

Diversity and Inclusion Policy

October 2022





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AGL People and Culture: Diversity and Inclusion Policy	
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1. About this Policy

1.1. Purpose

AGL respects and values the diversity of its employees, customers and stakeholders and is committed to finding ways to actively support and encourage a diverse and inclusive workplace now and in the future. This policy describes AGL's approach to diversity and inclusion and how these attributes are promoted and embedded in AGL workplaces.

1.2. Scope

This policy applies to all employees of the AGL group of companies.

1.3. Overview

The Diversity and Inclusion Policy provides a framework to effectively embed and support a diverse and inclusive workplace for all AGL employees. In particular:

- Section 2 '**Diversity and Inclusion Principles**' outlines AGL's overall commitment to diversity and inclusion and how AGL promotes and embeds these attributes in its workplaces.
- Section 3 '**Understanding unacceptable and unlawful behaviours**' describes behaviours, including discrimination, harassment, sexual harassment and bullying, that are unlawful and unacceptable at AGL. This section also confirms the obligation of all employees and leaders to ensure a workplace free from unlawful and inappropriate behaviours.
- Section 4 '**Compliance**' details the education and training employees are required to participate in, how breaches of the policy will be dealt with and the responsibilities of employees, leaders and others under this policy.

This policy sets out the approach which AGL will generally take. AGL 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 and contract or employment terms.

1.4. Relationship to other AGL policies

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

- AGL Code of Conduct
- AGL Values
- Workplace Issues Resolution Guidelines
- Flexible Work Arrangements Toolkit
- Recruitment Policy
- Performance and Development Review (PDR) process
- Talent Management at AGL
- Reconciliation Action Plan

2. Diversity and Inclusion Principles

2.1. What is diversity and inclusion?

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. AGL considers diversity to cover characteristics, such as age, gender, gender identity, sexual orientation, intersex status, disability, carers' responsibilities, religious beliefs, culturally and linguistically diverse backgrounds, nationality, First Nations Identity or social origin. Diversity can also be recognised by personal characteristics such as, medical condition, pregnancy or potential pregnancy and any other characteristic of an individual.

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

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, sexual harassment, bullying and other unlawful behaviour.

2.2. Benefits of a diverse and inclusive workplace

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 AGL's business objectives.

AGL recognises that a diverse and inclusive workplace culture is attractive to potential employees and provides AGL with an edge when competing for talent and retaining its talented people.

A diverse workforce, with its broad range of experience and perspectives, has a better opportunity to understand and engage AGL's customer base and the communities in which it works.

2.3. AGL's commitment to diversity and inclusion

AGL values the diversity of its employees, customers and other stakeholders. AGL recognises that diversity is supported and enhanced by an inclusive workplace culture.

AGL recognises that all people working in, or visiting, AGL workplaces have the right to be treated with respect and fairness and enjoy an environment free of discrimination, harassment, sexual harassment, bullying and other unlawful behaviour. This is a key feature of an inclusive workplace.

AGL is committed to finding ways to actively support and encourage a diverse and inclusive workplace now and in the future. This commitment is considered and reflected in strategic and operational plans, policies, procedures and initiatives.

AGL requires all employees to treat others with dignity, and respect. AGL does not tolerate behaviours that undermine a diverse and inclusive workplace, including but not limited to behaviour that is unlawful such as discrimination, harassment, sexual harassment, bullying, vilification and victimisation.

2.4. Promoting and embedding a diverse and inclusive workplace

AGL recognises that the culture of its workplaces are a product of the behaviour and conduct of AGL's people - that is, how employees treat each other, customers and stakeholders while conducting AGL's business.

AGL 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 AGL Code of Conduct, AGL Values and other related documents. These expectations are explained and reinforced through general communication and targeted education and training programs. Key concepts and obligations are communicated through compulsory training.

AGL has a Diversity & Inclusion Council which is chaired by AGL's CEO and comprises senior leaders from AGL's major businesses and corporate function. The Diversity & Inclusion Council owns AGL's diversity and inclusion strategy and provides leadership accountability for diversity and inclusion outcomes at AGL, including First Nations reconciliation.

AGL regularly consults with employees about key areas and issues relating to diversity and inclusion and uses this information to improve existing processes and develop new initiatives.

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 AGL will address breaches appropriately. Workplace issues resolution processes and disciplinary processes are described in related documents.

2.5. Equal Employment Opportunity

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 AGL can actively promote and embed a diverse and inclusive workplace.

As an employer, AGL has a legal obligation to conduct its business in a manner consistent with EEO.

AGL meets its obligations by identifying and removing any unnecessary barriers to employment. AGL makes employment decisions based on merit, and not characteristics that are irrelevant to successfully fulfilling the responsibilities of the position.

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.

AGL executes its commitment to EEO through its Recruitment Policy and related processes.

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 the requirements of the position and the AGL values.

2.6. AGL's reconciliation vision and action plan

Our vision for reconciliation is a unified and inclusive Australia where Aboriginal and Torres Strait Islander peoples are respected and have equal voice, rights and opportunities for prosperity.

At AGL Energy, this means playing our part by:

- Embracing truth telling as the foundation of shaping a better future by listening and learning from the past histories and experiences of the Traditional Owners of the lands where we operate;
- Building trusted relationships with the Traditional Owners of the lands where we operate and communities we serve;
- Recognising and respecting Aboriginal and Torres Strait Islander cultures, histories and achievements;
- Supporting employment, education, training and mentoring programs for Aboriginal and Torres Strait Islander peoples; and
- Leveraging our procurement scope and sphere of influence to enable economic participation and wealth generation for Aboriginal and Torres Strait Islander owned businesses.

2.7. Affirmative action initiatives

Affirmative action initiatives are another way of increasing the diversity of AGL'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.

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 AGL's workforce. An example is providing additional support and assistance to person with disability, First Nations Australians or to encourage and support employees to return from and remain with AGL after a period of Parental Leave.

2.8. Reporting and compliance

AGL monitors its performance in the areas of diversity and inclusion using appropriate measures and targets.

Progress is reported to, and discussed in various forums, including AGL's Diversity & Inclusion Council, Executive Team and the People & Performance Board Committee.

AGL 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. AGL reports annually to the Workplace Gender Equality Agency on this program and its progress to not only meet compliance obligations, but to contribute to the Agency's world-leading dataset on gender equality in Australian workplaces.

AGL monitors gender diversity across the organisation using appropriate measures. AGL's People & Performance Board Committee will establish measurable objectives for achieving gender diversity each year. Progress will be reported to, and discussed in various forums, including AGL's Diversity & Inclusion Council, Executive Team and the People & Performance Board Committee.

In addition, AGL reports its gender diversity objectives and progress in achieving them, as well as the proportion of female employees in the organisation, at Executive Team level and on the AGL Board, in AGL's Annual Report.

AGL 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.

AGL also reports breaches of this policy in accordance with its RAP commitments.

3. Understanding unacceptable and unlawful behaviours

3.1. AGL's approach to eliminating unacceptable & unlawful behaviour

AGL does not tolerate behaviours that undermine a diverse and inclusive workplace, including but not limited to behaviour that is unlawful such as discrimination, harassment, sexual harassment, bullying, vilification and victimisation.

The “workplace” includes an employee's place(s) of work as well as any work-related function (including conferences, seminars and social events).

AGL encourages employees to speak up about unacceptable and unlawful behaviour in the workplace. AGL supports employees to do this by providing them with access to advice, support and a process to raise and resolve complaints. For further information, please refer to the [Workplace Issues Resolution Guidelines](#).

AGL 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.

3.2. What is unacceptable & unlawful behaviour?

Unacceptable behaviour is any behaviour that undermines AGL having a diverse and inclusive workplace and includes behaviour that is not consistent with AGL's Code of Conduct and the AGL Values.

Unlawful behaviours are defined in various State and Federal laws and include discrimination, harassment, sexual harassment, bullying, vilification and victimisation.

3.3. Discrimination

Discrimination is any practice that makes distinctions between individuals and groups that disadvantages some people and/or advantages others. It is unlawful to discriminate against someone based on the following protected attributes:

- Gender/sex
- Sexuality or sexual orientation
- Gender Identity / transgender identity
- Age
- Intersex Status
- Relationship Status
- Family responsibilities'
- Physical / mental disability
- Family/carer responsibilities
- Physical features
- Employment activity
- Race, nationality, or ethnic origin
- Marital/relationship status
- Irrelevant criminal record
- Political belief or activity
- Pregnancy and breastfeeding
- Religious belief or activity
- Industrial / employment activity
- Physical appearance
- Social origin
- Lawful sexual activity

It is also unlawful to discriminate against someone based on a personal association with a person who is identified by reference to any of the above attributes.

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 AGL.

Discrimination can be direct or indirect.

Direct discrimination is when someone is treated less favourably in their employment because of a protected attribute. For example, 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 a group of people with a protected attribute and the condition, requirement or practice is not reasonable in the circumstances.

Examples include:

- Advertising a job with strength or height requirements may indirectly discriminate against women, unless setting requirements in relation to strength and height is reasonable given the inherent requirements of the job.
- Requiring an employee to be married in order to be covered for certain relocation allowances.
- Not providing a means for an employee to update the gender identity in their employee records. This indirectly discriminates against an employee undergoing gender transition.

A person can unlawfully discriminate against someone else even if they didn't mean to do so.

3.4. Harassment

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

It is against the law to harass someone on the basis of one of the protected attributes that relate to unlawful discrimination.

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

Harassment does not have to be intentional. For example, telling a racist joke that some people found funny but another person felt was offensive or humiliating.

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

3.5. Sexual Harassment

Sexual harassment is against the law. A person sexually harasses another person if:

- they make an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- they engage in other unwelcome conduct of a sexual nature in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

The circumstances to be taken into account include, but are not limited to, the following:

- the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- any disability of the person harassed;
- any other relevant circumstances.

Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

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

Examples of sexual harassment include but are not limited to:

- Unwelcome sexual advances.
- Sexual or suggestive remarks or conversation.
- 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, emails, screen savers, pictures, calendars etc.
- Suggestive leers.

3.6. Bullying

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.

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).

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).

Bullying can be directed at a single employee or at more than one employee. It can be carried out by one or more employees.

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.

Examples of bullying include but are not limited to:

- Unwanted physical contact.
- Verbal abuse including offensive language and/or shouting.
- Isolating or excluding employees from normal work activities.
- Taunting someone because of their perceived sexuality.

- Mocking someone by intentionally using incorrect pronouns for them (she/her, he/him, they/them).
- 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.
- Spreading malicious rumours.
- Initiation rites.
- Assigning meaningless tasks unrelated to the job.
- Placing unreasonably high work demands and timelines 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.

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

- Setting reasonable performance goals, standards and deadlines.
- Informing an employee about unsatisfactory work performance.
- Reasonable performance management processes carried out in a reasonable manner.
- 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.

Recognising LGBTQ+ bullying and harassment.

In order to prevent bullying and harassment of our LGBTQ+ people, AGL have specific examples to help you recognise bullying behaviour.

Examples of LGBTQ+ bullying and harassment include:

- Making homophobic insults and threats.
- Making unnecessary and degrading references to an individual's sexual orientation.
- Engaging in banter or making jokes which are degrading to a person's sexual orientation or perceived sexual orientation.
- Outing an individual as lesbian, gay, transgender, bisexual or intersex without their permission.
- Ignoring or excluding a colleague from activities because they are LGBTQ+.
- Spreading rumours or gossip about an individual's sexual orientation or gender identity.
- Asking an LGBTQ+ colleague intrusive questions about their private life.
- Making assumptions and judgements about a colleague based on their sexual orientation.
- Using religious belief to justify LGBTQ+ bullying and harassment.

Recognising First Nations bullying and harassment.

In order to prevent bullying and harassment of our First Nations people, AGL have specific examples to help you recognise bullying behaviour.

Examples of First Nations bullying and harassment include:

- Making insults and threats based on First Nations status.
- Making unnecessary and degrading references about individual's First Nations status.

- Engaging in banter or making jokes which are degrading to a person's First Nations status.
- Ignoring or excluding a colleague from activities because they are First Nations.

Making assumptions and judgements about a colleague based on their First Nations.

Recognising bullying and harassment to a person with disability

In order to prevent bullying and harassment of person with disability, AGL have specific examples to help you recognise bullying behaviour.

Examples of bullying and harassment to a person with disability include:

- Making insults and threats based on a person's barriers to participating in society.
- Making assumptions and judgements about a person based on their disability
- Engaging in banter or making jokes which are degrading to a person with disability.
- Ignoring or excluding a colleague from activities because they are a person with disability.
- Making assumptions and judgements about a colleague based on their disability.

Recognising Culturally and Linguistically Diverse bullying and harassment.

In order to prevent bullying and harassment of our Culturally and Linguistically Diverse people, AGL have specific examples to help you recognise bullying behaviour.

Examples of Culturally and Linguistically Diverse bullying and harassment include:

- Making insults and threats based on a person's diverse language, culture, or religion.
- Engaging in banter or making jokes which are degrading to a person's diverse language, culture or religion.
- Ignoring or excluding a colleague from activities because of their diverse language, cultural background or religion.
- Making assumptions and judgements about a colleague based on their diverse language, cultural background or religion.

3.7. 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:

- First Nations Identity, race, ethnic or religious background.
- Having AIDS or being HIV positive.
- Homosexuality or being transgender.
- A persons disability

3.8. Victimisation

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

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.

4. Compliance

4.1. Education and training

AGL 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.

Initial training is completed by all new employees during the induction process. All employees must complete Diversity and Inclusion Compliance training annually.

4.2. Addressing unacceptable and unlawful behaviour

AGL recognises the value of a diverse workforce and inclusive workplace to AGL's business success. Additionally, AGL has legal obligations under state, territory and federal legislation to provide a safe working environment that is free from discrimination, harassment, bullying and other unlawful behaviour. Consequently, AGL takes its commitment to encouraging and promoting a diverse workforce and inclusive workplace very seriously.

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

AGL's preference is for an employee to try first to address the behaviour directly with the perpetrator where 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 People & Culture.

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

AGL's process for addressing unacceptable and unlawful behaviour in the workplace upholds the principles of procedural fairness. For further information about how issues relating to unacceptable and unlawful behaviour can be raised and how they are addressed at AGL, employees should refer to AGL's **Workplace Issues Resolution Guidelines**.

4.3. Responsibilities

Role	Responsibilities
Employees	<ul style="list-style-type: none"> • Comply with the obligations under this and related policies. • Understand what it means to value diversity and the attributes of an inclusive workplace at AGL. • Complete all compulsory training including induction and refresher training. • 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. Issues can be raised with leaders or with People & Culture.
Leaders	<ul style="list-style-type: none"> • Ensure team members complete compulsory training. • Model, acknowledge and encourage desired 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. • Consider both the employees' and the business' needs when applying the policy.

	<ul style="list-style-type: none"> • Seek help and advice from People & Culture as required to ensure this policy is applied appropriately.
People and Culture	<ul style="list-style-type: none"> • Promote the value of a diverse and inclusive workplace with business leaders. • Ensure AGL's commitment to a diverse and inclusive workplace is considered and reflected in strategic and operational plans; policies, procedures and new initiatives. • Develop appropriate measures, targets and regular reporting to assist the Executive Team and the AGL Board assess AGL'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. • Assist leaders to apply this policy appropriately.
Diversity & Inclusion Council	<ul style="list-style-type: none"> • Support AGL achieve its vision of a diverse workforce and inclusive workplace culture. • Provide leadership accountability for diversity and inclusion outcomes at AGL. • Sponsor the development and implementation of AGL'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 AGL'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 AGL.