



Discrimination, Harassment and Bullying Policy

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1. PURPOSE

- 1.1 The purpose of this Policy is to clearly establish the Group's expectations with respect to Discrimination, Harassment, Sexual Harassment, Workplace Bullying and Victimisation in the workplace.

2. SCOPE

- 2.1 The JBS Australia Discrimination, Harassment and Bullying Policy applies to Baybrick Pty Ltd and its controlled subsidiaries excluding listed entities (the **Group**) and their employees (**Team Members**).

3. POLICY STATEMENT

- 3.1 The Group **does not tolerate** and is committed to ensuring that its workplaces are free of all forms of unlawful Discrimination, Harassment, Sexual Harassment, Workplace Bullying, Victimisation and Hostile Workplace Environments.
- 3.2 Disciplinary action will be taken against any Team Member who breaches this policy.

4. ACCOUNTABILITIES

- 4.1 This Policy will be published and reviewed by the JBS Australia Group People & Culture Team.
- 4.2 The Group will:
- (a) take all reasonable steps to ensure its workplaces are free from Discrimination, Harassment, Sexual Harassment, Workplace Bullying and Victimisation;
 - (b) monitor its working environments to ensure that acceptable standards of conduct are observed at all times;
 - (c) ensure that its Leaders model appropriate behaviour themselves;
 - (d) promote this policy; and
 - (e) respond to Team Member complaints regarding behaviours that are contrary to this policy, in a timely and sensitive manner and in accordance with the JBS Australia Complaints and Grievances Policy.
- 4.3 Team Members have a responsibility to:
- (a) understand and comply with this Policy;

- (b) take reasonable care for their health and safety and the safety of others in the workplace;
- (c) behave in a responsible and professional manner, consistent with the Group's values; and
- (d) treat others in the workplace with courtesy and respect.

5. POLICY DETAILS

- 5.1 The Group strictly prohibits all forms of unlawful Discrimination, Harassment, Sexual Harassment, Workplace Bullying, Victimisation, and subjecting anyone to a Hostile Workplace Environment.
- 5.2 Team Members must not directly or indirectly, or incite or assist others to, engage in any of the following behaviours:
 - (a) Direct or Indirect Discrimination;
 - (b) Harassment;
 - (c) Sexual Harassment;
 - (d) Workplace Bullying;
 - (e) Victimisation; or
 - (f) Subjecting anyone to a Hostile Workplace Environment.
- 5.3 The Group urges any victim of, or a witness to any such treatment, to raise a complaint in accordance with the JBS Australia Complaints and Grievances Policy.
- 5.4 Individuals are encouraged to make disclosures of conduct prohibited by this policy in a manner which would allow them to be identified and later contacted (in order to thoroughly investigate the complaint). However, the Group considers that any form of disclosure is better than silence on these important matters.

6. PROCEDURES

- 6.1 Procedures may be made and amended from time to time pursuant to this Policy.
- 6.2 These Procedures are not intended to be prescriptive, and The Group may elect to deviate from these Procedures if it considers it is reasonable or necessary to do so in the circumstances.
- 6.3 The Procedures made under this Policy will be read in conjunction with any similar procedure in any applicable industrial instrument. To the extent that there are any inconsistencies between the Procedure and an applicable industrial instrument, the process described in the applicable industrial instrument will be followed.

7. NON-CONTRACTUAL STATUS OF POLICY

- 7.1 This Policy and any Procedures made pursuant to it are not in any way incorporated as part of any applicable industrial instrument, nor do those documents form any part



of a Team Member's contract of employment. The Group may amend this Policy at any time in its sole discretion.

8. QUERIES ABOUT THIS POLICY

- 8.1 Team Members should contact their Leader or HR representative if they have any questions about the application of this Policy.

9. BREACHES OF THIS POLICY

- 9.1 Breaches of this Policy will result in disciplinary action being taken, up to and including termination of employment.
- 9.2 Team Members must also be aware that engaging in behaviours prohibited by this policy is against the law, under relevant state and federal anti-discrimination legislation. In addition to disciplinary action, legal action can be taken against Team Members who engage in these behaviours.

10. DEFINITIONS

- 10.1 In this Policy, these words have the following meaning:

- (a) **Attribute** means any attribute protected by equal opportunity or anti-discrimination legislation in force in Australia or New Zealand, including any of the following attributes:
- (i) pregnancy, potential pregnancy or breastfeeding;
 - (ii) age;
 - (iii) race, including colour, national extraction, nationality, national or ethnic origin;
 - (iv) disability or impairment including disease or injury;
 - (v) religious belief or religious activity;
 - (vi) political belief or activity;
 - (vii) industrial activity;
 - (viii) lawful sexual activity;
 - (ix) relationship status;
 - (x) sexuality;
 - (xi) sex, gender identity, or intersex status;
 - (xii) social origin;
 - (xiii) parental status, or family or carer's responsibilities; and
 - (xiv) association with, or relation to, a person who has or is assumed to have any of the above attributes.



- (b) **Discrimination** involves the less favourable treatment, or proposed less favourable treatment of a person on the basis of an Attribute, including Direct Discrimination or Indirect Discrimination (or as otherwise defined in equal opportunity or anti-discrimination legislation in force in Australia or New Zealand).
- (c) **Direct Discrimination** occurs on the basis of one (or more) of the Attributes, if a person treats, or proposes to treat, a person with an Attribute less favourably than another person without the Attribute is or would be treated in circumstances that are the same or not materially different.
- (d) **Harassment** involves behaviour towards an individual or group of individuals on the basis of an Attribute that intimidates or humiliates in circumstances where a reasonable person would have anticipated the possibility that the other person would be humiliated or intimidated by the conduct (or as otherwise defined in equal opportunity or anti-discrimination legislation in force in Australia or New Zealand).

Harassment can include behaviour such as:

- (i) telling insulting jokes about particular racial groups or genders;
 - (ii) asking intrusive questions about someone's personal life; or
 - (iii) making derogatory comments or taunts about someone's social origin.
- (e) **Hostile Workplace Environment** means any situation or environment which is created by the conduct of a Team Member or group of Team Members in a workplace of the Group, where a reasonable person would have anticipated the possibility of the conduct resulting in the workplace environment being offensive, intimidating or humiliating to a person of the sex of the other Team Member or Members by reason of:
 - (i) the sex of the person(s);
 - (ii) a characteristic that can be imputed, generally to persons of the sex of the person(s); or
 - (iii) a characteristic that is generally imputed to persons of the sex of the person(s).
- (f) **Indirect Discrimination** occurs on the basis of one (or more) of the Attributes, if a person imposes, or proposes to impose, a Term:
 - (i) with which a person with an Attribute does not or is not able to comply;
 - (ii) with which a higher proportion of people without the Attribute comply or are able to comply; and
 - (iii) that is not reasonable.

Whether a Term is reasonable depends on all relevant circumstances, including for example:

- (i) the consequences of failure to comply with the Term;



- (ii) the cost of alternative terms; and
- (iii) the financial circumstances of the person who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the Term is aware of the indirect discrimination.

(g) **Sexual Harassment** means:

- (i) unwelcome conduct of a sexual nature;
- (ii) which makes a person feel intimidated, humiliated or offended; and
- (iii) Where that reaction is reasonable in the circumstances,

or as otherwise defined in equal opportunity or anti-discrimination legislation in force in Australia or New Zealand.

Sexual Harassment can take various forms and may include (without limitation):

- (i) uninvited kisses or embraces;
- (ii) display or sharing of sexually graphic material including posters, pinups, cartoons, graffiti or messages left on notice boards, desks or in common areas;
- (iii) “flashing” or sexual gestures;
- (iv) sexually explicit conversation, either verbally or in writing;
- (v) physical contact such as patting, pinching or touching in a sexual way;
- (vi) unnecessary familiarity such as deliberately brushing against a person;
- (vii) romantic or sexual propositions;
- (viii) unwelcome remarks or insinuations about a person’s sex or private life;
- (ix) sexual jokes; and
- (x) suggestive comments about a person’s appearance or body.

Sexual harassment is **not** behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

(h) **Term** includes a condition, requirement or practice whether or not it is written.

(i) **Victimisation** occurs when a person is treated less favourably or detrimentally because they:

- (i) have made or intend (in good faith) to make a complaint under the JBS Australia Complaints and Grievances Policy; or
- (ii) are involved in any way in a complaint,



or as otherwise defined in equal opportunity or anti-discrimination legislation in force in Australia or New Zealand.

Victimisation does not include any action taken against a Team Member for a false or malicious complaint made against another person.

- (j) **Workplace Bullying** is repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety (or as otherwise defined in relevant workplace legislation in force in Australia or New Zealand). 'Risk' includes both physical and psychological risks.

Workplace Bullying may be subtle or overt and can include (without limitation), the following forms of behaviour:

- (i) abusive and offensive language or shouting;
- (ii) repeated unreasonable criticism about work or academic performance, often about petty or insignificant matters;
- (iii) deliberate exclusion, isolation or alienation of a Team Member;
- (iv) allocation of humiliating or demeaning tasks, or sabotaging a person's work;
- (v) spreading gossip or false and malicious rumours with an intent to cause harm to a person;
- (vi) sarcasm or ridicule;
- (vii) threatening gestures or actual violence;
- (viii) inappropriate comments about personal appearance;
- (ix) electronic harassment such as through email, SMS social media; or
- (x) hazing (such as harmful or humiliating initiation rituals).

Workplace bullying does not include reasonable management action carried out in a reasonable manner.

