



Workplace Discrimination, Bullying and Harassment Policy

Challenger Limited

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| Date of version: | 8 February 2024 |
| Review of Policy due by: | 8 February 2026 |
| Policy Owner: | Chief Human Resources Officer |
| Version: | 5 |
| Authorised by: | Group Risk Committee (GRC) |

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Summary

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| Why is this Policy required? | This policy helps Challenger maintain a workplace which is free from unlawful discrimination and unlawful harassment and where individuals are treated with respect. | |
| Who does this Policy apply to? | <p>Any person that carries out work in any capacity for Challenger, and includes: permanent and maximum term employees, contractors and sub-contractors (and each of their employees), employees of a labour hire company, trainees, students gaining work experience and volunteers and applies to behaviour:</p> <ul style="list-style-type: none">(a) in the workplace, including when working outside normal working hours;(b) while undertaking work activities including, interaction with third parties and while working away from Challenger's premises;(c) at work-related events, e.g. conferences and social functions; and(d) outside of work hours, if that interaction involves other Workers, including where interaction is through social media. <p>Challenger and everyone in the workplace has a duty, and can help to ensure, that unlawful discrimination and unlawful harassment does not occur. Legal claims can be separately taken against Workers themselves in relation to unlawful discrimination and unlawful harassment.</p> | |
| Relevant Australian legislation | <p>Unlawful discrimination and unlawful harassment are legislated through various acts in the Australian legal system both at the Federal and State level. Federal discrimination laws are contained in the following legislation:</p> <ul style="list-style-type: none">• Racial Discrimination Act 1975• Sex Discrimination Act 1984• Disability Discrimination Act 1992• Age Discrimination Act 2004• Australian Human Rights Commission Act 1986 | |
| Key Terms | Challenger | Challenger Limited and its related bodies corporate incorporated within the Commonwealth of Australia. |
| | Workplace | Premises, or any other place, where Employees perform work on behalf of Challenger including any land, building or vehicle. |
| Review Cycle | This Policy will be reviewed every two years, or as required if there are material changes in either the regulatory framework or business activities. | |

1. Objectives

The purpose of this policy is to support a workplace free of bullying, discrimination, harassment and victimisation. It outlines:

- the definitions of harassment, discrimination, victimisation and bullying;
- the procedures Challenger Limited, and its related entities (Challenger), has in place to hear and resolve workplace grievances relating to unlawful discrimination, harassment, bullying and victimisation and
- who you can talk to at Challenger if you wish to raise a grievance about discrimination or harassment.

2. Discrimination

2.1 Defining unlawful discrimination

In Australia it is unlawful to discriminate against a person on the basis of a particular Protected Personal Characteristic (PPC). Challenger does not tolerate discrimination of employees, job applicants, customers and suppliers because of an irrelevant characteristic.

Protected personal characteristics under Federal discrimination law include:

- a physical or mental disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, social origin or ethnic background
- age
- sex
- industrial activity or union membership
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- Irrelevant medical record
- It may also be unlawful to discriminate against someone based on an association with someone who has any of the above characteristics.

2.2 How discrimination occurs

Discrimination can occur while at work, in the course of performing duties or at a work related function. It can take place in the recruitment process, during the course of employment or on termination of employment. Discrimination can also occur in the provision of goods or services. Employees should not discriminate against co-workers or clients.

Discrimination can take two forms:

- *Direct discrimination* - when someone is treated less favourably because of their sex, age, racial group etc. An example of direct discrimination is when an employee misses out on an internal promotion because they are considered too old for the job.
- *Indirect discrimination* - when an unjustifiable requirement or condition is imposed which has a disproportionate impact on people of a particular group or persuasion. An example of indirect

discrimination would be a security company that has minimum height and weight restrictions for its employees – this may exclude a large proportion of women and/or people of Asian origin.

Discrimination does not include:

Special measures applied to position eligibility criteria that aim to foster greater equality by supporting groups of people who face, or have faced, entrenched discrimination so they can have similar access to opportunities as others in the workplace.

2.3 Positive duty under the Sex Discrimination Act

Under the Sex Discrimination Act, organisations have a positive duty to eliminate, as far as possible, the following unlawful behaviour from occurring:

- discrimination on the ground of sex in a work context
- sexual harassment in connection with work
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the ground of sex
- related acts of victimisation.

3. Harassment

3.1 Defining unlawful harassment

Harassment is a form of discrimination and may be unlawful if it is based particularly on PPC's.

In general, unlawful harassment is any form of conduct or behaviour which affects a person that:

- is unwelcome (not wanted) or uninvited (not asked for);
- is based on one of the unlawful reasons; and
- is behaviour that a reasonable person would have anticipated might humiliate, offend or intimidate the person being harassed.

Harassment can take many forms, it may be physical, verbal or non-verbal nature. It can occur in a one-off event, or across a series of interactions. What is important is the way the person on the receiving end feels, not the intention or motive of the perpetrator. Workplace harassment can occur in a broad range of places and times, including in the office, at work-related social functions and on social media.

3.2 Types of unlawful harassment

Types of unlawful harassment include, but are not limited to:

- sexual harassment;
- verbal abuse or comments that degrade or stereotype people because of their race, sex, sexual orientation, pregnancy, disability, etc.;
- jokes based on race, sex, sexual orientation, pregnancy, disability etc.;
- mimicking someone's accent, or the habits of someone with a disability;
- offensive gestures based on race, sex, sexual orientation, pregnancy, disability, etc.;
- bullying a person because of their race, sex, sexual orientation, pregnancy, disability, etc.;
- ignoring or isolating a person or group because of their race, sex, sexual orientation, pregnancy, disability, etc.; or
- display or circulation of racist, pornographic or other offensive material (including in electronic format).

Harassment might not be unlawful, if it is not based on one of the unlawful reasons. However, Challenger expects its employees to treat each other, and other people with whom they come into contact as representatives of Challenger, with respect and courtesy.

In some cases a single action or incident can create unlawful harassment. In other cases there may need to be a persistent pattern of behaviour before unlawful harassment has occurred.

Harassment does not include:

- Consenting relationships between people who are mutually attracted to each other.
- Justifiable management decisions about employment related issues such as reasonable allocation of work or implementation of organisational change.
- Standard performance management where feedback is appropriate, reasonable and focussed on the work or behavioural improvement required.

3.3 Hostile work environment

It is unlawful for a person to subject another person to a workplace environment that is hostile on the ground of sex. This occurs if:

- first person engages in conduct in workplace where both persons work
- second person is in the workplace at same time or after the conduct occurs
- reasonable person would anticipate the possibility the conduct would result in the workplace being offensive, intimidating or humiliating to a person of the sex of the second person

4. Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Challenger will not tolerate any form of victimisation and will do everything reasonably possible to prevent it from occurring, such as maintaining the confidentiality of complainants wherever possible and taking appropriate action with those who victimise others.

5. Bullying

Challenger will not tolerate bullying by or towards anyone in the workplace and is committed to preventing workplace bullying.

Bullying is repeated and unreasonable behaviour directed towards another person or group of persons, that creates a risk to health and safety. It includes behaviour that intimidates, offends, degrades, threatens or humiliates another person. Bullying can be unlawful under occupational health and safety laws. Employees experiencing bullying can seek advice and help from their local occupational health and safety body.

The following types of behaviour, whether intentional or unintentional, may be considered to be workplace bullying:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints or excessive scrutiny of work
- withholding information that is vital for effective work performance

- unreasonable work expectations including too much or too little work, or work below or beyond an employee's skill level
- displaying or sharing offensive material
- denying access to information, supervision, consultation or resources such that it has a detriment to the employee
- spreading misinformation or malicious rumours
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular employee
- continuously and deliberately excluding someone from work related activities and events.
- not supporting or recognising the gender identity an individual has asked to be recognised as having.

Reasonable management action carried out in a fair way is not bullying.

Other examples of behaviour that does not constitute bullying includes:

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker for operational reasons
- Informing a worker about unsatisfactory work performance or inappropriate behaviour in an objective confidential way
- Implementing organisational changes or restructuring
- Lawful termination of employment

Single incidents of such behaviour where a risk to health and safety are present will not be tolerated. Some types of bullying will also amount to unlawful discrimination and/or harassment

6. Bystanders

Challenger encourages bystanders to support employees who may have been subjected to unacceptable behaviour. A 'bystander' is a person who has witnessed or subsequently learned about potentially unacceptable behaviour at Challenger.

Bystanders are an important part of Challenger's strategy to prevent unacceptable behaviour. This is because sometimes people affected by this behaviour may not know the behaviour is unacceptable or may feel uncomfortable about coming forward or speaking up.

This can be particularly the case where:

- The person is new to the organisation
- The conduct engaged in is by someone who is superior to the person
- The person feels vulnerable in their role, for example because of a PPC (gender, age, sexual orientation etc).

Some of the ways Challenger encourages bystanders to provide support to Challenger employees who may have been subjected to unacceptable behaviour, include:

- Calling out unacceptable behaviour when it is seen in the workplace
- Spotting offending behaviour and asking the victim if they are okay
- Supporting the person by providing them with information about this Policy and avenues for raising concerns
- Reporting the conduct in line with Challenger policies

Bystanders are protected by the victimisation provisions of this Policy.

7. Raising concerns

Challenger strongly encourages employees (or customers, suppliers etc) who feel they are being bullied, discriminated against, harassed, victimised or made to feel uncomfortable at work by an employee, supervisor, manager, customer or supplier, to speak up.

There are several ways of raising your concerns.

1. Speak to the person concerned

If you feel comfortable to do this, speak to the person concerned, letting them know that you find the behaviour offensive, unwelcome or inappropriate and you want it to stop.

The alleged discriminator/harasser may not be aware that their behaviour is intimidating or unwelcome and this provides the person the opportunity to redress the situation.

To assist you in having or structuring these conversations, you may seek advice from:

- Your Manager who may provide coaching, support further action or provide an objective view on circumstances;
- Challenger's Employee Assistance Program, Assure.

2. Speak to your manager

If you do not feel it's appropriate to speak to the person(s) directly, or you have been unable to resolve your grievance by speaking with them directly, you can speak to your manager. Your manager can then outline your options. Your manager may approach the person(s) identified and talk to them informally about your grievance following their discussion with you. If your manager approaches an individual directly about their behaviour they should record the actions taken. A manager should know how and when it is appropriate to seek HR advice or to escalate an issue. If you are not comfortable with discussing your grievance with your manager, you can approach your one up manager.

If you think someone else at work is being bullied, discriminated against, harassed, victimised or made to feel uncomfortable by someone else at work, you should also speak to your manager or HR Business Partner. Managers are also expected to be proactive in dealing with and/or reporting issues they observe within their teams

3. Speak to your HR Business Partner

If you are unable to resolve the concern by speaking to the person directly or your manager(s) as outlined above, you can contact your HR Business Partner. You may also look to use the Grievance Procedure. All reported incidents will be taken seriously and, if necessary, investigated promptly and impartially. Wherever possible, confidentiality will be maintained.

If members of the LGBTIQ+ community would like to discuss their grievance with someone specifically trained in LGBTIQ+ inclusion, who has a good understanding of LGBTIQ+ sensitivities and potential areas of concern, they may also reach out to HR who will put them in touch with an appropriate and trained contact.

4. Report via Whistleblower channel

If an employee is not comfortable with reporting through line management or Human Resources, they are encouraged to report the incident in accordance with the Whistleblowing Policy: See the Whistleblowing Policy for further details.

8. How Challenger will respond

Prioritising your safety and well-being

- Challenger is committed to supporting people who report harassment, discrimination or bullying and will consult them about how to handle the issue. Challenger will actively seek your feedback, but this does not mean this will solely decide the organisation's response or the consequences for the other party or parties involved in the matter
- Issues raised are taken seriously and in good faith. We may take interim action in the interests of health and safety that is supportive and sensitive to the possibility that the reported behaviour occurred, without forming conclusions.
- If you share your experience, we will, to the extent possible, make sure you do not need to retell your story to multiple people.
- Everyone directly impacted by an issue, including those who report and alleged offenders, will have access to referral pathways to external support services.
- All parties involved will be kept informed and supported throughout the process.
- Investigations will be concluded as quickly and sensitively as practicable.
- Appropriate confidentiality will be maintained.

Resolution options

| Option | What might this involve |
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| Informal pathways | <p>The objective of an informal pathway is to provide the offender with the opportunity to stop their behaviour, ensuring they also get a clear message their behaviour is offensive and may constitute discrimination, bullying or harassment. It emphasises resolution rather than factual proof or substantiation of a complaint.</p> <p>Challenger may respond to allegations through informal pathways by:</p> <ul style="list-style-type: none">• Having a manager speak to the offender about their behaviour.• Facilitating or mediating an open and respectful conversation between the parties.• Putting system changes in place to prevent further issues, such as moving or changing the work patterns of the offender.• Initiating further reviews to understand any underlying cultural issues and taking preventative action such as education. |
| Formal pathways | <p>The objective of a formal pathway is to initiate fair and appropriately confidential inquiries to fully understand the circumstances of a reported issue by capable internal or external investigators.</p> <p>Internal or external investigations may involve:</p> <ul style="list-style-type: none">• Written statements and interviews about the incident.• Speaking to witnesses.• Gathering other relevant evidence.• Putting the allegations to the person and giving them the opportunity to respond.• Making a decision on the balance of probabilities about whether the Allegations are substantiated.• Making a decision about whether substantiated allegations are in breach of this Policy and the Code of Conduct. |

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| | <p>There are a range of outcomes that Challenger might consider once a report of discrimination or harassment is substantiated. This may include, but will not be limited to:</p> <ul style="list-style-type: none"> • Mediation. • Requirement to participate in education or behaviour change coaching. • Disciplinary action against the person(s) found to have engaged in harassment. • An apology from the person(s) found to have engaged in harassment (structured with support people). • Withholding remuneration increases or bonus payments. • Termination of employment or engagement. |
| External pathways | <p>The objective of an external pathway is to provide the individual the choice to have the issues resolved by an independent, expert body that can assist Challenger and the parties to reach an outcome or resolution. Responding to issues through external pathways may include:</p> <ul style="list-style-type: none"> • Participating in mediated discussions or conciliation. • Parties agreeing to outcomes or resolutions, including compensation. • Escalating the issues to a formal Court or Tribunal if the matter cannot be resolved by mediated discussions or conciliation (where findings and determinations are usually made public). |
| Where the alleged behaviour may be a criminal offence | <p>The most serious harassment may also be considered an offence under Criminal Law. In that instance, it may be appropriate to refer the issue to the police. Challenger will assist you in whatever way we can, which depending on the circumstances may include supporting you in contacting the police and reporting the incident.</p> |

In some circumstances, Challenger may not be able to, or in a position to, assist in the resolution of an issue – for example if:

- The matter has been satisfactorily dealt with or resolved previously (unless another alleged incident has occurred since).
- The issue is raised anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter.
- The matter is frivolous, vexatious or malicious - for example where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution (depending on circumstances, these types of matters could lead to disciplinary action, including dismissal, being taken against the person raising the issue).

Procedural fairness and natural justice

All investigations should be conducted in a way that supports procedural fairness and natural justice, irrespective of a person's position in the organisation. This means:

- Giving someone the opportunity to understand the allegations made against them and to respond.
- Providing appropriate support for individuals involved including the person subjected to the alleged harassment and the alleged party or parties involved, such as referral to external support services.
- Facilitating a timely and objective process.
- Substantiating decisions.
- Focusing on outcomes that are reasonable and proportionate.
- Focusing on maintaining appropriate confidentiality throughout.

Your obligations

If you raise an issue, or an issue is raised about you, it is expected that you will cooperate with resolution process, provide all relevant facts and adhere to confidentiality requirements

9. Risk Appetite and Complying with this Policy

Challenger's purpose is to provide Customers with financial security for a better retirement. Challenger promotes a positive culture of risk awareness and transparency, including open communication and challenge of current and emerging risks, speaking up regarding matters of concern and the proactive management of issues and incidents. Challenger has no appetite for conducting business activities unfairly or in contravention of the law, or which knowingly damage or are inconsistent with its brand and reputation. Challenger has no appetite for employees intentionally not following policies and procedures.

Employees are to comply with Challenger policies and are responsible for familiarising themselves with the policies relevant to their role. Policies are available on the intranet.

Incidents of non-compliance with this policy are to be reported in line with the Challenger Incident Management Policy.

- Employees at Challenger are held accountable for their actions. Consequences for non-compliance with this Policy may include but are not limited to:
- a requirement to undertake additional training;
- increased supervisions;
- a verbal warning;
- a written warning (including a first and final written warning);
- an impact to performance rating or promotion;
- a financial consequence; and
- dismissal.

For further details, please refer to the Challenger Limited Conduct Risk and Consequence Management Framework.

10. Related policies

This Policy needs to be considered with reference to other relevant policies which include:

- Code of Conduct
- Diversity, Equity and Inclusion Policy
- Whistleblower Policy
- Respect@Work - Anti-Sexual Harassment Prevention Guidelines

11. Contact person for questions

If you have any questions regarding this policy, your obligations or the grievance process outlined above, we encourage you to contact your Human Resources Business Partner or Chief Human Resources Officer.

12. External bodies for complaints or information

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| Australian Human Rights Commission | 1300 656 419 |
| Fair Work Commission | 1300 799 675 |
| Anti Discrimination Board of NSW | 02 9268 5544 |
| Safe Work NSW | 1310 50 |
| Victorian Equal Opportunity & Human Rights Commission | 1300 891 848 |
| WorkSafe Victoria | 03 9641 1555 |
| Anti-Discrimination Commission Queensland | 1300 130 670 |
| WorkSafe Queensland | 1300 362 128 |
| Equal Opportunity Commission of Western Australia | 08 9216 3900 |
| WorkSafe Western Australia | 1300 307 877 |
| TAS Human Rights Commission | 1300 305 062 |
| WorkSafe Tasmania | 1300 366 322 |
| Equal Oppportunity Commission | 1800 188 163 |
| SafeWork SA | 1300 365 255 |

13. General

This policy summarises some of the rights and obligations which are created by the legislation and is not intended to go beyond the legislation. This policy is not a term of any contract, including any contract of employment and does not impose any contractual duties, implied or otherwise, on Challenger. This policy may be varied from time to time.