

SUNLAND GROUP CODE OF CONDUCT

- 1.0 [Introduction](#)
- 2.0 [Code of Conduct](#)
- 3.0 [SPAM Act 2003 \(CTH\)](#)
- 4.0 [Workplace Harassment Prevention Policy](#)

Introduction

The Group has in place human resource policies and codes of conduct as part of employment contracts. Directors, management and staff are expected to comply with the performance duties outlined in their respective schedule of duties along with a Standard Code of Conduct, policies regarding internet access and internet and email use, policies in relation to the Privacy Act, SPAM Act and the relevant workplace health and safety/occupational health and safety legislation.

Code of Conduct

Situations may occur where an employee of Sunland commits anyone or more of the following offences, instant dismissal may take place, but is not limited to:

- Theft
- Willfully damaging fellow employee and / or Sunland property
- Gambling during normal office hours for the position held by the Employee which interferes with the Employee performing his or her duties to the satisfaction of the Employer (e.g. gambling over the Internet)
- Threatening a fellow employee
- Physically hurting a fellow employee
- Provoking or instigating a fight
- Fraud
- Removal of company property without appropriate authorisation
- Immoral and/or indecent conduct whether this conduct occurs on the Employer's premises or such other place of business where the Employee is representing the Employer during normal office hours for the position held by the Employee
- Soliciting for the purpose of alcohol/drugs
- Possession or selling of drugs
- Willfully violating any safety rules or practices
- Working while under the influence of illegal drugs or alcohol
- Working under the influence of prescribed medication on a continuous basis where such medication causes the Employee to unsatisfactorily perform his or her duties under this Agreement



- Sexual harassment
- Excessively using company telephones for private use
- Breaching confidentiality guidelines
- Willfully falsifying company records or time sheets
- Breaching of security and privacy relating to fellow employees
- Breaching of the provisions of the SPAM Act 2003 (Cth)
- Workplace Harassment in accordance with the Workplace Harassment Prevention Policy

In all cases, disciplinary action will depend upon circumstances surrounding the offence, the seriousness of the offence and the length of time since the last misconduct occurred.

For the purposes of this Policy, all references to Sunland include the Employer or any subsidiary or associate company or Sunland Group Limited whether existing now or in the future.

SPAM ACT 2003 (CTH)

For the purposes of this Policy, all references to the Employer include Sunland Group Limited and any of its subsidiaries or associate companies whether existing now or in the future, and includes any other Hotel in which Sunland Group Limited, or a subsidiary or associate, holds an interest.

Pursuant to the SPAM Act 2003 (Cth) (the Act), the Employee hereby covenants and undertakes to the Employer that:

- He/She will not under any circumstances use, acquire, purchase or rent address-harvesting software or harvested address-lists either individually during the course of his/her employment or on behalf of the Employer.
- He/She is not to send any personal messages through the Employer's e-mail system, or any e-mail system held by any one or more of the Employer's subsidiary companies, which might be regarded as SPAM.
- He/She will only send commercial electronic messages that are authorized by the Employer from time to time.
- He/She will not send any commercial electronic messages through the Employer's email system, or using short message service (SMS), multimedia message (MMS), or instant messaging (IM) unless the following steps are taken:

Step 1 - Consent

- The Employee is to establish whether express consent has been given, prior to sending any commercial electronic messages. This is to be established by one of the following methods:
 - The addressee has subscribed to the Employer's electronic mailing list;
 - The addressee has deliberately ticked a box consenting to receive messages or advertisements from the Employer;
 - The addressee has specifically requested such material from the Employer (or the Employee on behalf of the Employer) over the telephone and a record of such telephone conversation is kept on a relevant file; or
 - The addressee has specifically requested such material from the Employer (or the Employee on behalf of the Employer) by way of a written request sent by facsimile transmission or mail.
- The Employee is to establish whether consent has been obtained for addresses in existing address databases, distribution lists and other customer management tools. To seek confirmation from such an addressee the Employee may use the double opt-in process. The wording of the e-mail message seeking verification must appear below:



"Would you please confirm that we may send you future commercial electronic messages to the above e-mail address as a requirement of the SPAM Act which commences 12 April 2004?"

Please provide this confirmation to us within 14 days from the date of this e-mail.

If we do not receive confirmation from you within 14 days from the date of this e-mail then we will assume that you do not wish to receive commercial electronic messages from us in the future.

If we receive confirmation from you within 14 days from the date of this e-mail then we will add your e-mail contact details to our contact/distribution list for our organization.

We thank you for your cooperation".

- If the addressee does not send a reply within the 14 days, then the Employee is to ensure that the addressee is immediately deleted from any contact or distribution lists.
- If the addressee confirms within the 14 days then the Employee is to ensure their e-mail contact details are to be added to the Employer's contact or distribution list.
- If the addressee does not confirm within the 14 days then the Employee is to ensure that the address is deleted from the contact or distribution list.
- If the Employee receives a request from a person to send commercial electronic messages to another person the Employee is to contact the addressee and seek confirmation of the request that was made and ensure that person has consented to the Employer (or the Employee on behalf of the Employer) sending commercial electronic messages to them.

Step 2 – Identify

For every commercial electronic message sent by the Employee as authorized by the Employer, the Employee must ensure that the message:

- Clearly and accurately identifies the individual or organization who authorized the sending of the message; and
- Includes accurate information about how the recipient can readily contact that individual or organization; and
- Contains information that is reasonably likely to be accurate for 30 days after the day on which the message is sent. If the Employer is planning a change of premises during this time, where possible the Employee is to include the expected transfer date and new contact details.

Step 3 – Unsubscribe facility

- Each commercial electronic message that is sent must provide the recipient with the option to unsubscribe, in effect, to choose not to receive further commercial electronic messages from the sender.
- As an addition to the SPAM Act policy a SPAM Act notice will appear at the bottom of each corporate email sent out of the Employer's Mail Server. The text of such notice appears below:

SPAM ACT

If you wish to unsubscribe/opt out from receiving further commercial electronic messages from Sunland Group Limited please send an email to unsubscribe@sunlandgroup.com.au providing all relevant e-mail addresses for your organisation or business.

- The e-mail address unsubscribe@sunlandgroup.com.au will be monitored on a daily basis. Upon receiving an unsubscribe request the Employee will ensure that the addressee is deleted from the contact or distribution list as soon as possible but no later than 5 days of receiving such request.
- For the purposes of Legends Hotel Gold Coast, Palazzo Versace or any other hotel established by Sunland Group Limited (and includes any other Hotel in which Sunland Group Limited, or a subsidiary or associate, holds an interest).the relevant name of the hotel is also to appear in the SPAM Act notice.
- He/She will ensure the privacy of any information obtained by a recipient in the course of obtaining its consent to receive commercial electronic messages pursuant to the email policy contained in Attachment A.
- The Employee hereby acknowledges and agrees that should the Employee fail to adhere to the SPAM Act policy, then this may result in termination of network access and possible disciplinary action (including termination), as determined by the Employer in its absolute discretion.

WORKPLACE HARASSMENT PREVENTION POLICY

ETHICAL STATEMENT

Sunland Group Limited is committed to ensuring a healthy and safe workplace that is free from workplace harassment. Workplace harassment is unacceptable and will not be tolerated under any circumstances.

DEFINITION OF WORKPLACE HARASSMENT

1. A person is subjected to 'workplace harassment' if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer or a co-worker or group of co-workers of the person that:
 - a. is unwelcome and unsolicited; and
 - b. the person considers to be offensive, intimidating, humiliating or threatening; and
 - c. a reasonable person would consider to be offensive, intimidating, humiliating or threatening.
2. 'Workplace harassment' does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment.
3. Pursuant to section 119 of the *Anti-Discrimination Act 1991* (Qld) "**sexual harassment**" happens if a person:
 - (a) subjects another person to an unsolicited act of physical intimacy; or
 - (b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
 - (c) makes a remark with sexual connotations relating to the other person; or
 - (d) engages in any other unwelcome conduct of a sexual nature in relation to the other person;

and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so--

 - (e) with the intention of offending, humiliating or intimidating the other person; or
 - (f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Detailed below are examples of behaviour that may be regarded as workplace harassment, if the behaviour is repeated or occurs as part of a pattern of behaviour. This is not an exhaustive list, however it does outline some of the more common types of harassing behaviours. Examples include:

- abusing a person loudly, usually when others are present;
- repeated threats of dismissal or other severe punishment for no reason;
- constant ridicule and being put down;
- leaving offensive messages on email or the telephone;

- sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways;
- maliciously excluding and isolating a person from workplace activities;
- persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
- spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

ACTIONS THAT ARE NOT WORKPLACE HARASSMENT

Legitimate and reasonable management actions and business processes, such as, actions taken to transfer, demote, discipline, redeploy, retrench or dismiss a worker are not considered to be workplace harassment, provided these actions are conducted in a reasonable way.

EFFECTS OF WORKPLACE HARASSMENT ON PEOPLE AND THE BUSINESS

Workplace harassment has detrimental effects in people and the business. It can create an unsafe working environment, result in a loss of trained and talented workers, the breakdown of teams and individual relationships, and reduced efficiency. People who are harassed can become distressed, anxious, withdrawn, depressed, and can lose self-esteem and self-confidence.

WORKPLACE STRATEGIES TO ELIMINATE WORKPLACE HARASSMENT

Sunland Group Limited will take the following actions to prevent and control exposure to the risk of workplace harassment:

- provide all workers with harassment awareness training, which includes providing each existing employee with this policy and details of the complaints handling system and incorporating this policy in all employment contracts for future employees of Sunland;
- develop a code of conduct for workers to follow (which is currently included in each employment contract with employees of Sunland);
- introduce a complaint handling system and inform all workers on how to make a complaint, the support systems available, options for resolving grievances and the appeals process;
- regularly review the workplace harassment prevention policy, complaint handling system and training.

RESPONSIBILITIES OF WORKERS

Sunland Group Limited requires all workers to behave responsibly by complying with this policy, to not tolerate unacceptable behaviour, to maintain privacy during investigations and to immediately report incidents of workplace harassment to the Complaints Handling Officer.



Managers and supervisors must also ensure that workers are not exposed to workplace harassment. Management are required to personally demonstrate appropriate behaviour, promote the workplace harassment prevention policy, treat complaints seriously and ensure where a person lodges or is witness to a complaint, that this person is not victimised.

WHERE WORKERS CAN GO FOR ASSISTANCE

A worker who is being harassed can contact the Complaints Handling Officer for information and assistance in the management and resolution of a workplace harassment complaint.

COMMITMENT TO PROMPTLY INVESTIGATE COMPLAINTS

Sunland Group Limited has a complaint handling system which includes procedures for reporting, investigating, resolving and appealing workplace harassment complaints. Any reports of workplace harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace harassment will not be victimised.

CONSEQUENCES OF BREACH OF POLICY

Disciplinary action will be taken against a person who harasses a worker or who victimises a person who has made or is a witness to a complaint. Complaints of alleged workplace harassment found to be malicious, frivolous or vexatious, (which includes complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources) may make the complainant liable for disciplinary action.

REVIEW OF POLICY

This policy and the actions outlined above will be reviewed annually, unless required earlier because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that workplace harassment is prevented and controlled.