

Just A Farmer - *DISCRIMINATION, HARASSMENT, VILIFICATION OR VICTIMISATION POLICY*

INTRODUCTION

Just A Farmer SPV Pty Ltd (the Company) is committed to providing a workplace free from discrimination and harassment.

The Company aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. The Company also tries to create an environment which promotes good working relationships.

All workers are responsible for ensuring they do not promote or engage in discrimination or harassment. Behaviour or conduct by a worker which constitutes discrimination or harassment will not be tolerated and may result in disciplinary action up to and including termination of employment/cessation of engagement.

A **worker** is any person who carries out work for the Company, including an employee, a contractor or subcontractor (and their employees), a labour hire worker, outworker, apprentice or trainee, work experience student or a volunteer.

COMMENCEMENT OF POLICY

This policy commences on 20/01/2023 and replaces all or any other discrimination and/or harassment policy (whether written or not).

RELATED POLICIES

Investigation Policy

Workplace Bullying Policy

ANTI- DISCRIMINATION LAWS

Under anti-discrimination laws, discrimination, sexual and some other forms of harassment, victimisation and vilification are unlawful.

INTENTION NOT RELEVANT

Whether or not you intend to discriminate against or harass another person is irrelevant. The conduct will be considered objectively having regards to all the facts and circumstances.

APPLICATION OF THIS POLICY

This policy applies to all workers engaged by the Company in Australia. Every worker must comply with this policy as amended from time to time.

This policy does not form part of and is not incorporated into any worker's contract of employment or contract for service with the Company.

This policy applies while the worker is at work for the Company. It also extends to work-related functions and outside of work where there is a sufficient connection to the workplace, including, but not limited to, the following:

- work or client functions;
- conferences, seminars or training sessions;
- work Christmas or other parties;
- business trips;
- use of social media; and
- any place defined as a workplace under relevant work health and safety legislation

Legal framework and obligations

What is the law on discrimination, harassment, sexual harassment and bullying?

There are specific laws pertaining to discrimination, harassment, sexual harassment and bullying. These laws intersect with WHS laws, which cover both physical and psychological health. Unless an exception applies, employers and workers must comply with both national and relevant state/territory laws that prohibit discrimination, harassment, sexual harassment and bullying in the workplace.

Just A Farmer SPV Pty Ltd, are committed to providing a safe, respectful and inclusive workplace.

Just A Farmer SPV Pty Ltd **WILL NOT** tolerate the following behaviours at any time before, during and after production.

- Discriminate
- Harass
- Sexually Harass
- Bully
- Victimisation

Any reports of inappropriate behaviour will be taken seriously, no matter where or when they happen

Incidents that occur:

- at work – such as in the office, on set or on location;
- during work-related travel;
- at work-related functions – such as Christmas parties, opening nights, after parties, conferences, business trips, other industry related events; and
- outside of work where there is a connection to the workplace; and

Incidents involving the use of digital communication to harass a person, for example:

- Text messages;
- Social media posts and messages; and
- Emails that have a connection to the workplace.

DEFINITIONS

1. Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability. Protected personal characteristics under federal discrimination law include, but are not limited to:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer;
- Race, colour, descent, national origin or ethnic background;
- Age;
- Gender, gender identity;
- Sexual orientation;
- Industrial activity;
- Religion;
- Pregnancy and breastfeeding;
- Marital status;
- Political opinion;
- Social origin;
- Medical record; and
- Associating with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a protected personal characteristic or may have it at some time in the future.

Discrimination can be either direct or indirect.

- Direct discrimination is usually easy to identify and occurs when a person or group of people with a particular protected characteristic (actual or assumed) are treated less favourably because of that characteristic.

2. Harassment

Harassment is unwelcome and unsolicited behaviour that a reasonable person would consider to be offensive, intimidating, humiliating or threatening. Harassment is prohibited by anti-discrimination legislation where the behaviour targets an individual or group because of a protected characteristic (such as age, sex or race, as outlined above). Harassment that is not related to a protected characteristic is still inappropriate in the workplace and should be dealt with accordingly.

Harassment can be physical, spoken or written.

It can include, but is not limited to:

- Intimidation, verbal abuse, or repeated threats or ridicule;
- Sending offensive messages by text, email or other means;
- Derogatory comments;
- Display of offensive materials, pictures, comments or objects;
- Ridiculing someone because of their accent or English-speaking ability;
- Telling offensive jokes or practical jokes based on a protected characteristic;
- Belittling or teasing someone about their disability based on a protected characteristic; and
- Isolation, segregation or humiliation based on a protected characteristic.

3. Sexual harassment

Whilst the definition varies slightly according to the jurisdiction, generally sexual harassment occurs where a person engages in unwelcome conduct of a sexual nature in circumstances in which a reasonable person would be offended, humiliated or

intimidated. Sexual harassment can be physical, spoken or written. It can include, but is not limited to:

- Staring or leering at a person or parts of their body;
- Excessive or unwelcome familiarity or physical contact, such as touching, hugging, kissing, pinching, massaging and deliberately brushing up against someone;
- Suggestive comments, jokes, conversations or innuendo;
- Insults or taunts of a sexual nature or obscene gestures;
- Intrusive questions or comments about someone's private life
- Displaying or disseminating material such as posters, magazines or screen savers of a sexual nature;
- Making or sending sexually explicit phone calls, emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites in the presence of others;
- Inappropriate or persistent unwanted gifts;
- Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates; and
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

IMPORTANT

If someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour. Behaviour can constitute sexual harassment even if:

- it is a one-off incident;
- the person engaging in the behaviour does not intend for the other person to be offended, humiliated or intimidated;
- some people in the workplace are not offended by the behaviour;
- The behaviour was previously an accepted practice in the workplace.

4. Workplace bullying

Workplace bullying is where an individual or group of individuals repeatedly behave unreasonably to another person or group of persons at a workplace, which creates a risk to health and safety.

Bullying can take many forms. It can be physical, spoken, written, overt or covert. Behaviours that may constitute bullying include, but are not limited to:

- Physical intimidation or abuse;
- Aggressive or intimidating conduct or threatening gestures;
- Manipulation, intimidation or coercion;
- Threats, abuse, offensive language, shouting or belittling;
- Innuendo, sarcasm and other forms of demeaning language;
- Ganging up;
- Public humiliation or belittling;
- Initiation activities;
- Practical jokes, teasing, or ridicule;
- Isolation, exclusion or ignoring people;
- Inappropriate blaming, emails/pictures/text messages;
- Unreasonable accusations or undue unconstructive criticism;
- Allocating unpleasant, meaningless or impossible tasks;
- Placing unreasonably high work demands on selected workers;
- Deliberately withholding information, equipment, resources or support services that a person needs to do their job or access their entitlements;
- Unreasonable refusal of requests for leave, training or other workplace benefits;
- Setting unreasonable timelines or constantly changing deadlines for a specific individual or group of individuals;
- Withholding access to opportunities;
- Deliberately changing hours of work for a person or group to inconvenience them; and
- Unreasonable timelines or constantly changing deadlines targeted at a specific person or group.

Bullying may also constitute unlawful harassment or discrimination if it is connected to a protected characteristic, such as age or race.

5. Vilification

Vilification is any public act that incites hatred, serious contempt, or severe ridicule against another person or group of people due to their race (including ethno-religious origin), homosexuality, transgender status or HIV/AIDS status.

6. Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment, sexual harassment, or bullying. It is also victimisation to threaten someone (such as a witness) who may be involved in an investigation of a complaint.

Victimisation is unlawful in all States and Territories.

Any form of reprisal taken against a worker who has made a complaint should be reported and investigated immediately, with appropriate disciplinary action taken where the conduct is proven.

RESPONSIBILITIES

It is the responsibility of managers and supervisors to ensure workers are not discriminated or harassed within the workplace or in connection with the workplace.

It is the responsibility of every worker not to participate in discriminatory or harassing behaviour within the workplace or in connection with the workplace.

FRIVOLOUS OR VEXATIOUS COMPLAINTS

The Company encourages the reporting of behaviour that a worker genuinely believes to be discrimination, harassment, vilification or victimisation. Further a worker will not be disadvantaged or treated unfairly for dealing with discrimination, harassment, vilification or victimisation in accordance with this policy.

However, if a complaint is found to be frivolous, vexatious or malicious, then disciplinary action up to dismissal may occur against the person making the complaint.

BREACH OF THIS POLICY

If a worker engages in discrimination, harassment, vilification or victimisation, or otherwise breaches this policy, they may be subject to disciplinary action up to and including the termination of employment or engagement with the Company.

Workers may also be personally liable for their own behaviour or conduct. This means that when a worker undertakes discrimination, harassment, vilification or victimisation, the worker may be subject to penalty or subject to an order from the regulator, the Fair Work Commission or other relevant tribunal or court.

CONTACT PERSON

If you have any queries in relation to this policy or discrimination, harassment, vilification or victimisation generally, please contact Ahalya Maharaj.

Reporting unwelcome behaviour, discriminate, harass, sexually harass or bully.

If you have been or have any knowledge of someone who has been discriminated against, harassed, or sexually harassed you must report it to the producer.

Ahalya Maharaj - ph: 0466647144 email: ahalya@vampaddockproductions.com

All information is confidential and your concerns and reports will be taken seriously.

COMPLAINT PROCEDURE

If you believe you or another worker are being subject to discrimination, harassment, vilification or victimisation, you should:

1. not ignore the matter thinking it will go away;
2. if you are comfortable to do so, you should ask the person to stop; and
3. if you are not comfortable doing so or, the conduct does not stop you should immediately notify Ahalya Maharaj by completing the complaint form attached to this policy. If you require assistance in completing the attached complaint form, please seek assistance from Ahalya Maharaj.

Once the complaint is received, the matter will be treated seriously and dealt with confidentially, promptly and reasonably in accordance with the Company's Investigation Policy.

A reference in this policy to confidentiality means that, the Company and the worker must, as far as is reasonably practicable, keep the matter of the discrimination, harassment, vilification or victimisation and any complaint or investigation into it on a needs to know basis only. If you are unsure of who you can discuss the matter, complaint or investigation with please contact Ahalya Maharaj.

Further Measure that can be taken.

- If you wish to have the incident investigated you will need to complete a complaints form that will be held by the producers. *Please note; if producers feel that the incident needs to be investigated they will conduct an investigation.*
- If you or the producers feel that this incident requires police involvement the police will be contacted and a report will be made to have the incident or behaviour investigated.

- If you feel that a mediation with the person or persons responsible is appropriate this will be done so in a safe environment. We suggested that you have a support person you feel safe with to join you in any mediation sessions.
- The situation/incident will be assessed and appropriate disciplinary action will be taken. If you do not feel safe to be around the person or persons responsible, measures will be put in place to ensure that you do feel safe.
- If you or the producers feel you require counselling, we will provide you with a support person that will assist you in dealing with the situation.
- Producers will check in daily to monitor the situation and your progress.

All complaints will be dealt with in a fair, confidential, transparent, accessible, effective and supportive manner.

(Please refer to the *Australian Screen Industry Code of Practice / Discrimination, Harassment, Sexual Harassment and Bullying* document found in your production crew portal)

Shared Responsibility

The entertainment industry is highly collaborative, and it is common for workers from one organisation to work alongside workers from another organisation (e.g. production staff working with venue staff). In this context, there may be several people/employers who have the same responsibility to ensure the health and safety of workers. The WHS laws require those people/employers with shared responsibilities to work together to meet their responsibilities and obligations. For example, this may require employers with shared responsibility to:

- consult and cooperate with each other to agree on the standards of behaviour expected in the workplace; and
- develop an agreed approach for reporting and investigation if unacceptable or unlawful workplace conduct occurs between two (or more) workers from different organisations.

Criminal offences

Unacceptable or unlawful workplace conduct may also constitute a criminal offence:

What constitutes a criminal offence may vary from State to State, as it depends on the legislation in effect. However, some examples of conduct which will usually be considered to be a criminal offence include, but are not limited to: physical assault, sexual assault, stalking or cyber crime, which is where a carriage service is used to menace, harass or cause offence. This can include conduct that occurs over the phone, in text messages or online. If you require specific information about whether unacceptable workplace conduct constitutes a criminal offence in a particular State, we recommend that you seek legal advice on this issue.

Grievance/Complaints Processes

These are the approaches that may be taken to address/investigate the complaint

1. Direct approach: The person identifies the offensive behaviour, explains that the behaviour is unwelcomed and offensive and makes a clear and polite request for the sexual harassment/bullying behaviour to stop.
2. Indirect approach: The person reports the sexual harassment/bullying incidences to their supervisor/manager or a trusted person in the organisation/production. The supervisor/manager/trusted person identifies the offensive behaviour, explains that the behaviour is unwelcomed and offensive and makes a clear and polite request for the sexual harassment/bullying behaviour to stop.
3. Mediation: A neutral and independent person discusses the matter with both parties individually and together discuss the issue/s and offer recommendations to resolve the issue/s amicably.
4. Internal investigation is conducted by an experienced and impartial person to ascertain whether the sexual harassment/bullying is substantiated such as possibly interviewing the respective parties, their supervisors, other eye witnesses on both sides and examining video footage if applicable. All parties involved will be informed about the progress of the investigation. Thereafter

an investigator will conclude with findings, recommendations and information regarding a review of the outcome.

The possible outcome of an investigation could be counselling, a disciplinary action against the offender (demotion, transfer, suspension, probation or dismissal), an official warning, a change of working arrangements, a formal apology conciliation/mediation with a third party, a reimbursement of costs and re-crediting any leave taken as a result of harassment. The outcome will depend upon the severity and frequency of behaviour, evidence, desired outcome by parties, history of incidences and the level of remorse regarding behaviour.

5. External investigation is applicable if the person affected by bullying does feel comfortable raise the issue with their supervisor/manager or independent person in the company or production. SPA and MEAA will establish an independent body that will allow complainants to have their complaints independently assessed. The body will conclude with findings, make recommendations and information regarding a review of the outcome. However, it must be noted that the recommendations from the independent industry body will not be legally binding.
6. Independent legal advice It is recommended to consult independent legal advice before making a claim with the Australian Human Rights Commission, the Anti-Discrimination Board or undertaking litigation to resolve the grievance. Litigation should be a last resort given the cost, time and potential delays involved in this process.

JUST A FARMER SPV PTY LTD
DISCRIMINATION, HARASSMENT, VILIFICATION OR VICTIMISATION COMPLAINT
FORM

PERSONAL DETAILS

Date:
Name:
Email address:
Contact number:
Position:

MAINTAINING CONFIDENTIALITY

Only the people directly involved in making or investigating a complaint will have access to information about the complaint (except in circumstances necessitated by law where the alleged conduct is serious and/or may amount to criminal conduct). Please ensure that you maintain confidentiality and do not disclose details of your complaint except to the extent necessary to make your complaint in accordance with this complaint procedure.

YOUR COMPLAINT

Please include the nature of the discrimination, harassment, vilification or victimisation you say has occurred or is occurring, the relevant date/s and place/s, the name of the person/s you say is engaging in discrimination, harassment, vilification or victimisation and their position/s and what steps if any that you have taken to try to have the discrimination, harassment, vilification or victimisation stop:

--

WITNESSES

Please provide the names of any witnesses to these events:

SUPPORTING EVIDENCE

If there are any documents that may help the Company investigate your complaint, please provide copies or advise where this information may be obtained.

WHAT OUTCOME ARE YOU SEEKING FROM THIS COMPLAINT?

E.g. that the discrimination, harassment, vilification or victimisation stop, that you receive an apology, that disciplinary action be taken:

SIGNED

Signature:

Full name:

Date:

