



# Bullying and Sexual Harassment Policy

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Dated 29 May 2024

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# Bullying and Sexual Harassment Policy

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# Bullying and Sexual Harassment Policy

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## 1 Overview

GDI is committed to providing a safe environment for all of our workers. We seek to create a workplace that is an environment free from harassment, discrimination and victimisation by minimising the conduct and actions which may lead to unacceptable behaviour.

Bullying and sexual harassment can take a psychological, emotional and physical toll on individuals and has detrimental consequences on careers and personal lives of those affected.

This policy is to be read in line with GDI's entire policy suite, but most relevantly GDI's Code of Conduct, Human Rights Policy, Diversity Policy and Whistleblower Policy.

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## 2 Purpose

This policy sets out GDI's commitment to the elimination or minimisation, to the extent it exists, of sexual harassment, discrimination and victimisation within our workplace.

GDI has a 'zero tolerance' approach to bullying and sexual harassment. This means we will be proactive in eradicating the behaviour, and there will be actions and consequences taken that are appropriate and proportionate to conduct that amounts to sexual harassment. This does not mean each incident will be dealt with in the same way.

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## 3 Scope

**GDI workers:** This policy applies to all GDI workers (whether permanent, fixed term, casual, temporary or contract), potential workers, visitors and clients.

**Third parties:** GDI will not tolerate unacceptable behaviour by third parties towards its workers. This includes behaviour by clients, customers, investors, suppliers and others who interact with our workers. Likewise, unacceptable behaviour by our workers towards Third Parties will not be tolerated.

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## 4 Sexual harassment

### 4.1 What is sexual harassment

Sexual harassment is a specific type of harassment that is particularly prevalent where gender inequality exists. Sexual harassment of workers either by their co-workers, by their superiors/supervisors, or by third parties can be unlawful under the:

- (a) Sex Discrimination Act 1984 (Cth) (Sex Discrimination Act);
- (b) Anti-Discrimination Acts of each State and Territory; or
- (c) Fair Work Act 2009 (Cth).

Legal action can be taken against individuals who breach this legislation, as well as against GDI. This could include making an application to the Fair Work Commission to deal with a dispute or a complaint to the Australian Human Rights Commission.

## 4.2 Defining sexual harassment

The Sex Discrimination Act states that a person sexually harasses another person if:

- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (b) engages 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 that the person harassed would be offended, humiliated or intimidated.

**It can be a one off incident:** There is no requirement that the unwelcome conduct needs to be repeated. A one-off incident can be sexual harassment, including via electronic means such as text messages, or social media. The intention of the alleged harasser is also not relevant.

**Express objection not required:** Just because a person does not object to conduct at the time it occurs, does not mean they are consenting to or welcoming that type of conduct. Consent needs to be explicit, unambiguous and continuous. Workers should be aware that some types of conduct that may constitute sexual harassment can be criminal offences. Where this occurs GDI may need to involve the police.

## 4.3 Behaviours that may constitute sexual harassment

GDI encourages all workers to step forward and report unlawful conduct. To assist workers in recognising potentially problematic conduct, behaviours that may constitute sexual harassment could include:

- (a) unwelcome comments about appearance, looks or dress;
- (b) staring or leering;
- (c) gender-based insults or taunting, including inappropriate 'humour' such as smutty or sexist jokes or comments;
- (d) statements of a sexual nature, either verbal or written and either made to a person or in their presence;
- (e) deliberate and unnecessary physical contact, such as touching, pinching, patting or deliberately brushing against another body;
- (f) kissing or attempts at kissing;
- (g) repeated requests for dates, especially after prior refusal;
- (h) sexual propositions;
- (i) suggestions or innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance;
- (j) unwelcome comments or intrusive questions into a person's private life or in reference to a person's sexuality, including those asked at pre-employment interviews;
- (k) making any gesture, action or comment of a sexual nature;
- (l) displays of sexually graphic material including posters, pictures, calendars, cartoons, graffiti or messages left on boards or desks;

- (m) electronic mail messages, voice mail messages, screen savers, any material of a sexual nature downloaded from the internet, or viewed on a computer, offensive telephone calls, faxes, or gifts;
- (n) any predatory behaviour of a sexual nature – involving one person targeting another with unwelcome sexual conduct; or
- (o) attempts at sexual intercourse or some other overt sexual connection.

#### **4.4 Where and how sexual harassment may occur**

Conduct can have a connection to work even if it is not occurring at a physical workplace belonging to GDI or during typical working hours. This means the locations and circumstances in which sexual harassment may occur is expansive and can include:

- (a) in the workplace during work hours including common areas such as lifts, entrances, vehicles, reception areas, corridors, stairwells, kitchens and toilets;
- (b) at work related locations including client sites, worksites, work events, public spaces where work is conducted, remote sites or regionally based offices;
- (c) beyond the workplace and outside normal working hours where there is a link to employment such as conferences, social events, business trips, accommodation, and after-parties; and
- (d) online via technology and social media, irrespective of whether work resources were used.

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### **5 Positive duty to eliminate sexual harassment**

GDI has a positive duty under the Sex Discrimination Act to take reasonable and proportionate measures to eliminate:

- (a) sexual harassment, sex discrimination and sex-based harassment;
- (b) conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex; and
- (c) certain acts of victimisation.

GDI expects all levels of its workforce to take proactive measures to make sure they do not engage in unlawful conduct.

GDI has a responsibility to eliminate hostile work environments. If a work environment is hostile, it may increase the likelihood of sexual harassment or sexual discrimination occurring. Indicators of a sexually hostile workplace could include:

- (d) display of obscene or pornographic materials;
- (e) general sexual banter;
- (f) crude conversation or innuendos; and/or
- (g) offensive jokes.

GDI's Executive Team is responsible for implementing robust processes and procedures for the oversight, and where applicable, handling of all behavioural conduct (including sexual harassment) matters and taking proactive measures to mitigate the risk of behavioural matters occurring. Any incidents will be reported to the Audit, Risk and Compliance Committee.

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## **6 Bullying**

### **6.1 What is workplace bullying?**

Workplace bullying is verbal, physical, social or psychological abuse by your employer (or manager), another person or group of people at work.

### **6.2 Behaviours that may constitute workplace bullying?**

- repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, gender, sexuality, gender identity, race or culture, education or economic background)
- sexual harassment
- excluding you or stopping you from working with people or taking part in activities that relates to your work
- playing mind games, ganging up on you, or other types of psychological harassment
- intimidation (making you feel less important and undervalued)
- giving you pointless tasks that have nothing to do with your job
- giving you impossible jobs that can't be done in the given time or with the resources provided
- deliberately changing your work hours or schedule to make it difficult for you
- deliberately holding back information you need for getting your work done properly
- pushing, shoving, tripping, grabbing you in the workplace
- attacking or threatening with equipment, knives, guns, clubs or any other type of object that can be turned into a weapon
- initiation or hazing - where you are made to do humiliating or inappropriate things in order to be accepted as part of the team.

### **6.3 Positive duty to eliminate bullying**

- (a) GDI has a legal responsibility under Occupational Health and Safety and anti-discrimination laws to provide a safe workplace.
- (b) GDI has a duty of care for employees health and wellbeing whilst at work.

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## **7 Responsibilities of management and workers**

### **7.1 Executive Team**

GDI expects the Executive Team to model correct behaviours and uphold this policy in full. This includes but is not limited to the following behaviours and actions:

- (a) provide early intervention and make all staff aware of this policy;
- (b) require regular reporting of frequency and types of incidents, immediate outcomes and long-term implications for parties involved;
- (c) support transparency of incidents and encourage teams to speak up if they witness or experience unlawful behaviours;
- (d) prioritise the care and support of victims;

- (e) monitor the workplace and any out of hours work functions for unlawful behaviours;
- (f) identify, address and educate workers about unlawful conduct;
- (g) treat any complaints with sensitivity and confidentiality; and
- (h) make sure a person is not victimised for making or being involved in a complaint.

## **7.2 Workers**

GDI expects all workers to uphold this policy at all times. This includes but is not limited to the following behaviours and actions:

- (a) be aware of your own actions both in the workplace and out of hours and how your actions may impact others;
- (b) promptly and appropriately report any witnessed or experienced unlawful behaviours to a member of the Executive Team;
- (c) speak up or intervene in any potentially unlawful conduct you witness in a way that is comfortable for you and if you feel safe to do so;
- (d) participate in any inquiries or investigations about incidents;
- (e) treat any complaints with sensitivity and confidentiality; and

- 7.3** make sure a person is not victimised for making or being involved in a complaint and listen to them without judgement or preconceived.

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## **8 Reporting bullying or sexual harassment**

If a worker feels that they have witnessed or been the subject of bullying or sexual harassment, GDI encourages that worker to approach the individual involved directly if they feel comfortable doing so.

If the worker feels uncomfortable or where this self-management does not resolve the matter, GDI encourages the worker to approach a member of the Executive Team or Board to report the incident. A worker may do so anonymously, and although there are no time limits for reporting bullying and sexual harassment, GDI encourages you to do so promptly to assist with any potential investigations. Please refer to our Whistleblower Policy for further details on reporting anonymously as a whistleblower.

The report will be taken seriously and dealt with promptly, appropriately and confidentially in-line with this and the Whistleblower Policy.

A report may not necessarily trigger an investigation but if it does we set out the process below.

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## **9 Responding to reports of bullying or sexual harassment**

GDI is committed to taking a victim-centred approach to handling reports of bullying or sexual harassment. This means no worker will be victimised for making a report or for participating in any investigation.

This also means that the victims wishes for how to handle a situation will be taken into account when responding to a complaint. There may be occasions however where a victim does not want a matter investigated but GDI is legally obliged to do so.

### **9.1 Investigations**

If appropriate, an investigation into the alleged conduct may occur.

Investigations will be conducted confidentially, sensitively, impartially and in a timely way. The matters raised by the investigation will only be discussed with others on a "need to know" basis (to the extent this is reasonably possible). Investigations will also be conducted with procedural fairness at the forefront.

All workers are required to cooperate and assist these investigations.

Parties involved will be notified of their right to have a support person present.

GDI aims to finalise any investigation within a reasonable timeframe.

GDI will consider on a case by case basis whether risk mitigation strategies such as suspension, change of reporting lines or change of location is required while an investigation is conducted.

### **9.2 Potential outcomes**

Where an allegation is substantiated, proportionate action will be taken. Potential outcomes could include one or more of the following actions:

- (a) disciplinary action, for example warning, suspension, demotion or dismissal;
- (b) change to working hours or locations;
- (c) an apology; or
- (d) coaching or performance counselling.

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## **10 Record keeping**

GDI will keep confidential all information, correspondence and evidence with parties in relation to reports of sexual harassment.

Records are kept in accordance with all relevant legislation, including applicable privacy legislation and related GDI Policies.



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## **11 Reporting on complaint numbers**

GDI will continually monitor and evaluate organisation wide complaints.

General statistics outlining the number of bullying and sexual harassment complaints, themes and outcomes are periodically reported to the Executive Team and Board to assist them in assessment and management of GDI's culture.

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## **12 Review of policy**

This policy is to be reviewed every 3 years as part of GDI's ongoing commitment to improve preventative efforts and create a safe working environment for all workers.

**Adopted by the Board on 29 May 2024**