



# Equal Employment Opportunity Policy

Approved by the Board with effect 30 September 2024

## 1. Purpose and Objective

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Strickland Metals Limited (**Company**) and all of its subsidiaries are committed to being an equal opportunity employer. The Company is also committed to treating employees with fairness and respect and as such recruits, develops and promotes personnel on the basis of merit.

The Company's objective is to maintain a work environment free from discrimination and harassment where a structured, formal process is available to deal with any employment or personnel related issue which may arise from time to time.

Staff, contractors, sub-contractors and stakeholders all share a common right to work in an environment that is free from discrimination and harassment.

## 2. Equal Employment Opportunity

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Equal Employment Opportunity (**EEO**) is an integral part of the Company's overall management philosophy and Code of Conduct. The Company does not condone discrimination or harassment, and any occurrence will be dealt with in accordance with this policy.

Any incidents of discrimination or harassment by a staff member or contractor are unacceptable and, in some instances, can be unlawful.

The Company views discrimination and harassment issues seriously and all complaints or enquiries will be dealt with promptly, impartially and confidentially. Anyone experiencing or witnessing behaviour that may be considered to constitute discrimination or harassment should in the first instance talk to their supervisor or manager.

The Board of Directors is committed to EEO and encourage employees to come forward with complaints of discrimination and retaliation they experience or observe.

## 3. Equal Opportunity for Women in the Workplace

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The Company is committed to maintaining the requirements of *The Workplace Gender Equality Act 2012 (Cth)* to promote gender equality in the workplace so that equal access to opportunities and outcomes for both men and women is achieved. The Company aims to achieve this by:

- (a) promoting merit in employment;
- (b) promoting EEO and eliminating discrimination including in relation to remuneration; and
- (c) encouraging consultation between managers and employees on these issues.

## 4. Unacceptable Behaviour

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Types of unacceptable behaviour may be;

- (a) intended or unintended;
- (b) physical, verbal, written or indirect;
- (c) disallowing access to training and special assignments, and
- (d) behaviour that a reasonable person, having regard to all circumstances would feel personally threatened, intimidated, offended, uneasy, embarrassed or humiliated by and/or that affects the terms and conditions of an individual's employment.



## 5. Discrimination

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Discrimination means treating an individual or group less favourably than others on grounds prohibited by law. Discrimination may be direct or indirect.

Direct discrimination occurs when an individual is treated less favourably than others. For example, two individuals apply for a promotion - one is male and one is female. The male candidate succeeds on the basis that it is perceived that he will better fit the image of the employer.

Indirect Discrimination is more subtle. It is where there is an apparent neutral employment requirement, applied to everyone, but which results in an unfair disadvantage to some individuals or groups. For example, unnecessary height requirements may have a disparate impact on women.

It is unlawful to discriminate at any stage of the employment cycle.

## 6. Harassment

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The Company will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance and/or creates an intimidating, offensive or hostile environment. Harassment occurs when an individual engages in offensive, abusive, belittling or threatening behaviour directed at an individual or a group because of a real or perceived attribute or difference of the other person(s). The behaviour is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated.

Under law, it is not the harasser's intent that is significant, it is whether someone's words or actions are viewed as being unwelcoming, offensive, intimidating or humiliating. The severity of the harassment lies in the impact on the individual.

For the purpose of this policy 'harassment' includes bullying.

## 7. Complaint Procedure

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The Company and particular the Board and Managing Director, encourage and promote through the Code of conduct and this policy, fairness and transparency in all our dealings and interactions. The Fair Treatment Procedure is to provide a structured process to assist an employee raise any employment complaint, grievance or other matters which may arise from time to time, by providing a fair, impartial and prompt resolution process.

Any person experiencing what they consider may be unlawful discrimination or harassment in the workplace is encouraged, in the first instance to make it clear to the person concerned that the behaviour is unwelcome, provided that he or she feel comfortable to do this. If however, the employee does not succeed in satisfactorily having the issue resolved, the employee should then direct the complaint to their immediate Supervisor/Manager.

The Company recognises that this is not always appropriate or easy for the individual, and this step is not compulsory. In the event that the Supervisor/Manager is the alleged perpetrator, the complaint should be addressed to the Supervisor/Manager once removed.

The following methods of resolving grievances are recommended.

### 7.1 Informal Complaint

The informal procedure emphasises resolution rather than factual proof or substantiation of a complaint. Informal action is usually appropriate where:

- (a) the allegations may not amount to unlawful harassment, but the individual subjected to the behaviour wants it to cease;
- (b) the individual subjected to the behaviour wishes to pursue an informal resolution; and
- (c) the parties are likely to have ongoing contact with one another and the Complainant wishes to pursue an informal resolution so that the working relationship can be sustained.



Informal ways of dealing with complaints of discrimination and/or harassment can include the following:

- i. resolving the situation yourself. This may be after seeking advice from your Supervisor/Manager; or
- ii. requesting your Supervisor/Manager speak to the alleged harasser on your behalf. The Supervisor/Manager will privately convey your concerns and reiterate the Company's commitment to EEO to the alleged Respondent without assessing the merits of the case; or
- iii. a complaint is made, the Respondent admits to the behaviour, and an investigation is not required if the complaint can be resolved; or
- iv. a Supervisor/Manager observes unacceptable conduct occurring and takes independent action even when no complaint has been made.

An employee is not required to exhaust informal attempts at resolution before making a formal complaint.

## 7.2 Formal Complaint

The formal procedure focuses on investigating whether a complaint can be substantiated, or at least whether the parties can try and reach a satisfactory outcome. The Managing director must be informed by the relevant Supervisor/Manager of any formal complaint.

Formal procedures are usually appropriate where:

- (a) informal attempts at resolution have failed;
- (b) the person alleging discrimination or harassment has been victimised or retaliated against;
- (c) the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties;
- (d) the complaint is against a more senior employee. Formal procedures may help to ensure that the Complainant is not victimised, retaliated against, or disadvantaged the allegations are denied and the person who claims to have been harassed wishes to proceed and investigation is required to substantiate the complaint; or the person alleging discrimination or harassment wishes to make a formal complaint from the outset.

Formal procedures should involve:

- i. investigations of the allegations;
- ii. application of the principles of natural justice;
- iii. making a finding as to whether the discrimination or harassment occurred, or whether it is likely it occurred or determining legitimacy of the grievance;
- iv. submitting a report with a recommended course of action to the appropriate decision maker (Senior Management, Managing Director, the General Manager and the Company Secretary, as appropriate to the circumstances); and
- v. implementation of an appropriate outcome.

If an employee chooses to lodge a formal complaint, they may either raise verbal complaints, or anonymously, or otherwise document their complaint in writing and pass this to their site Contact Officer, or direct Supervisor/Manager. All complaints received verbally will be documented by the individual receiving the complaint and must be provided to the Managing Director. An Investigating Officer will be appointed so that the complaint can be formally and thoroughly investigated commencing within 10 days, and resolved where practicable within 30 days, as outlined in this policy.

To ensure consistency and fairness, employer representatives should document the steps involved in a formal complaint. The following steps must be taken:

- (a) the Complainant and any relevant witnesses are interviewed and the allegations or issues are documented in writing. This should include the grounds for the complaint (i.e. type of harassment or discrimination etc) and the area covered by the legislation, or the basis and circumstances of the grievance;



- (b) interviews will occur in private and individually (unless a representative is permitted by law) without the alleged discriminatory actor(s) present;
- (c) the identity of the alleged victim, witnesses and the facts of the discrimination will be kept confidential to the extent possible and to the extent permitted by law;
- (d) The Company will encourage witnesses not to disclose the identity of the complainant or the facts of the alleged discrimination, to the extent permitted by law;
- (e) the alleged discriminatory actor(s) will be instructed that he or she has to refrain from any action that might dissuade a potential witness from cooperating with any investigation;
- (f) a statement clearly detailing what happened, when the alleged incident(s) took place and the names of any witnesses and/or other relevant evidence that could substantiate their claim or a full explanation of the complaint;
- (g) if appropriate, the allegations are conveyed to the Respondent in full;
- (h) if appropriate, the Respondent is given the opportunity to respond to the allegations and provide the names of any witnesses and/or other relevant evidence that could substantiate their response;
- (i) a finding is made as to whether the complaint has substance;
- (j) a written report documenting the investigation process, the evidence, the finding(s) and recommended outcome(s) is submitted to the appropriate decision maker; and
- (k) the decision maker implements the recommended outcome or decides on an alternative course of action. The complainant will have the option to receive a summary of the investigative steps taken by the Company and the outcome of the investigation.

An employee may at any stage of the process nominate another employee to provide assistance, guidance, advice and/or support in the preparation or presentation of their grievance.

The parties must be permitted to have a support person, advocate or other representative accompany them to any interviews or meetings in relation to the matter if they so choose. The support person's role is to provide support to the individual in the meeting, but they are not to directly interact in the meeting or process. All parties, including the support person, must be advised of the requirements to keep proceedings and all relevant information confidential to the extent permitted by law.

### **7.3 Consideration and Substantiation of Evidence**

In order for a complaint to be substantiated, investigators must be able to establish findings of the balance of probability that the stated events/behaviours actually occurred. It is not a matter of establishing the behaviour beyond reasonable doubt.

A formal complaint should not be dismissed on the grounds that no one saw or heard the alleged incident(s) occur or is aware of the issue(s). The purpose is to decide if there is sufficient information to substantiate the complaint.

### **7.4 Action**

If it is concluded that the complaint is substantiated, the employer representative will:

- (a) contact the Complainant and any Respondent separately to explain the outcome of the inquiry and the course of action now considered appropriate, including a general description of the remedial actions taken or proposed, if any. This may include supportive or punitive action;
- (b) where it is determined that discrimination or retaliation has occurred, ensure that the Company takes appropriate corrective action including disciplinary action up to and including termination of employment in relation to the discrimination or retaliation. Record the complaint and its resolution on the Complainant's and any Respondent's personal file utilising an appropriate format;
- (c) where possible, obtain the Complainant's written confirmation that the complaint is resolved; and ▪ at a later set date, check the behaviour has ceased and that the solution is working for all parties.



Should any resultant disciplinary action be necessary, the details will be placed on the personal file of the employee who is the subject of the discipline.

The complainant, witnesses and any victims will not be retaliated against by the Company or suffer any negative employment consequences for complaining or cooperating in an investigation.

## 7.5 Dispute

Where a satisfactory resolution is not achieved through utilisation of the abovementioned informal and formal processes, the employee may refer the complaint to an independent body such as the Fair Work Commission, the Equal Opportunity Commission or the Australian Human Rights Commission, or the Company may seek the involvement of an external disputes mediator (**Mediator**).

In attempting to resolve the grievance the Mediator will generally confer with the parties informally to agree on procedural matters including the manner in which each side will present its case, confidentiality requirements (as permitted by law), representation, timing, location and duration of proceedings and any other matters about the Mediator's role in respect to establishing procedures to resolve the grievance.

In attempting to resolve the grievance, the Mediator may help the parties identify and define the matters in dispute and help the parties develop a procedure for resolving the dispute quickly and in a way that avoids unnecessary technicalities and legal forms. The parties may, if requested and agreed to by both parties, discuss the matters in dispute privately with any of the parties to the dispute or their representatives.

The Mediator may, if after the proceeding steps have been followed and the grievance has not been resolved, and if the parties agree, make suggestions as to what would constitute a reasonable resolution to the dispute or any part thereof and provide within a reasonable timeframe a written statement of such suggestions to the parties.

## 8. Victimisation/Retaliation

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It is unlawful to victimise or retaliate against an individual in exercising their right to make a complaint or participating in a complaint. The law prohibits victimisation/retaliation of anyone making a complaint, considering making a complaint or conducting or participating in an investigation into a complaint. Victims and witnesses will not be retaliated against or suffer any negative employment consequences for cooperating in an investigation.

## 9. Vilification

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It is unlawful to victimise or retaliate against an individual in exercising their right to make a complaint or participating in a complaint. The law prohibits victimisation/retaliation of anyone making a complaint, considering making a complaint or conducting or participating in an investigation into a complaint. Victims and witnesses will not be retaliated against or suffer any negative employment consequences for cooperating in an investigation.

## 10. Defamation

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Defamation law is concerned with protecting a person's reputation in the eyes of others. It is not defamatory for an individual to make a genuine complaint or to confront a harasser to advise them that their behaviour is unwelcome.

A person with a recognised genuine interest in the resolution or investigation of a complaint of harassment (either formal or informal) may be protected by the defence of qualified privilege. The parties to a complaint should be warned of defamatory legal consequences which may follow if confidentiality provisions are breached to the extent permitted by law.

During the course of the resolution of an EEO complaint, issues raised in relation to defamation and qualified privilege should be referred to the Company Secretary for legal advice.

## 11. Confidentiality

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To the extent permitted by law, details of complaints, including their nature, the identity of the Complainant, the identity of any alleged offender and any documents generated in the process, should remain confidential between those involved in the complaint and those responsible for investigating and resolving it.



Only those with a genuine role in resolving a complaint should be involved in it or discuss it. Any person found to have breached this provision may face disciplinary action, including termination of employment, to the extent permitted by law.

## **12. Consequences**

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To the extent permitted by law, details of complaints, including their nature, the identity of the Complainant, the identity of any alleged offender and any documents generated in the process, should remain confidential between those involved in the complaint and those responsible for investigating and resolving it.

Only those with a genuine role in resolving a complaint should be involved in it or discuss it. Any person found to have breached this provision may face disciplinary action, including termination of employment, to the extent permitted by law.

## **13. Scope**

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This Policy applies to all employees, Directors, contractors and visitors working for, or visiting the Company and its related bodies corporate at any of the Company's business locations. The policy is subject to change from time to time at the Company's discretion and in accordance with applicable federal, state or local laws. This policy is authorised by the Board of Directors of the Company and cannot be amended without the prior approval of the Board of Directors.