

## 1. Purpose

Whitehaven Coal (**WHC**) respects and values the diversity of its board, senior executives, workforce, customers and stakeholders and is committed to supporting and encouraging a diverse workforce and inclusive workplace which is free from unacceptable behaviour. This policy describes WHC's approach to diversity and inclusion and is endorsed by the Whitehaven Coal Board of Directors.

## 2. Scope

This policy applies to all WHC employees, consultants, contractors, directors and officers.

## 3. General

- 3.1. The Diversity and Inclusion Policy provides a framework to effectively embed and support a diverse workforce and inclusive workplace for all WHC employees.
- 3.2. This policy sets out the approach which WHC will generally take; WHC may depart from or vary this policy from time to time in its absolute discretion. As this is a policy it does not form part of any employment contract or employment terms.

## 4. Relationship to other WHC Policies

This policy should be read with other WHC policies, procedures and documents that define and support WHC's commitment to a diverse and inclusive workplace and the expected behaviour and conduct of its leaders and employees.

These include:

- *Code of Conduct Policy*
- *STRIVE Values*
- *Speak Up Policy*
- *Workplace Issues Resolution*
- *Recruitment Policy*
- *Performance and Development Review Process*
- *Parental Leave Policy*
- *Domestic and Family Violence Policy*
- *Workplace Behaviour Complaints Procedure*

## 5. Definitions

- 5.1. Diversity is the term used to describe the differences and uniqueness of all people – it includes skills, knowledge, experiences and perspectives of individuals and groups. It can refer to demographic characteristics, such as age, gender, gender identity, sexual orientation, intersex status, religion or national origin or social origin. Diversity can also be recognised by personal characteristics such as disability, medical condition, carers' responsibilities, pregnancy or potential pregnancy and any other characteristic of an individual.

5.2. Some personal characteristics are protected against discrimination through state and federal legislation; however valuing diversity is broader, where differences are recognised and valued in a positive and proactive way.

5.3. An inclusive workplace:

- values the diversity of its employees, customers and stakeholders;
- upholds the right of every employee to be treated with respect and fairness whilst performing their work;
- is fair and equitable; and
- is free of discrimination, harassment, bullying and other unlawful behaviour.

## 6. WHC's commitment to diversity and inclusion

- 6.1. WHC values the diversity of its employees, customers and other stakeholders and recognises that diversity is supported and enhanced by an inclusive workplace culture.
- 6.2. WHC is committed to finding ways to actively support and encourage a diverse workforce and inclusive workplace now and in the future and this commitment is considered and reflected in strategic and operational plans, policies, procedures, and new initiatives.
- 6.3. WHC recognises that all people working in or visiting WHC workplaces have the right to be treated with respect and fairness and enjoy an environment free of discrimination, harassment, bullying and other unlawful behaviour.

## 7. Benefits of a diverse workforce and inclusive workplace

- 7.1. An inclusive workplace, where all employees feel safe and confident to contribute their ideas and perspectives, facilitates more creative, innovative, and effective solutions for achieving WHC's business objectives.
- 7.2. A diverse workforce, with its broad range of experience and perspectives, has a better opportunity to understand and engage WHC's customer base and the communities in which it operates.
- 7.3. WHC recognises that a diverse workforce and inclusive workplace culture is attractive to existing and potential talented employees.

## 8. Promoting and embedding a diverse workforce and inclusive workplace

- 8.1. WHC recognises that its culture is a product of the behaviour and conduct of WHC's people - that is, how employees treat each other, customers and stakeholders while conducting WHC's business.
- 8.2. WHC sets clear expectations for leaders and employees regarding the actions, conduct and behaviour that support a diverse workforce and inclusive workplace. These expectations are described in this policy, the WHC Code of Conduct, WHC STRIVE Values and other related documents and are explained and reinforced through general communication and targeted education and training programs.
- 8.3. Leaders and employees are encouraged to speak up if they see conduct or behaviour that is not consistent with this policy or other related documents and WHC will address breaches appropriately. Workplace issues resolution processes and disciplinary processes are described in related documents.

## 9. Affirmative action initiatives

- 9.1. Affirmative action initiatives are another way of increasing the diversity of WHC's workforce. Affirmative action describes initiatives and actions that aim to remove barriers to people with particular characteristics, enabling those people to compete equally for employment opportunities, and addressing any disadvantages that may be evident.
- 9.2. Affirmative action initiatives may focus on a particular group or individuals belonging to a group who have been

disadvantaged in the past or who are under-represented within WHC's workforce. An example is providing additional support and assistance to people with disabilities, Indigenous Australians or to encourage and support employees to return from and remain with WHC after a period of Parental Leave.

## 10. Equal Employment Opportunity

- 10.1. Equal Employment Opportunity (EEO) is the principle of ensuring that all people have equal access to employment opportunities, free from discrimination and bias. It is one of the ways WHC can actively promote and embed a diverse and inclusive workplace.
- 10.2. As an employer, WHC has a legal obligation to conduct its business in a manner consistent with EEO.
- 10.3. WHC meets its obligations by identifying and removing any unnecessary barriers to employment and to make employment decisions based on merit, and not characteristics that are irrelevant to successfully fulfilling the responsibilities of the position.
- 10.4. EEO applies to an employee's access to career development opportunities including training and development, promotion, secondments or other job opportunities that are appropriate given their skills, knowledge and experience. Career development opportunities are available to all employees and are tailored to meet individual and business needs.
- 10.5. WHC executes its commitment to EEO through its Recruitment Policy and related processes.
- 10.6. In accordance with the Recruitment Policy, recruiting leaders have a responsibility to ensure that recruitment decisions are based on assessing the skills, knowledge and experience of applicants in relation to the requirements of the position and the WHC STRIVE Values. This includes making decisions about the tools and processes used for assessing the suitability of applicants.

## 11. Reporting and compliance

- 11.1. WHC monitors its performance in the areas of diversity and inclusion using appropriate measures and targets.
- 11.2. Progress is reported to, and discussed in various forums, including WHC's Executive Leadership Team and People & Culture.
- 11.3. WHC has established a workplace program to remove barriers to women entering and advancing in the company in accordance with the Workplace Gender Equality Act 2012. WHC reports regularly to the Equal Opportunity for Women in the Workplace Gender Equality Agency on this program and its progress.
- 11.4. WHC monitors gender diversity across the organisation using appropriate measures.
- 11.5. In addition, WHC reports its gender diversity objectives and progress in achieving them, as well as the proportion of female employees in the organisation, at Executive Leadership Team level and on the WHC Board, in WHC's Sustainability Report.
- 11.6. WHC also captures, monitors and reviews employee complaints related to breaches of this policy, including complaints relating to sexual harassment, homophobia, and transphobia in the workplace.

## 12. Unacceptable and unlawful behaviour definitions

- 12.1. Unacceptable behaviour is any behaviour that undermines WHC having a diverse and inclusive workplace and includes behaviour that is not consistent with WHC's Code of Conduct and the WHC STRIVE Values. This includes unlawful discrimination, bullying, harassment, sexual harassment, vilification and victimisation. Further information about what constitutes this behaviour is set out below.
- 12.2. Some unacceptable behaviour is also unlawful. Unlawful behaviours are defined in various State and Federal laws and include discrimination, harassment, including sexual and sex-based harassment, bullying, vilification and

victimisation.

## 13. WHC's approach to eliminating unacceptable and unlawful behaviour

- 13.1. WHC does not tolerate unacceptable or unlawful behaviour in the workplace. This kind of behaviour undermines a diverse and inclusive workplace.
- 13.2. The "workplace" includes an employee's place(s) of work as well as any work-related function (including conferences, accommodation, transport to travel to and from work, seminars, and social events).
- 13.3. WHC encourages employees to speak up about unacceptable and unlawful behaviour in the workplace and supports employees to do this by providing them with access to advice, support and a process to raise and resolve complaints. Employees can report this behaviour in person to their direct Leader, another Leader or their People & Culture Business Partner and/or via the Speak Up Policy or the Workplace Behaviours Complaints Procedure. WHC provides targeted education and training for leaders and employees so they can recognise unacceptable and unlawful behaviour in the workplace and know what to do if they experience, witness or become aware of it.

## 14. Discrimination

- 14.1. Discrimination is any practice that makes distinctions between individuals and groups that disadvantages some people and/or advantages others.
- 14.2. It is unlawful to discriminate against someone on the following "prohibited grounds":
- Gender
  - Sexual Orientation
  - Gender Identity
  - Gender Expression
  - Age
  - Intersex Status
  - Relationship Status
  - Disability
  - Family responsibilities
  - Carers' responsibilities
  - Race, nationality or ethnic origin
  - Marital status
  - Medical or irrelevant criminal record
  - Political views
  - Pregnancy or potential pregnancy
  - Religious beliefs or activity
  - Sexuality or sexual orientation
  - Trade union activity
  - Physical appearance
  - Social origin
- 14.3. Not all of these prohibited grounds apply in all States / Territories of Australia. However, all of these grounds for discrimination and harassment are unacceptable at WHC. Conduct that results in a hostile work environment on the basis of any of the grounds listed above is unacceptable and may be unlawful.
- 14.4. This policy does not deal with lawful discrimination such as rewarding high performance or choosing a qualified person rather than an unqualified person.
- 14.5. Discrimination can be direct or indirect. Direct discrimination is when someone is treated less favourably in their employment due to one of the prohibited grounds e.g. a person is not hired because they are pregnant. Indirect discrimination occurs where a condition, requirement or practice is imposed that has the effect of disadvantaging one group of people in relation to the other on one of the prohibited grounds, and this is not reasonable in the circumstances e.g., requiring an employee to be married to be covered for certain relocation allowances.
- 14.6. A person can unlawfully discriminate against someone else even if they didn't mean to do so.

## 15. Bullying

- 15.1. Bullying is against the law. It is repeated, unreasonable behaviour directed towards an employee, or group of employees, that creates a risk to health and safety. Unreasonable behaviour is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, demean or threaten.
- 15.2. Bullying can be carried out verbally, physically or in writing (e.g. via email, social media technologies such as Twitter and Facebook, and via mobile phone technologies such as text messaging).
- 15.3. Bullying can be directed in a range of ways in a workplace – downwards (from leaders to employees); sideways (between employees / co-workers) and upwards (from employee to leaders).
- 15.4. Bullying can be directed at a single employee or at more than one employee. It can be carried out by one or more employees.
- 15.5. Being bullied or working in a climate of bullying can lead to psychological and/or physical injury and can also contribute to other injuries in the workplace.
- 15.6. Examples of bullying include but are not limited to:
- Unwanted physical contact
  - Verbal abuse including offensive language and/or shouting
  - Physical assaults or threats
  - Isolating or excluding employees
  - Taunting someone because of their perceived sexuality
  - Calling a transgender man or woman “it” or “he/she”.
  - Teasing, sarcasm or insults
  - Constant and unreasonable or unconstructive criticism
  - Intimidation or trying to make an employee feel unimportant
  - Humiliating others or making people the brunt of practical jokes
  - Body shaming
  - Spreading malicious rumours
  - Initiation rites
  - Assigning meaningless tasks unrelated to the job
  - Placing unreasonably high work demands on one employee but not on others
  - Deliberately changing work rosters to inconvenience an employee or group of employees
  - Displaying written or pictorial material which may degrade or offend certain employees

15.7. Reasonable management actions carried out in a fair way is not bullying. Bullying is not:

- Setting performance goals, standards and deadlines
- Informing an employee about unsatisfactory work performance
- Performance management processes
- Informing an employee about inappropriate behaviour
- Constructive feedback
- Allocating work to someone and rostering and allocating working hours
- Transferring an employee to another worksite
- Deciding not to select an employee for a role
- Implementing organisational change

## 16. Harassment

16.1. Harassment is any unreasonable, uninvited or unwelcome behaviour that a reasonable person would consider offensive, humiliating, intimidating or threatening to another person or makes a workplace uncomfortable and hostile for other employees.

16.2. It is against the law to harass someone based on one of the prohibited grounds that relate to unlawful discrimination.

16.3. Harassment may consist of an isolated incident or a series of incidents or an ongoing pattern of behaviour.

16.4. Harassment does not have to be intentional e.g. telling a racist joke that some people found funny but another person felt was offensive or humiliating; saying “that’s so gay” when being critical or negative about something.

16.5. Harassment does not have to be directed at a particular individual e.g. a sexually explicit or a homophobic screen saver or poster can be considered a form of sexual harassment.

## 17. Sexual Harassment

17.1. Sexual harassment is against the law. There are state and federal laws including the Sex Discrimination Act (Cth) that make it clear that sexual harassment is unlawful. Legal action may be taken against you, and WHC, if you engage in sexual harassment.

17.2. Sexual harassment is any unwanted, uninvited or unwelcome behaviour of a sexual nature that makes another person or group of people feel offended, humiliated or intimidated. Sexual harassment is not conduct that is consensual, welcome and reciprocated.

17.3. Sexual or sex-based harassment may include conduct that occurs in the workplace or in connection with work outside normal hours, for example, at a work function.

17.4. Examples of sexual or sex-based harassment include but are not limited to:

- Unwelcome sexual advances
- Sexual or suggestive remarks
- Sexual propositions or repeated requests for dates
- Repeated questions about personal life
- Sexual jokes and innuendo
- Deliberate and unwanted physical contact such as touching, brushing up against a person, hugging etc.



- Offensive telephone calls, reading matter or objects, email, screen savers, pictures, calendars etc.
- Suggestive leers

## 18. Vilification

Vilification is against the law. Vilification is doing or saying something in public that creates, encourages or incites hatred, severe contempt for or severe ridicule of other people. Examples of grounds for vilification include but are not limited to:

- Race, ethnic or religious background
- Having AIDS or being HIV positive
- Homosexuality or being transgender

## 19. Victimisation

19.1. A person is victimised when they are retaliated against, subjected to pressure, adverse comment, isolation or other detrimental behaviour.

19.2. It is against the law to victimise a person for making a complaint about discrimination, harassment, bullying, vilification or victimisation. It is against the law to victimise someone for being involved in a complaint made by someone else or for supporting someone who has made a complaint.

## 20. Addressing unacceptable and unlawful behaviour

20.1. Leaders and employees are expected and encouraged to speak up about and address, through appropriate channels, unacceptable behaviour if it occurs in WHC workplaces.

20.2. WHC's preference is for an employee to try first to address the behaviour directly with the perpetrator, if this is possible or appropriate. If it isn't possible to address the issue directly, then the employee should raise the issue with their direct leader, another leader or their People & Culture Business Partner and/or via the Workplace Behaviour Complaints Procedure or the Speak Up Policy

## 21. Education and training

WHC has set clear expectations for leaders and employees regarding their behaviour and conduct in the workplace. To ensure everyone understands what is expected of them, all employees, contractors and agency temps are required to complete relevant training.

## 22. Breaches of this policy

22.1. WHC takes its commitment to encouraging and promoting a diverse and inclusive workplace very seriously.

22.2. Breaches of this policy may result in disciplinary action, up to and including termination of employment.

## 23. Responsibilities and Guidelines

23.1. Responsibilities of Employees

- Comply with the obligations under this and related policies.
- Understand what it means to value diversity and the attributes of an inclusive workplace at WHC.
- Contribute to promoting an inclusive workplace by valuing and respecting others' differences.

- Speak up about behaviour in the workplace that is not consistent with this policy by immediately raising any complaints or concerns with leaders or the People & Culture Business Partner.
- Offer support to anyone who may be impacted by unacceptable or unlawful behaviour.

## 23.2. Additional responsibilities of Leaders

- Model, acknowledge, encourage and promote appropriate workplace behaviour.
- Do not engage in unacceptable or unlawful behaviour.
- Create a work environment which encourages open dialogue and values diverse perspectives.
- Actively identify and eliminate any barriers to equality of opportunity in employment.
- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times and intervene quickly and appropriately when they become aware of unacceptable behaviour
- Treat all complaints seriously and seek help and advice from the People & Culture Business Partner as required to ensure this policy is applied appropriately.

## 23.3. Responsibilities of People & Culture

- Promote the value of a diverse workforce and inclusive workplace with business leaders
- Ensure WHC's commitment to a diverse workforce and inclusive workplace is considered and reflected in strategic and operational plans, policies, procedures and new initiatives.
- Take steps to educate and make staff and leaders aware of their obligations under this policy and the law.
- Develop appropriate measures, targets and regular reporting to assist the Executive Leadership Team and the WHC Board assess WHC's performance in the area of diversity and inclusion.
- Provide advice and support to leaders in relation to promoting and embedding a diverse and inclusive workplace and in responding to any unacceptable behaviour
- Continually assess and evaluate whether WHC is meeting its requirements to eliminate sexual harassment and discrimination.
- Assist leaders to apply the policy appropriately.
- Intervene quickly and appropriately when they become aware of unacceptable behaviour.

## 23.4. Responsibilities of WHC Executive Leadership Team

- At all times role model and champion appropriate workplace behaviour and do not engage in unacceptable or unlawful behaviour.
- Support WHC achieve its vision of:
- having a diverse workforce and inclusive workplace culture
- eliminating unacceptable behaviour including sexual harassment and sex-based discrimination.
- Provide leadership accountability for diversity and inclusion outcomes at WHC.
- Sponsor the development and implementation of WHC's diversity and inclusion strategy.
- Provide strategic guidance to the People & Culture team to assist them prioritise and develop policies, processes and initiatives that will be delivered under the strategy.
- Monitor WHC's progress in achieving a diverse workforce and inclusive workplace culture.
- Act as ambassadors to drive and promote the benefits of diversity and inclusion throughout WHC.



# Whitehaven Coal Diversity and Inclusion Policy

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## Document Details

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