



Equal Employment Opportunity (EEO), Diversity and Anti-Discrimination Policy

Australia

Policy Statement

Nick Scali Limited (the **Company**) is committed to the principles of Equal Employment Opportunity (**EEO**), diversity and anti-discrimination in the workplace. The Company is also committed to ensuring that:

- employees work together with respect, courtesy and professionalism;
- employees are entitled to equal opportunities in the workplace;
- employees are able to work in an environment that is free from discrimination, bullying, harassment and victimisation.

Discrimination, bullying, harassment and victimisation are not acceptable and will not be tolerated by the Company. These types of conduct can be unlawful, and can result in legal action against individuals and against the Company.

This policy outlines unacceptable behaviour in the workplace, and the responsibilities of everyone at the Company to promote and uphold the principles of EEO, diversity and anti-discrimination. It also seeks to ensure that the Company attracts and retains the best people for the job, and that selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability, without regard to race, age, gender or other personal characteristics.

What is diversity?

Diversity is a term used to describe the uniqueness of, and differences between, people. This includes their skills, knowledge, experiences and perspectives. Diversity encompasses acceptance and respect.

Diversity is an understanding that each individual is unique, and recognises differences. These differences include age, gender, sexual orientation, religion, national or social origin.

The aim of diversity is to attract and retain the best people to do the job. The Company recognises the value of diversity, and its importance within the business.

What is unlawful discrimination?

Unlawful discrimination in employment occurs when an employee is treated less favourably than another person or group because of one or more characteristics or attributes which are protected by Federal and State anti-discrimination laws. These characteristics or attributes include:

- Age (including not forcing people to retire at any particular age)
- Race, colour, ethnic or ethno-religious background, descent or nationality

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- Sexual orientation (actual or presumed)
- Sex (including pregnancy and breastfeeding)
- Marital or domestic status
- Political belief or activity
- Carer's responsibilities
- Disability (including physical, intellectual, psychiatric learning or cognitive disabilities, and any virus bacteria that can cause disease, such as HIV. It also includes how a disability a person had in the past, has now, or may have in the future)
- Transgender (transsexual) status
- Industrial activity
- Personal association with someone who has any of these characteristics

Discrimination can be either direct or indirect.

Direct discrimination occurs when a person treats a person unfavourably because of a protected attribute. For example, refusing to interview someone for a job because of their gender.

Indirect discrimination is focused on the impact of requirements, practices or policies that apply equally to everyone, but have a disproportionate impact on those with particular attributes. For example, requiring a minimum height in order to be employed for a specific job. This could amount to indirect discrimination against women and some ethnic groups.

The Sex Discrimination Act 1984 (Cth) (SD Act) also makes it unlawful to discriminate against customers in the provision of goods and services by:

- refusing to provide a person with goods, services and facilities;
- providing them with goods, services and facilities on less favourable terms and conditions, or;
- providing goods, services and facilities in an unfair manner.

because of their sex, gender identify, intersex status, sexual orientation, marital or relationship status or family responsibilities, etc.

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What is harassment?

Unlawful harassment occurs when a person is intimidated, insulted or humiliated because of an attribute protected by anti-discrimination legislation (for example, age, race, sex, disability). Such harassment will amount to unlawful discrimination.

Harassment can also occur when someone is working in a hostile or intimidating environment.

Examples of harassment include:

- telling insulting jokes about particular racial groups;
- making derogatory comments or taunts about a person's race, religion or disability;
- isolating a person or subjecting them to ridicule.

Making unwelcome or uninvited comments or actions (verbal, written or physical) which may offend, intimidate or humiliate a person or group of persons or creating a work environment that is hostile or intimidating toward one or more persons is harassment and will not be tolerated by the Company under any circumstances.

What is sexual harassment?

Sexual harassment means an unwelcome sexual advance, an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment is a type of sex discrimination, and it is unlawful.

Sexual harassment covers a wide range of behaviours and can be verbal, written, visual or physical. It can include:

- sexually suggestive behaviour, such as staring or leering;
- unnecessary familiarity, such as deliberately brushing up against a person, or unwelcome touching (kissing, hugging, patting shoulder, leg, back, etc);
- suggestive comments or dirty jokes;
- insults or taunts of a sexual nature;
- intrusive questions or comments about a person's private life or the way they look;
- displaying posters, magazines, screen savers or objects of a sexual nature;
- sending sexually explicit emails or text messages;
- inappropriate advances using social networking sites
- accessing sexually explicit internet sites in the workplace or near work colleagues;
- requests for sex or repeated unwanted requests to go out on dates;
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment can include a single, one-off incident; it does not have to be repeated conduct.

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Sexual harassment is not limited to members of the opposite sex. Both men and women can make a sexual harassment complaint.

Sexual harassment can also happen in the provision of goods and services. If you believe that a customer is sexually harassing you, you must immediately report the conduct to the Store Manager of the store.

What is not harassment or discrimination?

Reasonable management action. Managers frequently have to make difficult decisions, such as changing rosters to meet business needs, or moving people to other company stores. These decisions may not please everybody, but they will not generally constitute harassment or discrimination.

Performance management. Giving reasonable criticism and taking appropriate corrective action to address a person's under-performance is a normal and expected part of the role of a manager and will not generally constitute harassment or discrimination.

What is not harassment or discrimination continued

Consensual relationships. A friendship or consensual relationship of a sexual nature does not constitute harassment, provided the interaction is consensual, welcome and reciprocated. However, the fact that a consensual relationship existed between two work colleagues in the past will not provide a defense to harassment that takes place by one work colleague against the other when the interaction is no longer consensual, or welcome.

Differences of opinion. It is typical in any workplace for people to have differences of opinion. Differences of opinion will not generally constitute harassment or discrimination.

What is victimisation?

Victimisation happens where an employee of the Company is treated less favourably or subjected to a detriment because the employee has made, or intends to make, a complaint of discrimination, bullying or harassment.

Victimisation also happens if a person is subjected to a detriment because they have provided information or evidence in connection with a complaint.

Victimisation is unlawful under State and Federal anti-discrimination laws, and the Company will not tolerate an employee being subject to victimisation of any kind.

What is vilification?

It is unlawful to vilify someone because of their race or religion. Vilification is doing something in a public place (including a workplace) that encourages others to hate, disrespect, or abuse a person or group of people because of their race, colour, national or ethnic origin.

The Company will not tolerate vilification in the workplace.

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What is bullying?

Bullying is repeated unreasonable behaviour towards a person or group of people that creates a risk to health and safety.

Bullying behaviour may include:

- physical or verbal abuse (including via email, text message or social media);
- yelling, screaming or offensive language;
- excluding or isolating a person;
- threats and intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible tasks;
- undermining work performance by withholding information (for example).

Differences of opinion and reasonable management action (such as managing under-performance or disciplinary action) will not constitute bullying.

The Company will not tolerate bullying in the workplace.

What happens if an employee breaches this policy?

If an employee engages in behavior that breaches this policy, then the employee may be subject to disciplinary action, including termination of their employment.

If an employee engages in conduct that is also of a criminal nature, their conduct will be reported to the police.

Review of this policy

This policy may be amended by the People & Culture team from time to time. This policy is not incorporated into an employee's contract of employment, and does not impose contractual obligations on the Company.

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