

Policy Name:	Workplace Conduct & Issue Resolution Policy
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Purpose

The purpose of this policy is to ensure all workers understand their responsibilities under applicable legislation not to unlawfully discriminate, harass, bully or victimise others in the workplace, and to provide guidance on how to report and address behaviour that breaches this policy. This Policy applies to all workers of Southern Cross Media Group Limited, Seven Network (Operations) Limited and Prime Television (Southern) Pty Ltd (the Company).

The Company aims to provide a safe work environment and protect all workers from workplace bullying, harassment, sexual harassment, occupational violence, victimisation, vilification, discrimination, and any other inappropriate workplace behaviour, and requires all workers to avoid such conduct. Any conduct that breaches this policy is prohibited, will not be tolerated, and may result in disciplinary action up to and including termination of employment.

Scope

This policy applies to all board members, employees, leaders, supervisors, contractors, subcontractors, visitors, students, apprentices, clients, customers and suppliers of the Company (**workers**). This policy applies to all work-related activities, on site or off site, including work functions, business trips, working from home, working away from the office and conferences.

Inappropriate social media content about work colleagues may constitute sexual harassment, unlawful discrimination, harassment, bullying or victimisation. Prohibited content includes material that is vulgar, intimidating, discriminatory, harassing, obscene, defamatory or threatening. This policy applies to blogs and posts, and deleted emails or website activity may still remain on Company systems.

This policy also extends to conduct on digital collaboration tools, including video calls, instant messaging, and Microsoft Teams.

Workplace Bullying

The Company expects all employees to act professionally and treat each other with dignity and respect at work. All workers are encouraged to report bullying. You must consider how your behaviour may be perceived by others. Conduct may be bullying even if it was not intended, and intent is not a defence. Workplace bullying is repeated, unreasonable behaviour directed at a worker or group of workers that creates a risk to health and safety. Repeated behaviour is persistent conduct and may involve a range of behaviours over time. Where bullying is based on a protected attribute, repetition may not be required for the conduct to amount to unlawful discrimination.

Unreasonable behaviour is behaviour that a reasonable person, in the circumstances, would consider unreasonable, including conduct that is victimising, humiliating, intimidating or threatening. A single incident is not workplace bullying, but it may still be another form of unlawful conduct and should be investigated. What one person finds offensive, another may not. You should take care not to be misunderstood or become the subject of a complaint.

Bullying may occur alongside unlawful discrimination or harassment, including sexual harassment, and may also breach work health and safety laws.

The following behaviour may constitute workplace bullying if it is repeated, unreasonable and creates a risk to health and safety, whether intentional or unintentional:

- Abusive, insulting, or offensive language or comments;
- Unjustified criticism or complaints;
- Withholding information needed for effective work performance;
- Setting unreasonable timeframes or continually changing deadlines;
- Assigning tasks well below or beyond a person's skill level;
- Denying access to information, supervision, consultation, or resources to a Worker's detriment;
- Spreading misinformation or malicious rumours;
- Bullying emails or text messages;
- Social media posts intended to hurt or embarrass work colleagues;
- Changing work arrangements to deliberately inconvenience a Worker or Workers; and
- Excluding, isolating, or marginalising someone from work activities.

Bullying can occur through email, text messages, internet chat rooms, instant messaging and other social media channels. It may be directed at one Worker or a group of Workers and may be carried out by one or more people. Workplace bullying may also be directed at, or carried out by, clients, customers, suppliers and members of the public.

What is not Bullying

Lawful and reasonable management action is not bullying. Examples of reasonable management action include:

- Setting reasonable performance goals, standards, and deadlines;
- Rostering and allocating reasonable working hours;
- Transferring a Worker for operational reasons;
- Addressing inappropriate behaviour objectively and confidentially;
- Implementing organisational change or restructuring; and
- Taking disciplinary action, including suspension or termination of employment.

Workplace disagreements are not, of themselves, bullying. People can disagree at work without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. The Company may lawfully direct and control how work is performed and oversee workflow. Supervisors and Leaders are responsible for monitoring conduct and providing reasonable performance feedback.

Unlawful Harassment

Harassment is unlawful discrimination when it is based on an unlawful ground (see above). In general, unlawful harassment is conduct that:

- Is unwelcome or uninvited; and
- Is based on an unlawful ground; and
- Causes offence, intimidation, or humiliation; and
- Occurs in circumstances where a reasonable person would expect it to humiliate, offend or intimidate the person affected.

Examples of harassment include, but are not limited to:

- Sexual harassment;
- Harassment on the ground of sex;
- Verbal abuse or comments that degrade or stereotype a person because of race, sex, sexuality, pregnancy, disability, or another protected attribute;
- Jokes based on race, sex, sexuality, pregnancy, disability, or another protected attribute;
- Mimicking someone's accent or the habits of a person with disability;
- Offensive gestures based on race, sex, sexuality, pregnancy, disability, or another protected attribute;
- Bullying someone because of race, sex, sexuality, pregnancy, disability, or another protected attribute;
- Ignoring or isolating a person or group because of race, sex, sexuality, pregnancy, disability, or another protected attribute; or
- Displaying, circulating or posting racist, pornographic or other offensive material, including online or through social media, or making unwelcome social media contact such as repeated comments or friend requests.

Harassment on the ground of sex is unwelcome conduct of a seriously demeaning nature. Examples include intrusive questions based on a person's sex, displaying sexist, misogynistic or misandrist material, and making inappropriate comments or jokes based on sex.

Harassment may not be unlawful if it is not based on an unlawful ground. However, the Company expects all staff to treat colleagues and others they deal with through work with respect and courtesy.

Harassment can also occur where conduct is not directed at a person but is experienced by them, for example by overhearing a statement. Offensive, discriminatory or sexist material must not be displayed on Company property.

Sexual Harassment

Sexual harassment is a form of unlawful harassment.

Sexual harassment is unwelcome conduct of a sexual nature where a reasonable person, having regard to all the circumstances, would expect the person affected to feel offended, humiliated or intimidated. It can take many forms, including but not limited to:

- Pressure or demands for dates or sexual favours;
- Unnecessary familiarity, such as deliberately brushing against a person or persistently staring at them;
- Unwanted physical contact, such as touching or fondling;

- Sexual jokes or innuendo;
- Offensive telephone calls;
- Offensive sexual gestures;
- Unwelcome comments or questions about a person's sex life;
- Displaying or circulating sexual material, including magazines, posters or pictures;
- Sending emails or text messages with sexual content or tone; or
- Sexual assault.

Sexual harassment is unacceptable and unlawful, including under the Commonwealth *Sex Discrimination Act 1984* and relevant State legislation. Legal action may be taken against a person who engages in sexual harassment, and conduct may amount to a criminal offence.

The Company may treat conduct as a breach of policy even if no complaint is made, for example storing or viewing pornography or sexually explicit images on a work device.

Conduct that is welcome or consensual is not unlawful. However, consent must be actively and freely given. Consent must also be ongoing. Sexual harassment may also arise if a personal relationship ends and previously welcome conduct is no longer welcome. Support should be sought from People and Culture in these circumstances. If any of the behaviours above are unwelcome and cause the person affected to feel offended, humiliated or intimidated, they may constitute sexual harassment, regardless of intent.

The company has zero tolerance for sexual harassment in, or **in connection** with, the workplace. Persons who have experienced sexual harassment in the workplace can also report their experience to the police.

Unlawful Discrimination

Discrimination is treating one person or group of people less favourably than another or causing them disadvantage because of an actual or assumed attribute. Unlawful discrimination is discrimination which the law has defined as unacceptable based on an unlawful reason.

The unlawful reasons may vary depending on where you work, but in Australia, unlawful grounds generally include but are not limited to:

- Sex;
- Sexual preference, gender history or identity, transgender status;
- Marital status, pregnancy/potential pregnancy, breastfeeding;
- Family responsibilities or responsibilities or status as a carer;
- Race, colour, descent, national, or ethnic origin;
- Religious or political beliefs or activity;
- Disability/impairment;
- Age;
- Service in the voluntary defence forces;
- Trade union membership, or deciding not to join a trade union, or union/industrial activity; or
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited).

Whether it is unlawful to discriminate against a person for one of these reasons will depend on the particular circumstances and the State or Territory in which you work.

How can unlawful discrimination occur?

Discrimination can occur in the recruitment process, during the course of employment or upon termination of employment. Discrimination can also occur in the provision of goods or services. Workers should not discriminate against customers or suppliers. Similarly, customers or suppliers should not unlawfully discriminate against Workers of the Company.

Direct and Indirect Discrimination

Direct discrimination occurs where someone is treated less favourably than another person in the same or similar circumstances, because of, or for, reasons that include any of the unlawful grounds listed above.

Indirect discrimination is often less obvious than direct discrimination. It occurs where everyone is treated on the same terms according to a condition or requirement but has the effect of being less favourable to a person or group, who are unable to comply with the condition or requirement on the basis of a particular personal characteristic which is an unlawful ground.

There are exceptions from anti-discrimination law which may apply in some situations – for example, because of the requirements of a particular job an occupational qualification, where it would otherwise cause unjustifiable hardship to the employer in the case of disability or where it is necessary to comply with other laws including those relating to work, health and safety.

Hostile Workplace Environment

It is unlawful for a person to subject another person to a workplace environment that is hostile on the ground of sex. A workplace environment is hostile on the ground of sex if a person in the workplace engages in conduct in a workplace where a reasonable person having regard to all of the circumstances would have anticipated the possibility of the conduct resulting in the workplace environment being offensive, intimidating or humiliating to a person on the ground of sex.

Occupational Violence

Occupational violence is a situation where a person is physically attacked or threatened with physical violence. Occupational violence is prohibited, is unlawful and may amount to a criminal offence. The company has a zero tolerance for violence, assault or threatened assault in the workplace.

Victimisation

Victimisation means subjecting a person to some form of disadvantage because they have lodged a complaint or commenced proceedings, proposes to make or bring a complaint or proceedings, intervened when they witnessed unlawful behaviour as an active bystander, or given evidence or information in connection with a complaint or refused to do something because it would be a breach of a policy or Guidelines.

The Company will not tolerate any attempt to retaliate against another Worker for bringing a complaint of harassment or discrimination in good faith. Similarly, the Company will not retaliate against anyone for cooperating or participating in an investigation of alleged harassment or discrimination, and will not tolerate attempts at such retaliation from its Workers. Victimisation is unlawful and may lead to disciplinary action, up to and including possible termination of employment

Unlawful Vilification

Unlawful vilification occurs when a person, by public act, threatens physical harm towards any person or group, or their property, or incites hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of that person's or group's race, religion, sexual orientation, HIV/AIDS status or transgender identity. Vilification is against the law and is prohibited under this policy.

Malicious Intent

Malicious intent is when a person is found to be intentionally creating rumours of gossip about another party, intentionally distressing a Worker or making false or vexatious complaints about another Worker.

Workers who are found to abuse this policy by making false or malicious complaints about another Worker may face disciplinary action up to and including the termination of their employment.

Worker Obligations

All Workers have a statutory duty to take reasonable care of their own health and safety and that of others. Workers must ensure their conduct does not adversely affect the health and safety of others or breach this policy. Breaches of this duty may result in prosecution, fines or, in serious cases, imprisonment.

Everyone at the Company must not unlawfully discriminate, harass, bully or victimise others in the workplace.

The Company expects everyone to treat others with dignity, courtesy and respect.

You must follow the standards in this policy and consider how your behaviour may be perceived by others.

The Company also has a positive duty under the *Sex Discrimination Act 1984 (Cth)* to take proactive and meaningful steps to eliminate, as far as possible, unlawful sex discrimination, sexual harassment, sex-based harassment, hostile workplace environments and related victimisation. The Company meets this duty through regular risk assessments, mandatory training for all Workers on commencement and at regular intervals thereafter, monitoring of complaint trends, and reporting on prevention activities to senior leadership.

Bullying and harassment may also constitute a psychosocial hazard under work health and safety laws. Workers and the Company must have regard to the applicable WHS regulator's requirements for managing psychosocial hazards at work, which require proactive identification, assessment and control of risks arising from inappropriate workplace behaviour.

Confidentiality

Anyone involved in a complaint must keep it confidential and not share information without approval from People and Culture, unless required by law or disclosed confidentially to a support person or legal adviser. A breach of confidentiality may result in disciplinary action, up to and including termination of employment.

The Company will keep complaint information confidential to the fullest extent practicable and permitted by law. However, complete confidentiality may not be possible where issues are serious, involve senior employees, or create psychological or safety risks to others. Relevant workers, third parties and others involved in resolving the complaint may need to know about it to investigate, resolve the matter and implement outcomes. Publishing complaint information may expose you and/or the Company to a defamation claim.

Active bystanders

All workers have a role in responding when behaviour falls below expected standards.

A bystander is someone who witnesses or hears about bullying, discrimination or harassment.

An active bystander is someone who safely speaks up or intervenes when they witness discrimination, harassment, sexual harassment, victimisation or bullying. A person may also be liable if they request, instruct, encourage, authorise or assist another person to sexually harass someone. The Company encourages active bystanders to help maintain a safe and inclusive workplace and support colleagues.

You can act as an active bystander in several ways:

- **Diffuse:** De-escalate the situation by changing the subject, making a light comment, pausing, or showing disapproval.
- **Check In:** Ask the person affected if they are okay, express your disapproval, and offer support if they want to report the incident.
- **Call Out:** Calmly state that the behaviour is unacceptable, either publicly or privately.
- **Report:** Report unlawful conduct, including bullying, harassment, sexual harassment, discrimination, or victimisation, to People and Culture.

Obligations to Report Unlawful Conduct

All workers must report unlawful conduct to People and Culture, even if:

- the information was provided confidentially or anonymously;
- the affected worker does not want to make a complaint; or
- the conduct does not directly involve the reporting worker.

All workers have a positive duty to take proactive steps to prevent and eliminate unlawful conduct, including bullying, harassment, sexual harassment, discrimination and victimisation, and must report any allegation immediately to a People and Culture.

Grievance/complaint procedures

All complaints will be taken seriously and handled in accordance with the process below.

If this policy is breached, the Company may take appropriate action, including disciplinary action up to and including termination of employment.

All parties must cooperate fully and act honestly and in good faith when making a complaint or participating in an investigation. Failure to do so may result in disciplinary action, up to and including termination of employment.

What should you do if you have a complaint

Early intervention:

A worker may first try to resolve a grievance directly with the other party through early intervention.

This is not appropriate where the conduct involves sexual harassment, physical violence, threats of violence, is unlawful or other conduct that may amount to serious misconduct if substantiated. The aim of early intervention is to alert a person to offensive behaviour, stop it, and prevent escalation or repetition. This may include:

- raising the issue directly with the person, if it is safe and comfortable to do so; or
- seeking help from an observer to speak to the person or intervene if it happens again.

Informally:

A Worker may tell the offender their behaviour is inappropriate and ask them to stop or if they are uncomfortable doing so, they may seek assistance from their Leader or People & Culture.

If the offender is their Leader, they may seek assistance from People and Culture.

If the behaviour continues after being raised, the Worker may make a formal complaint to their Leader and/or People and Culture who will work with the complainant to start a formal investigation. Escalation decisions will take into account the wishes of the person affected, the seriousness and context of the behaviour, the seniority of the offender, the impact on the individual, risks to psychological and physical safety, and whether the conduct may also be criminal.

Formally:

To address a grievance formally, contact the People and Culture who will explain the process. The Company may appoint an internal or external investigator at its discretion.

An investigation may involve:

- interviewing the complainant, alleged offender, witnesses and other relevant people, and taking statements if needed;
- reviewing records such as system, phone, text, email, and performance records;
- putting the allegations to the alleged offender and giving them an opportunity to respond; and
- treating allegations as unproven until the investigation concludes, and taking reasonable steps to protect the privacy and reputation of all parties throughout the process.

Where reasonably practicable, complaints will be acknowledged within five business days and investigations completed within a reasonable timeframe having regard to their complexity. The Company may implement interim measures while a matter is being resolved, such as adjusted reporting lines, no-contact directions, or other appropriate support, to protect the wellbeing of those involved without presuming an outcome.

The complainant and alleged offender may request a support person at interviews. The support person's role is to observe only, unless permitted to contribute by the person conducting the interview, and they must keep all investigation information confidential.

If an external investigator is appointed, details of the grievance may be shared with the investigator, the alleged offender and relevant witnesses. Anyone interviewed may have a support person present. After the investigation:

- a report may be prepared setting out the process, evidence, and findings for the decision maker; and
- the findings may be shared with the complainant, alleged offender, and others if the Company considers it necessary. Disclosure is at the Company's discretion.

The Company may direct a worker to participate in any informal or formal resolution process or investigation. If a worker does not participate, the Company may suspend the process, determine

the outcome based on the information available, and take disciplinary action.

Vexatious Complaints

Workers must not raise allegations or grievances that are frivolous, vexatious or without reasonable cause.

A vexatious claim is one where:

- the main purpose is to harass, annoy or embarrass the other party; or
- the grievance is brought for another purpose, such as revenge or retribution, rather than to resolve the issues raised.

Without reasonable cause means a claim made without any real reason, factual basis or genuine purpose. Examples include allegations that are:

- so untenable they cannot possibly succeed;
- manifestly groundless; or
- insufficiently or inadequately particularised.

A worker who makes a vexatious complaint, or raises allegations without reasonable cause, may be disciplined, up to and including termination of employment or engagement.

External Assistance

External bodies who can provide information about or specialise in independent resolution of sexual harassment include:

- Australian Human Rights Commission.
- Relevant State Equal Opportunity Commission.
- Relevant State Workplace Health and Safety Body.
- Refer to Whistleblower Policy Provider Right Call

Employee Assistance Program

EAP is available to all employees and their immediate family. EAP is a free, professional and confidential counselling service run independently. It provides counselling and assistance to help resolve or deal with personal problems and issues which may be affecting work or home life. The program is completely confidential and details of individual use by employees are not reported to the Company. For more information on EAP, refer to the People and Culture intranet page.

Disciplinary Action

Any proven breach of this policy may result in disciplinary action, up to and including termination of employment or engagement.

Possible action includes:

- counselling;
- disciplinary action, including demotion, transfer, suspension, probation, or dismissal;
- official warnings;
- formal apologies; and
- conciliation or mediation.

If the complainant and alleged offender continue working together, the relationship will be monitored to ensure the behaviour does not recur.

All parties must act honestly and in good faith when making a complaint or participating in an

investigation. Bad faith, false, malicious, frivolous or vexatious complaints may result in disciplinary action, including dismissal.

Internal Contact

If at any time you have any questions regarding this policy, your obligations or the grievance procedure outlined above, please contact People and Culture.

This policy summarises some of the rights and obligations which are created by the legislation. The current relevant legislation includes:

- Sex Discrimination Act 1984 (Cth);
- Racial Discrimination Act 1975 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Age Discrimination Act 2004 (Cth);
- Australian Human Rights Commission Act 1986 (Cth);
- Fair Work Act 2009 (Cth);
- Workplace Gender Equality Act 2012 (Cth); work health and safety legislation in the State or Territory in which you work; and
- anti-discrimination legislation in the State or Territory in which you work.

You are encouraged to read this policy in conjunction with other relevant Company policies, procedures and guidelines .