

## The Safe and Respectful Workplace Policy

The Safe and Respectful Workplace Policy embodies Magnis's desire to build a model workforce that applies Magnis's values the key ones in this context are Respectful and Resilient. Magnis encourages, as part of and necessary to establishing this model workforce, all people working for the organisation to speak and behave in a way that exemplifies the Magnis values and which will allow them to achieve their full potential. This workforce will treat each other with respect, care for each other and perform their work without injuring others.

To achieve this Magnis:

- aims to create a safe workplace environment where individuals are free from the risks of harassment, bullying and vilification
- will take reasonable steps to prevent harassment, bullying and vilification in accordance with the Relevant Legislation, and
- will provide and maintain, so far as is reasonably practicable, a working environment that is safe and without risks to health in accordance with the Relevant Legislation
- seeks compliance with this Policy and the Related Documents.

### Scope

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This Policy and the Related Documents apply to all People at the Workplace, including Magnis employees (including directors both executive and non-executive), contractors and consultants.

This Policy and the Related Documents cover all work-related activities and functions, and out-of-hours conduct which occur during the individual's employment or service.

This Policy and the Related Documents do not form part of any contract of employment or contract for service. However, as a policy of Magnis every employee is expected to comply with it.

### Magnis's Obligations under the Relevant Legislation

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Magnis recognises that it has obligations under Relevant Legislation to provide a workplace free from Unacceptable Workplace Behaviour. To achieve this, Magnis will:

- take reasonable steps to prevent harassment, bullying and vilification, and
- provide and maintain, so far as is reasonably practicable, a working environment that is safe and without risks to health.

Consistent with this, Magnis may take steps from time to time to meet its obligations, including training, audits, investigation, and counselling in accordance with relevant Policies where appropriate.

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## **Harassment**

Harassment is defined in this Policy as any unwanted or uninvited behaviour that a reasonable person might anticipate would cause offence, humiliation, or intimidation, it can include behaviour such as:

- telling insulting jokes about racial groups
- sending explicit or sexually suggestive emails
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race, religion or sexual orientation or preference
- asking intrusive questions about someone's personal life, including their sex life.

Workplace harassment must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work-related behaviour of an individual or group.

The process of providing feedback to staff during a formal performance appraisal, or counselling staff regarding their work performance, will not always be free of stress. Managers should manage these processes with sensitivity, respectfully and in so doing they should not avoid their responsibility to provide full, frank, and constructive feedback to staff.

## **Sexual Harassment**

Sexual harassment is defined in this Policy as unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated, it can involve:

- unwelcome sexual advances
  - requests for sexual favors
  - unwelcome comments about a person's sex life, sexual orientation, or preference
  - suggestive behaviour such as leering and ogling
  - unnecessary physical intimacy such as brushing up against a person
  - sexually offensive comments, anecdotes, or jokes
  - displaying sexually offensive visuals (such as photos, pinups, or calendars), reading matter or objects
  - unwelcome comments about a person's physical appearance
  - sexual propositions or continued requests for dates
  - physical contact such as touching or fondling indecent assault or rape (or similar criminal offences)
  - comments about a person's body or appearance
  - staring at a person or parts of their body
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- asking questions or divulging confidences of a sexual nature
- sexually suggestive behaviour
- physical conduct of a sexual nature
- making jokes, verbal abuse or derogatory comments based on a personal characteristic
- pornographic, rude, or sexual emails or screensavers.

It can also happen if someone is working in a hostile environment. Workplace harassment usually consists of a pattern of unwelcome behaviour. However, it can consist of just one act where this is of a serious nature. Also, there is no requirement that the harasser intend to offend or harm for it to be unlawful. All that is required under the law is that a reasonable person would consider that the person being harassed would be offended, humiliated, or intimidated by the behaviour in question.

### **Bullying**

Bullying in a workplace context consists of a repeated, unreasonable pattern of behaviour or less favorable treatment, directed towards an individual by another person or group of people, which may be considered unreasonable or inappropriate workplace behaviour, or which may create a risk to health and safety. It includes behaviour that intimidates, offends, degrades, or humiliates a worker, possibly in front of co-workers or customers. Bullying is inappropriate workplace practice and will not be tolerated.

Bullying may be direct or indirect, intentional, or unintentional.

Unreasonable behaviour is such that a reasonable person, having regard to all the circumstances, could anticipate the behaviour would humiliate, intimidate, undermine, or threaten.

Examples of bullying a particular individual or group of individuals may include:

- verbal or physical abuse
  - verbal threats or insults or offensive language
  - yelling, screaming or offensive language
  - repeated hurtful remarks or attacks
  - excluding or isolating individuals
  - psychological harassment
  - deliberately undermining work performance, for example, by refusing to give sufficient instructions, imposing unnecessary deadlines, or changing deadlines or impossible assignments
  - belittling an individual's contribution or opinion
  - misusing a performance management system, or a return-to-work process, and publicly criticising an individual or group of individuals.
  - making fun of someone or their work
  - intimidation
  - assigning meaningless tasks unrelated to the job
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- giving employees impossible jobs
- deliberately changing work rosters to inconvenience employees
- undermining work performance by deliberately withholding information vital for effective work performance
- pushing, shoving, tripping, grabbing, attacking, or threatening with equipment or weapons initiation or hazing rituals or ceremonies.
- spreading misinformation or malicious rumours
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, or their family
- teasing or regularly making someone the brunt of pranks or practical jokes
- interfering with a person's personal property or work equipment
- unreasonably overloading a person with work or not providing enough work
- unfair treatment in relation to accessing workplace entitlements such as leave or training.

### **Vilification**

Examples of vilification include displaying or communicating offensive material, calling people names, and making offensive comments.

Magnis is committed to taking reasonable steps to prevent harassment, bullying and vilification from happening in the workplace. This involves educating all its employees about Unacceptable Workplace Behaviour by putting this Policy and implementing procedures for resolving workplace issues and ensuring compliance by all People in the Workplace.

### **Employees**

Employees must ensure that they do not discriminate against, harass, bully, victimize or vilify other Persons at the Workplace. Employees should be aware that they can be held legally responsible for their unlawful acts and may also be subject to disciplinary action. This also applies to employees if they aid, abet, or encourage other people to engage in Unacceptable Workplace Behaviour.

### **Third Parties**

While Magnis cannot require its customers to comply with the Policy and Corporate Standard, many of its customers will have similar policies in place or are otherwise required by law to behave in a manner consistent with the Policy and Corporate Standard.

If a Person at the Workplace considers the behaviour of a third party to be offensive or unwelcome (or falling within one of the behaviours prohibited by this policy) they are encouraged to raise those matters in accordance with the Resolving Workplace Issues Policy.

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The Policy is binding on People in the Workplace in respect of all conduct that takes place within a Magnis Group workplace or at the workplace of a Magnis customer or supplier, regardless of whether that conduct is during working hours or not.

#### **Out of Hours Conduct**

Unacceptable Workplace Behaviour can occur outside a Magnis Group workplace and still be a breach of this Policy and the subject of complaint or investigation. By way of example, behaviours prohibited by this Policy that should not be engaged in are:

- at a work-related Christmas party or function (regardless of whether it is paid for by Magnis or not),
- when communicating with another Magnis employee (verbally, by email or text message or through a social networking site such as Facebook or WhatsApp), or
- when socialising with, or in the presence of, another Magnis employee.

#### **Support for Magnis Employees**

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All Magnis employees who believe they have been subject to harassment, bullying or vilification have the option of accessing personal counselling provided by Magnis's Employee Assistance Program. There is no cost to employees or family members of employees for this service. To make an appointment for confidential counselling contact [\[tbd\]](#).

#### **Resolving Workplace Issues**

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If a Person at the Workplace raises an issue regarding Unacceptable Workplace Behaviour, it will be taken seriously and will be dealt with in accordance with the Resolving Workplace Issues Policy

Any person who believes that they have been subject to any conduct that is in breach of this Policy may seek resolution in accordance with the Resolving Workplace Issues Policy.

People in the Workplace will be treated fairly and not subject to Victimization because of raising an issue arising from this Policy.

#### **Dissemination and access to the Safe and Respectful Workplace Policy**

This Policy will be accessible to People in the Workplace, regardless of their position, location, work arrangement or personal characteristics by being placed on the intranet.

#### **Breach**

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Contravention of this Policy, Related Documents or Relevant Legislation may result in:

- investigation in accordance with the Resolving Workplace Issues Policy
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- disciplinary action in accordance with the Counselling Standard or Procedure, and
- in serious cases, termination of employment.

## Definitions

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“Bullying” is the repeated less favorable treatment of a person by another or others in the workplace, which may be considered an unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades, or humiliates a worker. Bullying behaviour can range from obvious verbal or physical assault to very subtle psychological abuse.

“Harassment” is any unwanted or uninvited behaviour that a reasonable person might anticipate would cause offence, humiliation, or intimidation. It usually consists of a pattern of unwelcome behaviour but can be a one-off event of a serious nature. It applies whether the behaviour was intended as a joke and whether the behaviour was intentional. Under federal and state legislation, unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, age, sexual preference or orientation, or some other characteristic specified under relevant legislation. Harassment includes Sexual Harassment. Sexual and racial harassment.

“Harassment and Bullying Legislation” includes:

- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination Act 1977 (NSW)
- Anti-Discrimination Act 1991 (Qld)
- Equal Opportunity Act 1995 (Vic)
- Equal Opportunity Act 1984 (SA)
- Equal Opportunity Act 1984 (WA)
- Racial and Religious Tolerance Act 2001 (Vic)
- Work, Health, and Safety Act 2011 (NSW)
- Work, Health, and Safety Act 2011 (Qld)
- Occupational Health and Safety Act 2004 (Vic)
- Occupational Health Safety and Welfare Act 1986 (SA)
- Occupational Safety and Health Act 1984 (WA)

or legislation which amends or replaces these laws from time to time or equivalent or similar legislation in New York State USA and Tanzania.

“People in the Workplace” means Magnis employees (including directors both executive or non-executive), contractors and consultants.

“Policy” means Safe and Respectful Workplace Policy.

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“Sexual Harassment” is unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

“Unacceptable Workplace Behaviour” includes Bullying, Harassment, Sexual Harassment and Vilification.

“Vilification” is the use of acts or words (whether spoken or written) in public which provoke hatred, ridicule or contempt for a person or a group of people. Vilification is unlawful if it is on the grounds of race, religion, homosexuality, or HIV/AIDS.

### **Review of this Policy**

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Magnis may amend or vary this Policy or Related Documents from time to time in its absolute discretion.

### **Contact Point**

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If you have any queries about this Policy, please contact General Counsel & Company Secretary.

### **Related documents**

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Policies

Diversity Policy

Resolving Workplace Issues Policy

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