

Appropriate Workplace Behaviour Policy

At Fagg's Group, we seek to create a working environment that is diverse, inclusive and that treats people with dignity and respect. This means that we:

- believe in the right of our team members to be treated fairly and equitably
- seek to hire, promote, manage and reward on the basis of merit and essential job requirements
- have no tolerance for unlawful discrimination, bullying, harassment or victimisation
- have grievance procedures in place that allow complaints to be investigated in a fair and sensitive way.

This policy helps us work together and make decisions consistent with Fagg's Group standards and with how we are required to do business.

We all have a part to play in promoting equal opportunity principles and respecting others, across our whole business and in our dealings with customers, suppliers and the broader community. If you have any questions or concerns in relation to any aspect of this policy, we encourage you to raise this with your manager or a People & Culture Representative as soon as possible.

This policy was previously known as the Equal Employment Opportunity (EEO), Discrimination, Bullying and Harassment Policy (EEO Policy) and any references to the "EEO Policy" in other documentation should be read as a reference to this policy.

Application and Responsibilities

This policy applies to all Fagg's Group team members in relation to, all aspects of employment and engagement (including recruitment and selection practices, terms and conditions of employment or engagement, promotion, transfer, training, leave and termination of employment or engagement) as well as the treatment of others in the broader Metcash network, including suppliers, retailers, clients and the community. Team members include all Fagg's Group directors, employees, contractors and consultants (and any workers they engage to perform work for the Fagg's Group).

This policy is not limited to the workplace or to work hours. This policy extends to all functions and places that are work-related. Team members must comply with this policy at all work-related functions, such as work lunches, conferences, staff meetings, Christmas parties and client or supplier functions. Team members must also comply with this policy when going to other locations in connection with work, for example, when visiting a supplier and during work-related travel.

All team members are required to comply with this policy at all times. All team members are required to participate in Appropriate Workplace Behaviour compliance training every two years and otherwise as Fagg's Group requires from time to time. Fagg's Group treats breaches of this policy seriously. Breaches of this policy that Fagg's Group considers serious, or repeated breaches, are likely to result in termination of employment or engagement (as relevant).

Team members should be aware that, in some circumstances, they can be held legally responsible for their own unlawful conduct. This means that a team member may be personally liable for, and sued, if they breach applicable laws. Team members who aid, abet, encourage or permit others to engage in unlawful conduct can also be liable for their conduct.

Review Date: August 2023

Release Date: November 2021

This policy outlines Fagg's Group stance on Appropriate Workplace Behaviour which includes EEO, discrimination, bullying and harassment. It should be read together with our Code of Conduct. This policy will be reviewed periodically. This policy is not intended to, and does not, create any contractual rights or benefits or form part of any contract between a team member and Fagg's Group.

Manager's responsibilities

- Complying with the principles and requirements in this policy
- Leading by example and promoting the principles in this policy
- Intervening early and call out and address inappropriate behaviours promptly

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group because of an attribute (such as race). Serious vilification involves threats of physical violence.

Discrimination (including vilification) in the workplace or in the provision of goods and services is unlawful.

Bullying, harassment and sexual harassment

Fagg's Group endeavours to foster an environment that is free from bullying, harassment, sexual harassment and other inappropriate workplace conduct.

Bullying

Bullying is repeated, unreasonable behaviour directed towards an individual or a group that creates a risk to the health and safety of a person or group. Unreasonable behaviour includes behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate or threaten. Bullying behaviour does not need to be based on a ground of discrimination. A person can be bullied for any reason.

Workplace bullying can be directed at a single team member or a group of team members by one or more team members.

Reasonable management action taken in a reasonable way is not bullying or harassment. Some examples of reasonable management action include:

- setting reasonable performance goals and standards
- transferring a team member for operational reasons
- informing a team member about inappropriate behaviour
- implementing organisational changes

Low level workplace conflict or a difference of opinion is also unlikely to constitute bullying.

Harassment

Harassment is unwanted conduct targeting a protected attribute that a reasonable person would expect to offend, humiliate or intimidate. Harassment can be a form of discrimination and does not need to be intentionally offensive or happen more than once to be unacceptable.

Conduct that may amount to harassment includes:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting • ganging up on someone
- initiation rituals or "hazing" undermining or putting someone down in front of others
- unwelcome jokes, passing comments, posters or emails that are likely to offend, humiliate or intimidate – e.g., a pamphlet vilifying a religion or racial group, or mocking someone with a disability

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Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated the possibility that the conduct would offend, humiliate or intimidate the other person.

It doesn't matter:

- if the conduct only happened once
- if the conduct was not intended to offend the person
- whether the person targeted spoke up at the time or asked for the behaviour to stop.

Sexual harassment may include:

- questions or comments about someone's physical appearance, sexual preferences or private life
- physical contact or unnecessary familiarity, like kissing, patting or putting an arm around someone
- sexually explicit conversation or suggestive comments
- asking someone for sexual favours or pressuring them to go out on dates
- sexual jokes, abusive language or innuendo • displaying or circulating pornographic photographs, pictures, e-mails, posters or objects
- potential criminal conduct, including physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not behaviour that is based on mutual attraction, flirtation or friendship. If the behaviour is mutual, consensual, welcome and reciprocated then it is not sexual harassment.

Inappropriate workplace conduct

While we recognise that the actions of our team members must comply with the law, mere compliance is not an adequate measure of whether decisions and actions are consistent with, and in the spirit of, Fagg's Group values and the aims of this policy. Therefore, there may be forms of workplace behaviour which, although not unlawful, Fagg's Group regards as being inappropriate. An example of this is shouting or swearing at a team member or a customer. While this one-off conduct might not amount to bullying or harassment it is still inappropriate and not behaviour that Fagg's Group tolerates.

Victimisation

Victimisation is threatening or disadvantaging someone because they:

- want to assert their rights under applicable laws (such as anti-discrimination laws);
- have made, or intend to make, a complaint about conduct prohibited by this policy; or
- are helping someone make a complaint, are involved in a complaint process or are a witness to an investigation.

Internal Grievance Procedure and Management Guidelines

All grievances raised under this policy will be taken seriously and managed promptly in accordance with the following guiding principles, as far as possible:

- meeting our obligations under relevant laws
- encouraging and facilitating informal resolution, where appropriate
- keeping the grievance as confidential as possible

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- providing all parties with procedural fairness
- ensuring all parties have access to appropriate support, such as Fagg's Group's employee assistance program (EAP).

While the approach may vary or be adapted depending on the circumstances, generally internal grievances raised by a team member engaged directly by Fagg's Group (for example, an employee or a consultant) will be managed in accordance with the three stages set out below. For team members engaged indirectly (such as employees of contractors or labour hire employees), Fagg's Group will consult with the team member's employer (as relevant) in determining the appropriate process follow.

Stage 1: Grievance is to be raised.

- If you have a grievance, it is important to raise it as soon as possible. It is best to do this through your manager or a People & Culture Representative, who will discuss your grievance with you, including:
- confronting the person directly to ask them to stop the behaviour, if you feel comfortable doing so - this is not compulsory;
- facilitating an internal discussion or conciliation – this is more suited to less serious allegations. In this approach, there is no decision made about what did or did not occur, rather the Manager or a People & Culture Representative attempts to facilitate an outcome that is acceptable to all parties (including the business); or
- undertaking an investigation.

The Manager or a People & Culture Representative will generally need to meet with you to discuss your grievance. You can take a support person to the meeting if you want.

It is important to note that:

- the Manager or People & Culture Representative are not able to give you independent advice or make findings in relation to the matter;
- the Manager or People & Culture Representative will determine the best way to deal with your grievance – in deciding on the best course of action, the Manager or People & Culture Representative will consider the nature of your grievance and any other relevant factors;
- while all reasonable steps will be taken to preserve a complainant's confidentiality and respect their wishes, due to Fagg's Group's statutory obligations and the need to afford all staff procedural fairness, Fagg's Group may need to act on a grievance even if the complainant does not wish to escalate the matter;
- all team members involved in a complaint or grievance process must maintain confidentiality (including the person who lodges the grievance). Spreading rumours or gossip may expose team members to disciplinary action and, in some cases, may constitute defamation. However, team members may discuss the grievance with a designated support person or representative (who must also maintain confidentiality)

Stage 2: Investigation

If informal resolutions are impractical, or the grievance (if proven) would result in a serious breach of this policy, it may be investigated.

An investigation is an impartial fact-finding process which may be undertaken internally by Fagg's Group or a person from outside Fagg's Group (including legal representatives) appointed by Fagg's Group. Generally:

- you will be asked to set out your grievance in writing;
- an appropriate investigator will be appointed to investigate the grievance;
- the allegations will be put to the alleged perpetrator, who will be given an opportunity to respond;
- the investigator may also interview any witnesses who may reasonably be able to assist (on a confidential basis);

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- one or more parties may be stood down with pay during the investigation. Stand-down during an investigation is not a disciplinary measure, and will only be used where deemed to be necessary to assist with the investigation process or meet our statutory obligations. Fagg's Group may also provide alternative duties or work, or an alternative work location, during an investigation; and
- participants can bring support persons to interviews, and will be reminded of their obligations in relation to privacy and confidentiality.

Stage 3: Outcomes

After the investigator makes findings, these will be communicated to the decision-maker (usually the responsible manager, or more senior level of management if appropriate). The decision-maker will consider the findings and decide on appropriate outcomes, which may include:

- counselling or Appropriate Workplace Behaviour refresher training;
- changing work arrangements such as revising or varying duties, responsibilities or reporting lines;
- monitoring to ensure that there are no further problems; and/or
- disciplinary action (from a formal warning up to and including termination of employment or engagement).

These outcomes are intended to provide a guide as to the possible outcomes which may be implemented. In every case, the actual outcomes and/or disciplinary procedure to be adopted will be a matter for Fagg's Group's determination and in consideration of the circumstances as a whole.

Where practicable and appropriate, parties affected by the decisions (such as the complainant) may be given an opportunity to respond, raise any additional matters they would like the decision-maker to consider, and consulted with.

Vexatious complaints

Raising a grievance can have serious implications for the other party, personally and professionally. Doing so, in bad faith, or without believing the grievance to be true, is known as a "vexatious complaint". Making a vexatious complaint is a serious matter and may result in disciplinary action for the complainant, up to and including termination of employment or engagement.).

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