

NMV PTY LTD

ANTI-SEXUAL HARASSMENT POLICY

POLICY STATEMENT

NMV Pty Ltd trading as GSM Communications (“**GSM**”) is committed to creating a workplace culture which is focused on equality and respect, which supports people to take bystander action and takes a zero-tolerance approach to sex-discrimination, sexual harassment, sex-based harassment, conduct that creates a hostile workplace environment and victimisation.

Sexual harassment, sex-discrimination and sex-based harassment, conduct that creates a hostile workplace environment on the ground of sex and victimisation is unlawful and is unacceptable. Such behaviours are also a work health and safety issue.

It is the obligation and responsibility of everyone working at GSM to treat others with dignity, courtesy and respect and ensure that the workplace is free from sexual harassment, sex-based harassment, behaviour that may result in a hostile workplace environment and victimisation.

GSM also has a positive duty to take reasonable and proportionate steps to eliminate, so far as possible, sex-discrimination, sexual harassment, sex-based harassment, a hostile workplace environment and victimisation.

GSM also has a duty of care under work health and safety law to ensure, so far as is reasonably practicable, the health and safety of workers. This includes managing the risks of sexual harassment and other related unlawful behaviours.

PURPOSE

The purpose of this Policy is:

- To ensure all workers understand the standards of behaviour expected of them and their legal rights and responsibilities in relation to workplace sexual harassment and other related unlawful behaviours.
- To ensure all workers understand what sexual harassment and other related unlawful behaviours are, how to prevent such behaviour, and how to respond to it in a way that minimises harm and ensures they meet their legal responsibilities.

ZERO TOLERANCE

Sexual harassment is prohibited by law (both at a Federal and State level) and anyone who commits an offence of this nature may have legal and/or disciplinary action taken against them. The sexual harassment may also be reported to the police.

GSM takes a ‘zero tolerance’ approach to sex-discrimination, sexual harassment, sex-based harassment, conduct that creates a hostile workplace environment and victimisation in the workplace. Any worker who believes they have been subjected to or have witnessed such unlawful behaviours are encouraged to report the behaviour.

Zero tolerance means there will be action and consequences that are appropriate and proportionate considering an offender’s behaviour and the impact of their actions. However, zero tolerance does not mean that we will respond in the same way to every incident, for example, through automatic dismissal.

TERMINOLOGY

This policy covers five types of different unlawful behaviours: sex-discrimination, sexual harassment, sex-based harassment, conduct creating a hostile workplace environment and victimisation. Throughout the policy these behaviours are sometime collectively referred to as “**unlawful behaviours**”. A single act of conduct may fall into more than one of these categories, for example both sexual harassment and sex-based harassment.

Also in this policy, when reference is made to “**GSM**”, this is meant to also cover any associated entity of NMV Pty Ltd and it's dealer suppliers.

WHO THIS POLICY APPLIES TO

This policy applies to all ‘workers’ engaged by GSM. ‘Worker’ has the same meaning as in the *Work Health and Safety Act 2011* (Cth) which includes, but is not limited to:

- employees;
- contractors and sub-contractors;
- student placements or work experience students/interns;
- volunteers and anyone working in an unpaid capacity;
- business owners including dealer suppliers;
- a person conducting a business or undertaking (PCBU);
- managers, supervisors, team leaders;
- prospective employees (full-time, part-time, fixed term, and casual);
- customers and visitors; and
- any other workers

WHEN THIS POLICY APPLIES

This policy applies when workers are:

- working at GSM (including working from home) during or outside normal working hours; interacting with other workers;
- interacting with third parties (including customers and visitors) where that interaction occurs in connection with any work-related activity, e.g. sexual harassment of a visitor or customer by a worker;
- performing functions in connection with or in relation to their work (e.g. lunches, after work drinks, social functions, conferences, travelling for work, at accommodation whilst travelling for work, at work functions and events);
- working on behalf of or acting in an official capacity for GSM, including when providing a service to clients or customers and when interacting with members of the public;
- performing work activities off-site (e.g. at other GSM locations); out of work hours interaction where there is a connection to work; and
- using social media, online spaces and other electronic communication (e.g. email, text message, Microsoft Teams, Zoom, Workplace) where the conduct is in connection with the employment or involving online communication between workers or between a worker and a third party (this is the case for use of social media professionally or personally, in the workplace and after hours where there is a connection with work e.g. between work colleagues).

To the extent that there is an inconsistency between the law and this policy, the law will prevail.

ROLES AND RESPONSIBILITIES

Team members’ and other workers must:

- complying with this policy as amended from time to time;
- demonstrate personal conduct consistent with this policy. This means they must treat others with dignity, courtesy and respect and not engage in sexual harassment, sex-discrimination, sex-based harassment, conduct creating a hostile workplace environment, victimisation or condone any such behaviours by others;
- seek assistance when unsure about how to implement this policy; and
- be encouraged to report suspected breaches of the policy in accordance with the reporting mechanisms below.

Managers, Leaders and Supervisors (in addition to their responsibilities as employees) must also:

- communicate, promote and proactively encourage others to uphold and comply with this policy;
- promote a work culture where sexual harassment and other related unlawful behaviours are unacceptable;
- challenge inappropriate behaviour and where comfortable to do so be an active bystander when witnesses such behaviour;
- encourage an environment where workers feel safe to report behaviours in breach of this policy;
- care and support of those impacted when responding to concerns raised, reported or observed; and
- treat all reports of sexual harassment and other related unlawful behaviours seriously and confidentially and take prompt action to address them.

SEX DISCRIMINATION

Sex-discrimination is when someone is treated unfairly, or is unreasonably disadvantaged, because of their sex, or a characteristic that is generally pertains to or is generally imputed with a person of that sex.

Sex-discrimination can be both direct and indirect. Direct discrimination occurs when a person is treated less favourably than someone of a different sex would be treated in the same or similar circumstances.

Indirect sex-discrimination occurs when an existing or proposed condition, requirement or practice (such as a rule or policy) has or is likely to have, the effect of disadvantaging persons of the same sex as the person. A condition, requirement or practice will however not be unlawful discrimination where it is reasonable in all the circumstances.

Examples of sex-discrimination in the workplace includes, but are not limited to:

- offering women and men different rates of pay or benefits for doing the same job;
- not hiring a man because existing staff do not want to work with a man;
- making assumptions about the sort of work that people are capable of because of their sex;
- thinking that certain types of work because of their sex;
- insisting women wear different clothing to work to men, for example, short shirts or sexualised uniforms.

SEXUAL HARASSMENT

1. What is sexual harassment?

Sexual harassment is any unwanted, unwelcome or uninvited behaviours of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, and the display of

offensive material at the workplace or other behaviour which creates a sexually hostile working environment.

2. Examples of sexual harassment

Sexual harassment is any unlawful conduct of a sexual nature (including sexual advances, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature) that a reasonable person (aware of all the circumstances) would anticipate could possibly make the recipient feel offended, humiliated and/or intimidated.

A working environment or workplace culture that is sexually permeated or hostile can also amount to unlawful sexual harassment (e.g. the display of obscene or pornographic materials, general sexual banter, crude conversation or sexual innuendo and offensive jokes).

Sexual harassment in the workplace may be physical, spoken, non-verbal, written, image-based, online or phone communication and may include, but is not limited to (whether intentional or unintentional):

- unwelcome physical contact of a sexual nature;
- inappropriate staring or leering that makes the other person feel intimidated;
- comments or questions of a sexual nature about a person's private life or their appearance;
- sexually suggestive behaviour, such as leering or staring or offensive gestures;
- suggestive sounds or facial expressions such as winking, licking lips, throwing kisses, howling, smacking of lips;
- brushing up against someone, touching, fondling or hugging;
- sexually suggestive comments or jokes;
- sending or displaying offensive images, screen savers, photos, calendars or objects;
- repeated invitations to go out on dates;
- unwanted displays, declarations of affection or personal gifts;
- repeated invasion of personal space or blocking someone's path;
- requests for sex;
- sexually explicit emails, text messages or posts on social networking sites;
- sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and
- unwanted or repeated invitations to go out on dates, start a relationship or propositions for sex;
- threatening to share or sharing intimate images/video of someone without consent;
- actions or comments of a sexual nature in a person's presence (even if not directed at that person).

Sexual harassment may be perpetrated by various people in the workplace, including an employer, supervisor, co-worker, client, contractor, volunteer or customer.

3. What is not sexual harassment?

Sexual or romantic interaction that is entered into freely and is reciprocated between consenting adults is not sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated action. However just because two individuals are, or used to be, in a consensual sexual relationship does not preclude the possibility of sexual harassment during or following the end of the relationship.

4. Threshold

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person and if it is unwelcome.

Just because someone is not objecting to inappropriate conduct in the workplace when it happens is not tantamount to giving consent for the behaviour or acquiescing to its repetition in the future. It should not be assumed that a person consents to another person's behaviour simply because they have not complained about it. Power imbalances and concerns about victimisation or reprisal may prevent the person from expressly objecting to the behaviour.

SEX-BASED HARASSMENT

Sex-based harassment is any unwelcome conduct of a demeaning nature because of a person's sex, in circumstances which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of sex-based harassment include, but are not limited to:

- making inappropriate comments and/or jokes about a person based on their sex (e.g. joking about a woman being 'hormonal' based on her menstrual cycle or experience of menopause, or criticising a male's ability to properly clean because he is a man);
- asking intrusive personal questions based on a person's sex;
- displaying images or materials that are sexist, misogynistic or misandrist;
- making sexist, misogynistic or misandrist remarks about a specific person;
- requesting a person to engage in degrading conduct based on their sex.

There is no requirement that the unwelcome conduct be repeated, a one-off incident or comment can be sex-based harassment.

The motive of the person who engaged in sex-based harassment is irrelevant. It also does not matter if other workers or colleagues wouldn't have been offended, humiliated or intimidated by the behaviour, only the person to whom the conduct was directed towards needs to have found it unwelcome.

CONDUCT CREATING A HOSTILE WORKPLACE ENVIRONMENT

A hostile workplace environment is one where a reasonable person having regard to all the circumstances would have anticipated the possibility that a person's behaviour that has occurred or is occurring would result in the workplace environment being offensive, intimidating or humiliating to another person by reason of their particular sex or a characteristic associated with their sex.

For a workplace to be a hostile workplace environment, the behaviour does not need to have been directed towards any particular person in the workplace and it does not need to have actually resulted in an individual being offended, humiliated or intimidated. The inappropriate behaviour from the person must just have had the possibility of making the person feel unwelcome or excluded by the workplace environment by reason of their sex or a characteristic associated with their sex.

Examples of conduct that may amount to a hostile workplace environment include but are not limited to:

- Displaying obscene or pornographic materials
- General sexual banter
- Sexual innuendos
- Offensive jokes.

VICTIMISATION

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a report, they intend to lodge a report, or they are involved in a report of sexual harassment or other related unlawful behaviour. It can include:

- bullying or intimidation by co-workers
- being denied a promotion or being moved to a position with lower responsibility
- dismissal or threatened dismissal from employment
- being refused further contract work.

Workers must not retaliate against a person who raises a report or subject them to any detriment.

Victimisation is unlawful and will not be tolerated at GSM. Any person found to victimise, harass or take reprisal action against individuals participating in procedures associated with this policy (including potential witnesses to unlawful conduct) may be subject to separate disciplinary action. Any incidents of victimisation should be immediately reported.

REPORTING

GSM strongly encourages workers to raise concerns or make a report, if they believe there has been a breach of GSM's Anti-Sexual Harassment Policy, whether they experience, witness, or become aware of inappropriate behaviour occurring in the workplace. All reports will be taken seriously.

Making a report about sexual harassment and/or other related unlawful behaviours does not necessarily automatically trigger a formal investigation, although that may be appropriate in some cases. Support, advice, and early intervention may prevent further or more serious instances of sexual harassment from occurring.

Workers are encouraged to make timely reports, while being reassured they will not be treated unfairly because of any delay in reporting harassment. However, acknowledging that if there is a delay in reporting, this may impact on GSM's ability to fully investigate the matter if involved workers are no longer with the company.

1. Reporting Pathways - Internal

STEP 1:

People who have experienced or witnessed the unlawful behaviour can (if they feel comfortable) talk to the person or people displaying the unlawful behaviours and explain that the behaviour is unlawful, inappropriate and to stop such behaviours. This allows the problem to be kept informal and for the other person or people to understand the impact of their behaviour and choose to change it.

STEP 2:

People who have experienced or witnessed the unlawful behaviour are not comfortable performing **Step 1** or if they have not been able to resolve the issue with the other person or people directly, then escalate the issue to your manager for guidance, assistance, and support. You can request such assistance either verbally or in writing. Depending on the nature of the report, your manager may need to meet with you to discuss the concern, obtain further information and may ask you to document the matters in writing.

STEP 3:

If you are not able to resolve the concern with your manager's help, or if your manager is involved in the issue, or if your manager is not the right person to speak with for any other reason, escalate the issue to Effie Swed. You can request such assistance either verbally or in writing.

STEP 4:

If the previous steps do not resolve your concern, you can make an application for a stop sexual harassment order with the Fair Work Commission.

2. Reporting Pathways - External

In Australia, formal reports can also be made to external agencies including the Australian Human Rights Commission, various state and territory anti-discrimination agencies and work health and safety agencies, the Fair Work Ombudsman and/or the Fair Work Commission.

In cases of sexual assault, indecent exposure, stalking, obscene communications or any other criminal conduct, workers are encouraged to make a report to the police. If the assault occurred in the workplace, GSM may also be required to report the matter to police.

3. Anonymous Reports

In some situations, a person disclosing or reporting conduct or witness may wish to request to remain anonymous and where appropriate, anonymity will be provided.

It may however not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that a respondent may need to be provided with the full details of allegations, including the person who reported or disclosed the unlawful behaviour and witness details, when consideration of procedural fairness and natural justice are taken into account.

4. Bystander Intervention

Bystanders who witness or are aware of sex-discrimination, sexual harassment, sex-based harassment, conduct that creates a hostile workplace environment or victimisation occurring, can play an important role in preventing such inappropriate behaviour in the workplace. In order to promote a safe, equitable and respectful workplace, GSM encourages all workers to take bystander action to:

- provide support to individuals who are being subjected to sex-discrimination, sexual harassment, sex-based harassment, a hostile workplace environment or victimisation;
- formally or informally challenge concerning behaviour witnessed (if it safe to do so and the witness feels confident enough to do so); and
- report all incidents of sexual harassment, sex-based harassment, conduct that creates a hostile workplace environment and/or victimisation that they witness or hear about in the workplace.

GSM will not tolerate any victimisation, bullying, harassment or intimidation against those who take bystander action.

5. Confidentiality

Where possible and appropriate, disclosures/report of sex-discrimination, sexual harassment, sex-based harassment, behaviour resulting in a hostile workplace environment and victimisation to GSM will remain confidential to the extent possible, taking into account GSM's obligation to provide a safe workplace, afford natural justice to the respondent and require disciplinary action.

Workers who are directly involved with a disclosure/report or an accompanying investigation must maintain confidentiality. A failure to do so may result in disciplinary action.

6. Support

Being involved in a workplace sex-discrimination, sexual harassment, sex-based harassment, hostile workplace environment incident or investigation can be stressful, difficult, and traumatic and there is no right or wrong way to respond.

Support can take many forms and can be formal or informal. If you are involved in a disclosure/report, there are a range of support and advisory services that can provide you with free and confidential support should you need it.

GSM will endeavour to provide you with the contact details of support services (including external agencies) you may be able to access if required. Workers are also encouraged to ask for support if needed.

Details of external support services available are also listed at the end of this policy.

REPORT HANDLING PROCEDURE

If any worker reports that they have been subjected to any form of sex-discrimination, sexual harassment, sex-based harassment, conduct creating a hostile workplace environment or victimisation, or is a witness to such behaviour they should not ignore it. GSM has a report procedure for dealing with these matters.

The report handling process may differ depending on the nature of the concern or problem regarding behaviour in breach of this Policy.

If an allegation of misconduct has been made, GSM must deal with the allegation in accordance with any applicable legislation. This includes making an initial assessment of whether the allegation is vexatious or trivial, whether the conduct does not amount to misconduct, or whether there is likely to be difficulty in establishing the facts of the matter.

The type of report procedure used will largely be determined by the nature of the report made and the preferences of the person disclosing as to how they would like the conduct to be dealt with. Whilst GSM will endeavour to outline the report process options available to a person who is reporting or disclosing the unlawful behaviour and may seek their views, it will not always be appropriate for the person who is reporting or disclosing the unlawful behaviour to determine the procedure, but they will be kept informed throughout.

In some cases, the person impacted may not want any action taken and is reporting the behaviour so that the GSM knows that it has occurred. GSM has an obligation to deal with any wrongdoing it becomes aware of. In some cases, action may therefore be warranted, even where the person impacted communicates that they do not want any further action to be taken. This may particularly be the case in situations where the behaviour constitutes a work health and safety risk or a criminal offence or requires disciplinary action to be taken or where there have been repeated disclosures/reports regarding an individual's behaviour.

1. Informal process

Informal resolution or management is where the issue is resolved internally, without a formal response or investigation. Rather than making a determination as to whether the conduct occurred, the aim is to emphasise resolution and stop escalation or future incidents by educating the alleged harasser about acceptable standards of behaviour and mitigating the risk of the conduct repeating in the future.

The informal report procedure is better suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

Responding to issues through informal resolution may include:

- conducting or facilitating open and respectful discussions between parties to address the behaviour
- refresher training for the general work area on the requirements of this policy
- a leader, manager or supervisor speaking to the alleged harasser about their behaviour
- putting system changes in place to prevent further issues, e.g. moving or changing the shifts of the alleged harasser, directing the alleged harasser to participate in behavioural change counselling.

2. Formal investigation

In other cases, a more formal approach may be appropriate. Formal processes typically involve investigating the reported behaviour, making a finding, and deciding on an appropriate outcome. Formal processes can be conducted internally or can involve external assistance such as an external investigator to investigate the allegation/s and make factual findings, and report to GSM, which will then decide an outcome.

If GSM considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. GSM may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

3. Availability of a support person

All workers are entitled to request to have a support person (eg. a co-worker, friend, family, lawyer) present during the reports process.

A support person should not be a party to the report of unlawful behaviour or a witness to the behaviour that is the subject of the report. A support person's role is to provide emotional support; they should not act as an advocate or speak for the participant. A support person is required to keep all details of the report and investigation confidential.

Workers should notify GSM, as soon as practicable, if they would like to have a support person present during an investigation and should provide the details of the support person, so that the request can be considered.

A request for a support person to be present will not be unreasonably refused. Reasonable efforts will be made to accommodate the availability of a participant's support person. However, if the support person's availability unreasonably delays the formal investigation process, the worker will be advised to nominate another support person.

Those directly involved in the disclosing or reporting unlawful conduct (ie. person and respondent) are also entitled to seek personal and professional support, and seeking of such support (for example, from someone who has knowledge of the report) is not considered a breach of confidentiality.

4. Claims without substance

GSM encourages the reporting of behaviours that the worker genuinely believes to be sex-discrimination, sexual harassment, sex-based harassment, subjecting a person to a hostile workplace environment or victimisation.

However, if a person disclosing or reporting conduct or a witness is found to have made a false claim (knowingly provided false claim, or knowingly made false allegations) they may be subject to separate disciplinary action, up to and including termination of employment.

POSSIBLE OUTCOMES/FINDINGS

Each case will be assessed and determined on its own merits. Where allegations are substantiated, action that is consistent and proportionate will be taken to hold the responsible person to account for their behaviour. Outcomes will be determined on a case-by-case basis and include (but are not limited to):

- disciplinary action, e.g. warning, suspension, demotion or dismissal
- a change to working hours or locations
- an apology
- agreement on protocols to manage the relationship moving forward
- refresher sexual harassment prevention training
- coaching or performance counselling

- behavioural change counselling.

Workers should be aware that failing to comply with this policy at any time may lead to disciplinary action, up to and including termination of employment. Where a serious allegations are substantiated, it is likely this will be found to be misconduct and disciplinary action will follow.

Non-compliance with this policy may also breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the individual. In the event of legal proceedings, individuals may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

Workers, who cause, instruct, induce, aid, abet, or encourage or permit other persons to engage in unlawful conduct, can also be legally liable.

Where a claim is substantiated, GSM will seek to work with the impacted person(s) to understand and implement, where possible, actions which may help them to recover from the incident, rebuild relationship and continue a successful career with GSM.

GENERAL

This Policy is not intended to go beyond any legislation. This Policy is not a term of any contract, including any contract of employment and does not impose any contractual obligations, implied or otherwise on GSM.

This Policy may be varied by GSM from time to time.

ADDITIONAL SUPPORT SERVICES

1800 Respect

Free 24/7 confidential phone and online counselling

1800 737 732

www.1800respect.org.au

Lifeline

24-hour crisis support and suicide prevention

Ph: 13 11 14

Website: <https://www.lifeline.org.au>

Beyond Blue

Available 24/7 for brief counselling. Online counsellors at Webchat Support Service.

Ph: 1300 224 636

Website: <https://www.beyondblue.org.au/support-service/chat>

Suicide Call Back Service

Nationwide service providing 24/7 phone and online counselling.

Ph: 1300 659 467

Website: <https://www.suicidecallbackservice.org.au>

13 Yarn

24/7 culturally safe crisis support for Aboriginal and Torres Strait Islander people.

Ph: 13 92 76

Website: 13yarn.org.au

Blue Knot National Counselling and Referral Service – Disability

Contact for emotional support or ask to be connected to a counsellor near you.

Available 9.00 am to 6.00 pm weekdays, and 9.00 am to 5.00 pm on weekends and national public holidays.

Ph: 1800 421 468

Website: <https://blueknot.org.au/national-counselling-referral-service-disability>

QLife

Australia-wide peer support and referral for LGBTIQ+ people, friends and families.

Ph: 1800 184 527 and webchat: qlife.org.au from 3.00 pm – midnight daily

Website: <https://qlife.org.au/get-help>

MensLine

Australia Professional 24/7 telephone counselling support for men.

Ph: 1300 789 978

Website: mensline.org.au

Headspace

Support for young people aged between 12 and 25 years of age.

Ph: 1800 650 890

Website: <https://headspace.org.au>

Local doctor

See your GP for advice and referral to support services to suit your needs.

If you, or someone else, is in immediate danger you should call the police on 000. If there is no immediate danger but you or someone else needs police assistance call 131 444.