



McDonald's Australia Limited

Respectful Workplace Policy

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Purpose

“We are committed to our people” is one of McDonald's core business values. It is our goal to provide our Employees and others who are part of the McDonald's System with a positive work environment that enables them to deliver a great customer experience, every time.

This means that McDonald's is serious about providing a safe, healthy and respectful workplace that is free from bullying, cyberbullying, unlawful harassment, unlawful discrimination, workplace conflict/violence, and victimisation. McDonald's treats matters of this nature seriously and with sensitivity.

McDonald's is an equal opportunity employer that strives to make sure that there is no unlawful conduct in its employment practices or in its workplaces at work or in connection with work.

McDonald's strives to make decisions based on suitability, experience, merit and general ability to perform the inherent requirements of a role, and to avoid unlawful discrimination in hiring, job allocation, promotion or otherwise.



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Scope	This Policy applies to Employees, other Workers, suppliers and licensees in connection with work.
Related Legislation and Documents	This Policy is not intended to override any rights or obligations under an industrial instrument or any applicable legislation.
Definitions	<p>References to McDonald's in this policy are references to McDonald's Australia Limited.</p> <p>1 This policy deals with a range of workplace behaviours, which in some cases are against the law.</p> <p>However, this Policy applies to all aspects of McDonald's business and people participating in the McDonald's System.</p> <p>In this Policy:</p> <ul style="list-style-type: none">• "Employee" means McDonald's corporate and restaurant employees;• "Worker" means a person who carries out work in any capacity for or in connection with McDonald's business, including work as: an employee;<ul style="list-style-type: none">• the employee of a McDonald's licensee;• a contractor or subcontractor;• an employee of a contractor or subcontractor;• an employee of a labour hire company who has been assigned to work in McDonald's operations;• an outworker;• an apprentice or trainee;• a student gaining work experience; or• a volunteer.
Application of this policy	<p>Application of policy to licensees, licensee employees and others</p> <p>McDonald's expects all Workers to comply with this Policy as part of participating in the McDonald's System. "Worker" specifically includes licensee employees.</p> <p>McDonald's also expects its licensees to implement this Policy. This Policy is a business policy for the purposes of a licensee's Franchise Agreement.</p> <p>McDonald's expects that licensees report, and where warranted investigate and address unlawful conduct that is in breach of this Policy where those breaches involve Workers who are working in a licensee's business.</p> <p>However, nothing in this Policy is intended to create a relationship of</p>



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employment, agent or contractor/ principal between McDonald's and any licensee employee.

When does this policy apply?

This Policy applies to your behaviour in connection with "work". For the purposes of this Policy, "work" means any time at which a Worker, or where a relevant licensee or supplier is:

- carrying out, or acting in the course of their work relating to McDonald's (for example, when dealing with McDonald's customers);
- at work-related events (even if out of hours) such as conferences and work-related social functions;
- using McDonald's equipment or facilities, (including our computer and phones);
- in the online environment, including on social media where Workers, suppliers and licensees interact with colleagues whom they have met via McDonald's operations and their actions may affect them either directly or indirectly; or
- otherwise acting within the course of their work for or in connection with McDonald's.

Unacceptable Workplace Behaviour

The types of behaviour described in this section of the Policy, namely, workplace bullying, unlawful harassment (including sexual harassment), unlawful discrimination, victimisation, workplace conflict and workplace violence, are unacceptable while at work for, or in connection with, our business. Workers, suppliers and licensees must not engage in such behaviours whilst at work for, or in connection with McDonald's business or the business of its licensees.

Workplace Bullying

Workplace bullying is one type of behaviour that is prohibited by this Policy.

Workers are protected by this Policy whether they feel bullied by another worker, client, contractor or member of the public.

What is workplace bullying?

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a Worker or a group of Workers that creates a risk to health and safety. Workplace bullying can adversely affect the psychological and physical health of a person.

- Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.



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- Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

abusive, insulting or offensive language or comments;

- unjustified criticism or complaints;
- deliberately excluding someone from workplace activities;
- withholding information that is vital for effective work performance;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;
- denying access to information, supervision, consultation or resources to the detriment of the Worker;
- spreading misinformation or malicious rumours;
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular Worker or Workers;
- excessive scrutiny at work;
- aggressive and intimidating conduct;
- victimisation; and
- practical jokes or initiations/ hazing.

Single incidents of unreasonable behaviour can also present a risk to health and safety and are unacceptable. Even though such incidents may not amount to bullying under applicable legislation, they may constitute a breach of applicable work, health and safety policies.

What is not workplace bullying?

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not considered to be workplace bullying if the action is taken in a reasonable and lawful way.

Examples of reasonable management action may include but are not limited to:

- setting reasonable performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- transferring a Worker for operational reasons;
- deciding not to select a Worker for promotion where a reasonable process is followed;
- informing a Worker about unsatisfactory work performance in an honest, fair and constructive way;



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- informing a Worker about inappropriate behaviour in an objective and confidential way;
- general workplace conflict;
- implementing organisational changes or restructuring; and
- taking disciplinary action, including suspension or terminating employment.

Cyber Bullying

Cyber Bullying is a sub-category of workplace bullying, and it is prohibited by this Policy. It is McDonald's expectation that our Workers participate in the online environment in the same safe and respectful way that they participate in the physical work environment.

What is cyber bullying?

Cyber bullying *in the workplace context is repeated and unreasonable behaviour, using digital technologies (including hardware such as computers, tablets and smartphones, and software such as social media, instant messaging, texts, emails, websites and other online platforms) directed towards a Worker or a group of Workers that creates a risk to health and safety*

Cyber bullying can happen at any time. It can be in public or in private and sometimes only known to the target and the person bullying.

Cyber bullying can include:

- Abusive or hurtful texts, emails or posts, using words, images or videos;
- Deliberately excluding others online;
- Spreading gossip or rumours; and
- Imitating others online or using their log-in.

Unlawful Harassment

It is unlawful to harass another Worker, or person that a Worker may come into contact with as a result of their work, on the basis of a "protected attribute". For examples of "protected attributes", see the Discrimination section below.

What is harassment?

- Harassment is any uninvited, unwelcome or unreciprocated behaviour that humiliates, offends, embarrasses or intimidates another person where a reasonable person would expect this to be the effect of the behaviour.
- Harassment can be physical, verbal or visual in nature and can occur in a single incident or repeatedly over time.
- Harassment may include jokes about a person's appearance or any other personal matter that causes embarrassment.
- Harassment may include words or statements made by phone, text message, video, email or published online through social media or sharing sites such as Twitter, Facebook, YouTube, Snapchat and Instagram.



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- Note that intention is irrelevant. Even if a person's behaviour was not intended to cause humiliation, offense, embarrassment or intimidation; if a reasonable person would expect the behaviour to have that effect then it may constitute harassment.

What is sexual harassment?

Sexual harassment is against the law. Legal action can be taken against Workers who engage in sexual harassment. McDonald's, or where applicable its licensees may also be liable for any behaviour of its employees which amounts to sexual harassment.

Sexual harassment is any uninvited, unwelcome or unreciprocated behaviour of a sexual nature that humiliates, offends, embarrasses or intimidates another person where a reasonable person would expect this to be the effect of the behaviour.

- Sexual harassment can be physical, verbal or visual in nature and can occur in a single incident or repeatedly over time.
- Sexual harassment may include unwelcome sexual advances whether they involve physical touching or not, unwelcome physical contact such as pinching or kissing, staring or leering in a sexual manner.
- Sexual harassment may include verbal comments such as comments about someone's appearance, questions about personal or private matters, persistently inviting someone on a date after previous refusals and unwelcome requests for sexual favours.
- Sexual harassment may include suggestive words, statements or drawings made by phone, text message, video, email or published online through social media or sharing sites such as Twitter, Facebook, YouTube, Snapchat and Instagram.
- Note that intention is irrelevant. Even if a person's behaviour was not intended to be sexual in nature or cause humiliation, offense, embarrassment or intimidation; if a reasonable person would expect the behaviour to have that effect then it may constitute sexual harassment.
- Where behaviour is invited, consensual and reciprocated it is not unlawful, unless the behaviour concerns someone under the age of consent. Note also that simply because a person is in a consensual relationship or maintains a friendship with another person, does not mean that sexual behavior will necessarily be consensual. Sexual behavior which has not been consented to by a friend or a partner may still be unlawful. For more information about the age of consent, refer to the Personal Relationships Policy.
- Some types of sexual harassment may also be offences under criminal law. If McDonald's suspects that a criminal incident has occurred, the matter may be reported to the police and result in criminal prosecution.



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While some Workers may form personal relationships through work, these types of relationships may impact on the business of McDonald's and its licensees where they create a possibility for personal conflicts of interest. In this regard, Workers should also familiarise themselves with McDonald's Personal Relationships Policy.

Unlawful Discrimination

McDonald's and its licensees are invested in creating equal opportunities in employment practices. Practices that are unlawfully discriminatory in the processes of hiring, assignment, performance assessment and promotion are not allowed.

What is unlawful discrimination?

Discrimination means the less favourable treatment of a person on the basis of a particular personal characteristic, known as a "protected attribute". Protected attributes are characteristics which the law protects from discrimination. They include:

- Sex
- Gender identity, transgender status and intersex status
- Sexual orientation (e.g. heterosexuality / homosexuality)
- Race
- Colour
- National or ethnic origin
- Social origin
- Age
- Religious belief or activity
- Physical or mental disability / impairment
- HIV/AIDS
- Physical features
- Family or carer responsibilities
- Marital or relationship status
- Political opinion or activity
- Pregnancy and breastfeeding
- Criminal record (subject to important exceptions)
- Medical record
- Trade union or employer association activity
- Compulsory retirement

Direct discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances because of the protected attribute.

- Direct discrimination may include conduct such as only hiring employees of a particular gender or overlooking someone for a promotion because of their race or nationality.



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Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed and a person with one of the protected attributes cannot comply with the condition or practice, but most other people without the protected attribute can comply.

- Indirect discrimination may include conduct such as requiring all employees to complete an online activity which does not cater for the vision impaired.

It is also unlawful to discriminate against another person because they have a close relationship with a person with a protected attribute, for example, because a person is married to someone with a disability.

Exceptions to unlawful discrimination

Federal, State and Territory discrimination laws contain a number of exceptions. For example, discrimination in the area of employment may not be unlawful where:

- the ground of discrimination / attribute constitutes a "genuine occupational qualification"; or
- the employee cannot perform the inherent requirements of the position, or requires services or facilities to do so, but the provision of those will impose an unjustifiable hardship on the employer.

Generally, it is not unlawful to make decisions and to discriminate based on matters that do not relate to Protected Attributes, such as conduct, performance, qualifications or experience.

Victimisation

People should be able to make genuine complaints without fear of retaliation. Workers must not unlawfully victimise people who make complaints about conduct in breach of this Policy or applicable anti-discrimination, harassment, bullying or work health and safety laws.

What is victimisation?

Unlawful victimisation occurs when a person who made, or is about to make a complaint or is involved in a complaint about workplace conduct is treated negatively as a result of their involvement.

- Victimisation may include someone being dismissed because they made a complaint alleging bullying, cyber bullying, harassment or discrimination by another Worker, or not being rostered to work because they made a complaint. Some other examples of victimisation include treating somebody detrimentally, creating a hostile working place for the person concerned or verbal abuse and derogatory comments.
- Victimisation can happen not only to someone making a complaint, but to someone who witnessed certain conduct or who has information about the conduct.



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Workplace conflict

Workplace conflict may occur when people's ideas, decisions or actions relating directly to the job are in opposition, or when two people just don't get along. This is sometimes called a "personality clash".

- Not all types of negative behaviour will constitute bullying, cyber bullying, harassment, discrimination or victimisation; the behaviour may instead be an example of workplace conflict.
- Workplace conflict may include two managers disagreeing on the best way to launch a promotion, or two colleagues with differing views on a project.
- Workplace conflict can detract from a positive work environment, and may be managed using the resolution options in this Policy.
- Workplace conflict is not workplace bullying, but should be addressed.

Workplace Violence

Workplace violence is defined as *conflict between one Worker and another that has escalated to the point of physical violence, physical contact or harm or threats of a violent nature.*

- Workplace violence may include behaviour such as punching, pushing, fighting or any other physical violence.
- Workplace violence may include the threat of violence, such as threatening to harm another person or place.

Workplace violence is unacceptable and will not be tolerated.

Important Note

Instances of workplace violence must be reported immediately by:

- Advising your Manager immediately;
- Contacting police where appropriate;;
- Contacting McDonald's Workplace Safety department;
- Contacting McDonald's Employee Relations Hotline on (02) 9875 7200 / employee_relations@au.mcd.com; or
- Calling MAC Hotline (outside of business hours) on 1800 810 377.

Guidelines for Resolving Complaints

Our complaint resolution process intends to provide a mechanism for complaints to be made without fear of retaliation and to enable corrective action to be taken where necessary.

The complaint resolution process should assist in determining whether any inappropriate conduct has occurred, and if so, to take appropriate disciplinary action (up to and including termination) and implement measures to prevent any recurrence.

Our complaint resolution process is a guide only and McDonald's may adopt any process it deems necessary and appropriate to address an individual situation at its discretion.



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McDonald's licensees are also expected to use this complaint resolution process as a guide to resolving complaints made by their employees.

Generally, McDonald's will address complaints made by its employees and licensees will address complaints made by their employees. However, McDonald's may, at its discretion, address or otherwise assist in investigating or resolving a complaint regarding conduct within a licensee business - for example, when a complaint is received by McDonald's directly from an employee in a licensee business.

What can you do?

If you believe you are experiencing or witnessing unacceptable workplace behaviour such as bullying, cyber bullying, harassment, discrimination or victimisation, act upon it as early as possible. McDonald's and its licensees cannot address a problem if it is not raised and known.

If you feel that you have been subject to any of the behaviours listed above, or you have witnessed someone else experiencing the above, you may choose to resolve the matter informally or formally. If your supervisor is the person whose behaviour is concerning you, speak to the next person of seniority in your workplace or contact McDonald's People and Culture Department directly.

In circumstances of alleged serious misconduct (for example, violence or sexual harassment of a criminal nature) informal resolution is not an appropriate option and you should proceed directly to making a formal complaint about the conduct.

Before proceeding with your complaint, you should first ensure that you have read this Policy and are familiar with the options available. You may also wish to seek further information or advice from the People and Culture Department, who may be able to help you better understand the process. You can do this by contacting the Employee Relations Hotline on (02) 9875 7200 or employee_relations@au.mcd.com for more information.

At any stage in the complaint resolution process, the individuals concerned or anyone interviewed in the investigation may have a support person. A support person's role is not to be an advocate, but to provide emotional support and act as a witness. A particular individual may not be allowed to act as a support person in particular circumstances (for example where a conflict of interest exists). You will need to tell us in advance if you wish to bring a support person to an interview, and the identity of that person.



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The diagram below provides a summary of options for resolving a complaint relating to conduct under this Policy. As set out above, the actual process followed may vary depending upon the nature of the allegations and the process that McDonald's considers to be most appropriate in the individual circumstances.



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Informal Complaint Resolution

It is possible that someone who behaving badly is not aware that their conduct is unacceptable, unwelcome or causing distress. Accordingly, it may be both appropriate and effective to try to resolve the issue informally.

The informal process is intended to:

- Give you the opportunity to resolve the matter in a personal manner; and
- Give the person against whom the allegations have been made the opportunity to take corrective action in relation to their conduct.

Options for Informal Resolution

Speak to the other person

If you feel safe and comfortable doing so, calmly tell the other person you have an issue with their behaviour and ask that it stop. They may not realise the effect their behaviour is having on you and your feedback may give them the opportunity to change their actions. You may also consider suggesting an alternate way of behaving in the circumstance that is acceptable to you. For example, you could say:

If you choose to deal with the situation personally you should consider:

- acting as early as possible;
- raising your concerns informally and in a non-confrontational manner;
- not retaliating;
- focusing on unwanted behaviour rather than the person;
- being open to feedback; and
- having the conversation in private and not in front of others.

You may ask for assistance with this process or for someone to accompany you when you approach the person. Consider asking someone senior that you trust to assist you – such as your Manager, a senior member of your department or a member of Human Resources.



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Formal complaint resolution

A formal complaint should be made if either:

- you are not comfortable to pursue an informal method of resolution;
- you have tried but cannot resolve the complaint informally; or
- the complaint is of a particularly serious or sensitive nature.

If you wish to make a formal complaint, please provide your complaint in writing to Your Manager, a Senior member of your team, Department Head. OR Complaints may also be provided directly to the People and Culture Department / Human Resources Department.

Your complaint should be in writing and should set out the nature of your complaint (including specific details such as dates, times, what was done/said and any potential witnesses) and your contact details.

Responding to formal complaints

Every complaint is different, and the approach McDonald's (or a licensee, where relevant) will take may vary depending upon the nature of the allegations and the process that McDonald's (or a licensee, where relevant) considers to be most appropriate in the individual circumstances.

If behaviour breaching this Policy is formally reported or observed, the following types of steps may be taken in response:

1. The complaint is received and allocated to a contact person.
2. The contact person speaks to the parties involved as soon as possible, and gathers information.
3. Findings are made as to whether the conduct as alleged has occurred.
4. The outcome of an investigation will be communicated to relevant people.
5. Note, during the investigation process, parties may be required to stay away from work, work in another location, or do different work, until the matter is finalised

Important Note:

All complaints and reports will be treated confidentially as much as possible. Generally, only those people directly involved in the complaint or in resolving it will have access to the information.

Complaints made maliciously or in bad faith will result in disciplinary action, up to and including termination of employment.



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Withdrawing a complaint

Complaints may be withdrawn at any time.

In most cases, if you withdraw a complaint then no further action will be taken. Where it appears that this Policy may have been breached, the conduct may be investigated in any event.

Consequences of breaching this policy

Appropriate action will be taken against any person or party who is found to have breached this Policy. These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology;
- a facilitated discussion;
- one or more parties agreeing to participate in counselling or training;
- a verbal or written reprimand; and/or
- transfer, demotion or dismissal of the person engaging in the unacceptable behaviour.

Workers, suppliers or licensees of McDonald's may also face sanctions for breach of this Policy.

If unacceptable behaviour has not been substantiated

If an investigation finds unacceptable behaviour has not occurred or cannot be substantiated, McDonald's, or where relevant a licensee, may still take appropriate action, to address any workplace issues leading to the report. Any such action will be at the discretion of McDonald's, or where relevant, a licensee.

Other Important Information

Human Resources / People & Culture

The role of the Human Resources team is to provide you with initial, confidential advice and support in relation to the application of this Policy. They can assist you with talking through the options available for resolving your concerns. Human Resources, People and Culture Managers and/or Employee Relations Advisors cannot provide you with legal advice. You can contact the ER Hotline on (02) 9875 7200 or speak to your Business Partner.

Notes and Records

McDonald's, or where relevant a licensee, may take notes and retain records in respect of any informal or formal complaints made under this Policy.



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Confidential Employee Assistance Program

At any time you may seek assistance from the Employee Assistance Program, which provides free, confidential counselling and advice. McDonald's EAP provider is Drake WorkWise, who may be contacted on 1800 084 525, 24 hours a day, 7 days a week.

Additional Support

There are other external resources that can provide you with support if you are experiencing issues at work. Some of these are:

- Heads Up www.headsup.org.au
- Black Dog Institute www.blackdoginstitute.org.au

Vexatious complaints

McDonald's and its licensees expect that any Worker who raises a complaint or reports bullying, harassment, discrimination or victimisation is making such complaint or report on a legitimate and genuine basis. In other words, the reporter or complaint-maker genuinely believes that they or another person is being bullied, harassed, discriminated against or victimised and is bringing such a complaint on that basis, and no other unrelated basis.

For this reason, any complaints or reports of bullying, harassment, discrimination or victimisation which are purposefully untrue, malicious or made in bad faith may result in disciplinary action, up to and including termination of employment, engagement or any other form of association with McDonald's or its licensees.

Responsibilities

Compliance, monitoring and review

McDonald's expects workers, suppliers and licensees to comply with all company policies. Failure to comply with implemented policies may lead to disciplinary action up to and including termination. Workers should also be mindful that non-compliance with applicable Federal, State and Territory laws may lead to prosecution, fines or imprisonment of the Worker personally and/or McDonald's Australia Limited and its licensees

To the extent that this Policy requires you to do or refrain from doing something, it constitutes a direction from McDonald's with which you must comply.

Your Commitment – expected workplace behaviours



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Under Australian laws¹, workers and other people at our workplace:

- (a) must take reasonable care not to have a negative impact on the physical or psychological wellbeing of others; and
- (b) must not unlawfully discriminate against, bully, harass or victimise others.

Our leaders and managers are expected to role model appropriate workplace behaviour, and everyone has a key role to play in maintaining a respectful workplace.

Here's a summary of what we expect from everyone who is part of the McDonald's System (including all Workers, suppliers and licensees) while at work, and in connection with our business:

- behave in a responsible and professional manner;
- treat others in the workplace with courtesy and respect;
- listen and respond appropriately to the views and concerns of others;
- don't walk past problems – appropriately raise concerns;
- be fair and honest in their dealings with others; and
- maintain confidentiality.

Maintaining confidentiality means that, if you are involved in an investigation, either because you have made a complaint or a complaint has been made against you or you are a witness, then you must keep it confidential and not discuss it with anyone (other than a support person), either within or outside of the organisation, without the express consent of the lead investigator. Disclosing information about the investigation has the ability to negatively impact the outcome of the investigation, and could result in disciplinary action or other outcomes.

Status

This Policy does not form a contract or part of McDonald's contracts of employment with its Employees. This Policy does not form a contract or part of a licensees' contract of employment with its employees. McDonald's may vary the contents of this Policy, or decide not to apply this Policy, at its absolute discretion. This Policy is a business policy for the purpose of a licensee's Franchise Agreement.

Date Created

January 2020

Approved By

Human Resources Department

Next Revision Date

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