

Human Resources Policy

Family and Domestic Violence Support

1. What is the purpose of this document?

The purpose of this document is to establish the rules and provisions of the BHP Family and Domestic Violence Support Policy.

BHP (or the “Company”) is committed to providing a safe, inclusive and supportive workplace for all employees.

The intent of the Family and Domestic Violence Support Policy (the “Policy”) is to provide employees with support for their health, safety, wellbeing and independence during any periods of family and domestic violence.

2. Who is eligible for this policy?

The Family and Domestic Violence Support Policy applies to all BHP **employees** (including casual and fixed-term) who are directly experiencing family and domestic violence, supporting a person who is experiencing family and domestic violence or who are seeking help to change their abusive behaviour and/or improve the safety of their family. In the case of any conflicting information, the relevant individual or collective agreements, local legislation and currently published company documents prevail.

Employees based in China or Japan should read this Policy in combination with the relevant Employee Handbook. A case can be raised with HR for support interpreting and applying these documents.

*This policy shall be applied free from discrimination based upon personal attributes unrelated to job performance, such as race, age, ethnicity, nationality, gender identity, sexual orientation, intersex status, physical or mental disability, mental health condition, relationship status, religion, political opinion and industry/union affiliations, pregnancy, breastfeeding or family responsibilities**

*Subject to BHP’s requirement to comply with local laws in jurisdictions in which we operate

3. What is the Family and Domestic Violence Support Policy?

The policy sets out the support provided by the Company related to family and domestic violence, and the responsibilities of Human Resources, Line Leaders and Employees.

BHP is committed to helping prevent family and domestic violence from occurring and also provides support to those employees who use or may use family or domestic violence and abuse, with the aim of preventing the occurrence of family and domestic violence.

BHP recognises that responding effectively to employees affected by family and domestic violence, for users of violence and abuse, and where appropriate, their families, may require a range of internal and external support options to be implemented flexibly.

BHP recognises that our workforce is likely to include both people who experience violence, and people who use violence. No matter the circumstances, or whether the individual experiencing it recognises it, all forms of family and domestic violence are unacceptable, and all individuals have the right to be free from violence.

3.1 Key Definitions

Family and domestic violence is defined as violent, threatening or other abusive behaviour by a family member, partner or housemate of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful. This includes, but is not limited to, physical, sexual, psychological, financial, technological, spiritual, cultural, verbal, social and emotional abuse. Family and domestic violence is often a pattern of ongoing and purposeful use of power and control.

A family member is defined as:

- a spouse or former spouse, a common law or civil law partner or former common law or civil law partner, in all these cases either of the same or opposite sex; child (including adopted child), dependant, step child, parent, step parent, father-in-law, mother-in-law, grandparent, grandchild, sibling of an employee, brother-in-law, sister-in-law; or
- a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules, or any other recognised cultural definitions.

Family and domestic violence can affect anyone regardless of gender, sex, age, location, marital status, education, socio-economic and health status, employment, culture, sexuality, ability, race, ethnicity and religion.

LGBTQIA+ people face unique challenges in family and domestic violence situations, as well as additional barriers to accessing support. Examples of family and domestic violence situations that LGBTQIA+ employees may experience (non-exhaustive) include family exile, conversion therapy, “outing” or threatening to ‘out’ a person’s sexuality, gender identity / history / expression or intersex status to others (in person or online), withholding or controlling access to HIV or other medication, or access to gender transition related healthcare and using homophobic, biphobic or transphobic insults.

Barriers that LGBTQIA+ employees can experience when seeking support may include facing professionals who hold prejudiced attitudes, family and domestic violence support avenues using heterosexist and exclusive language, risks of ‘outing’, fear of disclosure within small communities and a lack of understanding of LGBTQIA+ identities and relationships.

3.2 Confidentiality and Privacy

Confidentiality is key to those experiencing family and domestic violence having the confidence to seek support in the workplace. BHP is committed to ensuring employee confidentiality and privacy.

In line with legislative obligations, any employee disclosure and/or records concerning family and domestic violence will be kept confidential as far as reasonably practicable to do so, and only divulged in exceptional circumstances, such as where the disclosure is required by law, or it is legally imperative to protect the life, health or safety of the employee, their dependants, other employees and/or another person.

An employee who experiences and discloses situations of violence and abuse in their domestic life, which may adversely impact on their attendance at work, will not be disadvantaged in their employment on this basis.

3.3 Support Options

The supportive assistance available is at the discretion of the Company based on individual circumstances and subject to region and legislation.

Additional support may be possible at the discretion of the employee's line leader in consultation with Human Resources.

Line leaders are encouraged to draw on the counsel of Human Resources to determine how best to support impacted employees.

3.3.1. Safety / Security Plans

BHP will provide appropriate advice and services for preparing and implementing temporary or permanent safety / security plans. This may include:

- escort to and from car park;
- transportation to and from work;
- setting up new telephone numbers;
- programming mobile phones with emergency and contact numbers;
- screening/blocking calls and emails;
- changing working hours, patterns of work or the location of work;
- a temporary transfer or reassignment within or outside the employee's current location where travel and immigration requirements permit;
- changing work contact details; and
- supporting access to legal advice for protection orders.

Advice is encouraged to be sought from the Group Security team for individual tailored safety and security planning.

3.3.2. Leave Arrangements

BHP will provide **up to ten (10) days paid leave** per year in addition to minimum personal and annual leave entitlements, to an **employee who is experiencing family and domestic violence** and requests leave:

- to deal with the impact of the family and domestic violence; and
- it is impractical to do so outside of their working hours.

For example, this may include

- counselling,
- attending medical appointments,
- legal proceedings and guidance,
- accessing police services,

- care of dependents,
- relocation arrangements, and
- for other activities that may be necessary.

This leave will be available in full at the start of each 12 month period, and will renew annually on the anniversary of the employee's employment commencement date. However, it will not accumulate from year to year if unused.

BHP will provide **up to ten (10) days paid leave** per year in addition to minimum leave entitlements to an **employee who discloses use of violence or abuse** and requests leave to seek help to change their abusive behaviour and/or improve the safety of their family. This paid leave will only be made available for formal counselling sessions and/or behavioural improvement programs. Evidence of attendance at these sessions or programs may be required.

BHP will provide **up to ten (10) days paid leave** per year in addition to minimum leave entitlements to **employees supporting a colleague or family member** who is experiencing family and domestic violence.

Paid leave cannot be cashed out, nor is it paid out on termination of employment. If granted, this leave may be taken as a single continuous period, separate periods of one or multiple days, or any separate periods (including periods of less than one day) provided this is agreed by the Company at the time the leave is granted.

Applications for leave for employees experiencing family and domestic violence can be made using the Apply for Leave and Parental Leave form. Employees should select 'Policy Approved Leave'. In Australia, this leave will not be reflected on the payslip as per legal requirements.

3.3.3. Flexible Work

BHP will provide continued access to flexible work options as part of BHP's ongoing commitment to flexibility for all employees, including employees who are experiencing, using or supporting others in relation to family and domestic violence. This may include adjustments to working hours, patterns of work, location of work and leave options.

3.3.4. Family Rooms

BHP will provide access to family rooms should employees need to attend work with children (subject to availability by location).

3.3.5. Emergency Accommodation

BHP will provide confidential access to Company funded temporary accommodation for employees and families affected by family and domestic violence for a period of up to twenty-eight (28) days. Where company provided accommodation is unavailable, AMEX travel portal. Invoices will be required by the Company.

3.3.6. Emergency Financial Support

BHP will provide emergency financial support payment of up to USD \$2500 to employees who are experiencing family and domestic violence and need urgent and immediate assistance. These needs may relate to relocation, rental accommodation bond, emergency medical treatment, emergency child care arrangements, legal consultation and advice, and improvements to the safety and security of your home. For confidentiality, payment can be made via the line leader, Human Resources or such other nominated trusted leader. Invoices will be required by the Company. Emergency financial support payments provided by BHP must be repaid.

Where an emergency payment of salary is approved (either in addition to regular pay cycle or via an off cycle payment), repayment is to occur via two possible means:

1. Repayment to BHP of the payment amount through regular payroll deductions; or
2. Deduction of full payment amount from the employee's next pay or incentive payment.

3.3.7. Employee Assistance Program

BHP will provide approval for additional company-paid sessions with the BHP Employee Assistance Program provider, as appropriate, including sessions for immediate family members (partners and dependent children).

3.3.8. External Provider Support

There are several options available for employees affected by family and domestic violence and for users of violence and abuse to seek support through external services in BHP locations, including 24 hour support services.

In acknowledgement of the unique challenges that can be faced by LGBTQIA+ employees in family and domestic violence situations, specialist LGBTQIA+ avenues of support are identified in the available supporting documentation.

3.3.9. Leader or Colleague Support

BHP offers training and support, open to all employees, so they are equipped to support an employee or colleague that may be affected by family and domestic violence. Line leaders are encouraged to draw on the support of Human Resources.

3.3.10. Users of Violence and Abuse

Where an employee discloses use of violence or abuse and requests Company support, the Company will refer the employee to professional services who offer a specialised behavioural change program and/or relevant external providers, including access to the BHP Employee Assistance Program provider. In addition, it is important that users of violence or abuse are clearly informed that as per Our Values and Our Code of Conduct, violence or abuse of any form is unacceptable.

Where both parties in respect of an experience of family and domestic violence are BHP employees, the focus should be on the safety of the employee experiencing violence and abuse. Decisions on responding to the user of violence or abuse need to be made with the full involvement of the employee affected by the violence to avoid any unintended negative impacts on them.

Where the individual affected by family and domestic violence is not a BHP employee and there is no independent channel of contact or communication, caution is to be taken to ensure no harm or detriment to their safety occurs.

Where it is suspected an employee may be using violence or abuse, an individual tailored approach including advice from the applicable region's Legal Employee Relations team is required before responding.

3.4 Family and Domestic Violence in the Workplace

There may also be instances where an employee is using Company resources and time to be abusive towards others. It is never acceptable to use our workplace to be abusive to those within or outside the workplace. Such behaviours may include:

- Abusively emailing, phoning or texting a partner while at work;
- Using work IT systems to access private information about someone without a business reason to do so;
- Acting abusively towards other Company personnel or clients;
- Manipulating pay or roster systems to avoid child support or other obligations;
- Taking time off to pursue litigation that is designed to harass or undermine someone;
- Exhibiting high levels of agitation or aggression following personal phone calls; and
- Inappropriate jokes or comments made about a partner or family member that belittles or demeans them.

If you become aware of this behaviour occurring, please contact your leader, another leader, HR or Ethics Point. Employees found to have behaved this way at work will be subject to disciplinary action up to and including termination of employment.

Immediate adjustments may be required where there are two individuals in the workplace are in a personal relationship and allegations of family and domestic violence have been raised in the workplace. Changes may also be required to protect other Company personnel and clients.

If the Company becomes aware of an Interim Protection Order, Protection Order, Expedited Order or any similar Order (i.e. protective measures ordered by the competent authority such as the court or the police), which may affect one or more individuals in the workplace, the terms of the order will be considered for any workplace impacts, as appropriate. Temporary measures may be required to protect both individuals including steps to physically separate those involved.

3.6 Who do I contact?

Any employee experiencing or attempting to leave an unsafe relationship is strongly encouraged to seek assistance from their line leader and/or Human Resources to ensure that appropriate support can be provided. Employees are encouraged to take action to maintain their personal safety and will be supported to access safety and security planning processes.

We recognise that supporting a person experiencing family and domestic violence can be challenging for employees, including line leaders. In such instances, line leaders are encouraged to seek self-support from Human Resources and BHP Employee Assistance Program providers.

3.7 Roles and Responsibilities

Our paramount focus is on the safety of our employees. It is crucial that we provide respectful and non-judgmental support, regardless of any decisions the employee may make about their relationship(s).

3.8 Line Leaders

Line leaders are responsible to:

- Offer appropriate levels of support to employees as a result of experiencing the effects of family and domestic violence;
- Notify the relevant authorities where necessary, such as where the disclosure is required by law, or it is legally imperative to protect the life, health or safety of the employee, their dependants, other employees and/or another person;
- Notify the relevant support services where necessary by law;
- Provide information to employees about the support available for immediate and long-term wellbeing;
- Respect decisions made by the employee regarding their personal circumstances whenever possible;
- Actively participate in family and domestic violence related learning and development activities;
- Encourage employees to participate in family and domestic violence related learning and development activities;
- Encourage employees to communicate regarding their need to access Company resources related to family and domestic violence instances;
- Ensure that all information collected is kept confidential (unless it is necessary to disclose to the relevant authorities) and held securely to prevent unauthorised access or loss; and
- As required, discuss with Human Resources any additional support strategies needed.

Supporting a person experiencing family and domestic violence can be challenging. In such instances, line leaders are encouraged to seek self-support from BHP Employee Assistance Program providers.

3.9 Human Resources

Representatives from Human Resources are responsible to:

- Support line leaders and employees in selecting available assistance and implementing strategies to best support affected employees;
- Direct line leaders and employees to dedicated family and domestic violence support services;
- Support with implementation or processing of support to employees when they utilise any of the above options; and
- Act as an escalation point, when required, for issues with service providers such as support services.

3.10 Employees

Any employee experiencing or attempting to leave an unsafe relationship is strongly encouraged to seek assistance from their line leader and/or Human Resources to ensure that appropriate support can be provided. Employees are encouraged to take action to maintain their personal safety and will be supported to access safety and security planning processes.

4. What are the related documents to this policy?

Policies Schedules related to this policy are details in Table 1 of section 4.

Type	Code	Document
Policy	ID.004.001.001	Annual Leave – Policy
Framework	ID.004.004.001	Flexible Work – Principles
Handbook	TBC	Employee Handbook - Japan
Handbook	TBC	Employee Handbook - China
Processes	ID.004.006.001	Apply for Leave – Process
FAQ	ID.004.012.001	Family and Domestic Violence - General Awareness Frequently Asked Questions
Leader Guide	ID.004.013.001	Family and Domestic Violence Support – Leader Guide
QRG	ID.004.011.001	Family and Domestic Violence Support – Quick Reference Guide
Contact List	TBC	Family and Domestic Violence – Support Services in BHP Locations
Contact List	TBC	Employee Assistance Programs – Contact Details in BHP Locations

5. Are there Legislation or other requirements related to this policy schedule?

Country	Legislation or other requirements
Australia	<i>Fair Work Act 2009 (Cth)</i>
Australia	<i>Mining Industry Award 2020</i>
Australia	<i>Black Coal Mining Industry Award 2010</i>
Australia	<i>Hydrocarbons Industry (Upstream) Award 2020</i>
Australia	<i>Clerks—Private Sector Award 2020</i>

Australia	<i>Professional Employees Award 2010</i>
India	<i>The Protection of Women From Domestic Violence Act, 2005</i>
India	<i>Indian Penal Code</i>
Japan	<i>Act on the Prevention of Spousal Violence and the Protection of Victims (Act No. 31 of April 13, 2001)</i>
Malaysia	<i>Domestic Violence Act 1994</i>
Philippines	<i>Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004</i>
Philippines	<i>Republic Act No. 9710 or The Magna Carta of Women</i>
Philippines	<i>Republic Act No. 7610 or Special Protection of Children Against Abuse, Exploitation and Discrimination Act</i>
PRC	<i>Anti-domestic Violence Law of the People's Republic of China (Order No. 37 of the President of the PRC)</i>
Singapore	<i>Women's Charter (Cap. 353)</i>
Singapore	<i>Protection From Harassment Act (Cap. 256A)</i>
Switzerland	<i>Federal legislation: Swiss Penal Code; Swiss Code of Obligations; Swiss Civil Code; Swiss Victim Assistance Act</i> <i>Cantonal legislation: various cantonal legislation and decrees concerning measures against domestic violence such as expulsion orders, prohibitions to return or to approach the victim, etc.</i>
UK	<i>Health and Safety at Work Act 1974</i>
UK	<i>Management of Health and Safety at Work Regulations 1992</i>
UK	<i>Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995</i>
UK	<i>Health and Safety (Consultation with Employees) Regulations 1996</i>

6. What is governance for this policy?

This section details the ownership, approval and review details the policy.

Policy Name: Family & Domestic Violence Support	Document Code: ID.004.001.001
Policy Owner: Vice President Talent & Performance	Policy Approver: Chief People Officer
Last Reviewed by: Specialist Organisational Development & Analytics	
Date last reviewed: 31 October 2023 (minor additions made 24/09/24)	Date of next review: 31 October 2026
This policy must be reviewed at minimum every 3 years and will be updated with legislation changes.	

7. What are exceptions to this policy?

Any exceptions entitlements in this policy must be approved by the Vice President Talent & Performance.