate action by making a complaint in accordance with the Company's Grievance Handling Policy.

Any worker who has witnessed conduct or behaviour inconsistent with this policy should also report this in line with the Company's Grievance Handling Policy. All complaints and issues raised about conduct that is inconsistent with this policy will be taken seriously.

Any complaint made under this policy must be made in good faith. You will not be victimised or treated unfairly for raising a grievance in good faith. You must not make complaints that you know are false or misleading. A person who makes an unfounded or vexatious complaint may be subject to disciplinary action, including termination of their employment or engagement.

18 Other measures

The Company also recognises the need for open communication in the workplace. The Company may implement training, as it considers necessary, in relation to behavioural standards and where appropriate will hold meetings to address standards, expectations and any issues. The frequency, dates and form of this training and meetings will be determined by the Company.

19 Other policies, additional information and support

Employees should read this policy in conjunction with other relevant Company policies, including:

- (a) Code of Conduct;
- (b) Telephone, Mobile & Internet Policy;
- (c) Social Media Policy;
- (d) Grievance Handling Policy;
- (e) Discipline & Termination Policy.

Any questions about this policy, or requests for support or guidance should be directed to your manager or the Chief Executive Officer.