

## What is it?

Koala is committed to ensuring its working environment is free from bullying, harassment, sexual harassment, discrimination and victimisation. **Workplace Behaviours @ Koala** is our policy that aims to create a safe work environment, free from behaviour that doesn't align with our values or doesn't comply with laws and regulations. It underpins our support for human rights, diversity and inclusion both at Koala and in the wider community.

The simple message from this policy is that bullying, harassment, sexual harassment, discrimination and victimisation have no place at Koala and will not be tolerated under any circumstances.

**Workplace Behaviours @ Koala** is consistent with our overarching **Conduct @ Koala** policy, and with the Values of a Koala.

### **We are ambitious**

Koalas are ambitious to have a positive impact on the world around us. This includes treating others with respect and illuminating the difference for ourselves and those around us between right and wrong, fairness and injustice, inequality and equality. We can't live this value if we practice, or are exposed to, bullying, harassment or discrimination.

### **We are curious**

Koalas seek to understand the way everything is connected, relates and reacts and we constantly research and educate ourselves. Understanding bullying, harassment and discrimination helps us identify when behaviour is not right, and to take steps to correct things.

### **We are selfless**

Koalas are self-aware and understand our impact. Considering how our actions impact on others, including through bullying, harassment and discrimination, helps us do the right thing and build the safe home we want Koala to be for everyone.

## Who does it apply to?

This policy applies to all Koala employees, directors/officers, volunteers, contractors and interns. For simplicity, we refer to all individuals covered by this policy as 'Koalas'.

All Koalas are required to comply with Workplace Behaviour @ Koala at all company or company related locations including other work sites such as:

- Shoot locations where you are performing work on behalf of Koala;
- 'Off-site' work events such as meetings or conferences;
- When working remotely or from home;
- Travelling on behalf of Koala;
- Work related functions such as parties or other Koala sponsored social events;  
and
- Parties, events or promotions where you are representing Koala.

## How does the policy work?

At Koala we aim to make decisions that improve the state of the world. This means we need to understand what constitutes bullying, harassment, sexual harassment and discrimination so that we act appropriately ourselves, and are able to call out behaviour that isn't right. We need to make sure that we don't bully, harass or discriminate in any of our dealings at Koala.

If you experience or observe bullying, harassment, sexual harassment or discrimination you should immediately contact People and Culture for support and advice. You can also report bullying, harassment, sexual harassment or discrimination via our [Speak Up @ Koala](#) platform, anonymously if you so wish.

Our internal processes are aimed at assisting everyone to raise issues of concern. All concerns, complaints and issues will be treated confidentially, seriously and sympathetically. No-one will be penalised or disadvantaged as a result of raising any genuine concern, complaint or issue.

### Bullying

We want a workplace that is healthy, safe and free from bullying. Bullying is not an acceptable part of our work culture as it can harm a person's health and wellbeing. We expect all Koalas and those representing Koala in the workplace to behave professionally and treat everyone with respect.

Bullying is repeated, unreasonable or inappropriate behaviour directed towards a worker, or group of workers, that creates a risk to health and safety. Bullying is unlawful under Workplace Health and Safety laws. Bullying is completely unacceptable at Koala.

Examples of bullying behaviour can include, but are not limited to:

- Sarcasm, mocking, disrespect or belittling comments;
- Ganging up on or excluding someone from a group;
- Innuendo or spreading rumours;
- Malicious pranks;
- Constant unjustified criticism;
- Shouting and other aggressive behaviour;
- Unreasonable work demands, or undermining work performance;
- Withholding information required for a person to do their job;
- Physical abuse or intimidation;
- Deliberate change of work duties for the purpose of victimisation; or
- threatening to take unjustified action against a person unless the person complies with an unreasonable request.

Bullying can be overt and obvious, or subtle. In either case it can have a severe impact on the person being bullied.

Bullying is not a single incident of unacceptable behaviour- although these should be reported and will be dealt with.

Bullying is not the undertaking of reasonable management action such as the day to day direction or allocation of work, setting of reasonable work expectations, appropriately dealing with unsatisfactory performance or misconduct, disciplinary action in line with Koala's policies or the introduction of organisational change.

## Harassment/Sexual Harassment

All forms of harassment are unacceptable at Koala. Harassment is unwelcome behaviour which offends, humiliates or intimidates another person, or is likely to offend, humiliate or intimidate another person, whether that was the intention or not. Harassment may occur as a single act, a series of incidents or persistent innuendo or threats. It can take many forms, be silent or loud, subtle or openly hostile, and it may be private or public.

Racial, sexual and disability harassment are against the law. Legal action can be taken against individuals, as well as against Koala. Harassment may be a single incident or a course of behaviour.

Examples of harassment include, but are not limited to:

- Derogatory or hurtful remarks;
- Name- calling;
- Verbal abuse;
- Inappropriate jokes;
- Circulating offensive material;
- Physical threats, intimidation or assault;
- swearing at someone;
- gossiping about a person; or
- communications via phone, email or computer networks which are threatening, abusive or offensive to others

## Racial harassment

Racial harassment occurs when words or actions are directed against a person based on the race, colour, national or ethnic origin of a person and are likely to offend, insult or humiliate that person.

## Disability harassment

Disability harassment occurs when harassing words or actions are directed at an employee who has a disability or related to a disability, real or perceived. It is also unlawful to harass an employee who is associated with someone with a disability (e.g. spouse, relative or carer).

## Sexual harassment

Sexual Harassment is unwelcome behaviour of a sexual nature that may cause a reasonable person to feel offended, humiliated or intimidated. Examples of sexual harassment include, but are not limited to:

- Persistent, unwelcome demands or even subtle pressure for sexual favours;
- Leering, patting, pinching, touching or other unnecessary familiar acts;
- Comments on physical appearance, dress or private life;
- The public display of inappropriate material, ranging from material that might be considered mildly erotic through to sexually explicit and other offensive material;
- Messages (words or images), telephone calls, out of place gifts or suggestive comments relating to such issues as dress, physical appearance, marital status or sexual preference;
- 'humour' such as inappropriate or sexist jokes or comments;

- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about someone's physical appearance, inferences of sexual morality or comments of sexual or reproductive performance;
- Repeated requests for 'drinks' or 'dates' where non-consensual;
- Requests for sexual favours, gestures or body movements of a sexual or intimidating nature; or
- Intrusive enquiries or questions about someone's private life, sexuality or physical appearance.

### **Offensive behaviour**

In the eyes of the law, it is irrelevant whether or not the inappropriate behaviour is intended. The person being subjected to the behaviour decides whether the behaviour is welcome or unwelcome to them. Co-workers can also be named respondents in cases of alleged sexual harassment just for standing by during offensive behaviour.

As a general rule, it may be harassment or offensive if the behaviour makes the victim(s) feel offended or humiliated, intimidated or frightened or uncomfortable at work

And while certain comments, images or behaviour may not offend one person, they can offend another. So we expect all Koalas and others representing Koala to respect the rights of individuals.

If in doubt... don't.

### **Discrimination**

Discrimination means treating a person less favourably than others because of an irrelevant characteristic. Discrimination is unlawful in employment and in the provision of services, and is unacceptable at Koala and will not be tolerated.

There are laws at state and federal level that make it unlawful to discriminate on the basis of certain characteristics including, but not limited to, sex, race, age, disability, marital status, pregnancy, family status or family responsibility, breast-feeding, religion, political beliefs, sexual orientation, gender history, personal attributes or any spent criminal convictions.

Discrimination can be direct or indirect. Direct discrimination means treating someone differently due to a certain characteristic. For example, refusing to interview a job candidate because they are of a particular ethnic background or refusing to promote someone because of their gender.

Indirect discrimination occurs when an unnecessary rule is applied to everyone, but it is harder or impossible for members of a certain group to meet the requirement. For example, regularly scheduling early morning meetings may indirectly discriminate against people with family responsibilities. Another example is failing to make reasonable adjustments for persons with a disability.

Some other examples of discrimination can include treating a person less favourably in the following situations:

- when arranging who should be offered work;
- in decisions on the terms by which work is offered or performed;
- in regard to access to a relevant training program or other development opportunities;

- in regard to access to opportunities for promotion;
- when ending a person's employment; or
- subjecting someone to any other disadvantage.

Discrimination on the below grounds is not only against Koala's values, but may be in breach of state and federal legislation:

- age;
- sex;
- marital status;
- pregnancy or potential pregnancy;
- breastfeeding;
- parental status or carer status or family responsibilities;
- race, colour, or national or ethnic origin;
- disability or impairment, illness or injury;
- physical features;
- sexual orientation;
- gender history, gender identity, transgender or transsexual status;
- lawful sexual activity;
- political belief or activity;
- religious belief or activity;
- industrial activity or trade union membership;
- employment activity (making a reasonable request to Koala for information regarding your employment entitlements or communicating to Koala concern that you have not or will not be given some or all of your employment entitlements);
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Similarly, provoking, encouraging or promoting discrimination by others is unacceptable and may also result in disciplinary action. You must bring anything you witness that is likely to cause unlawful discrimination to the attention of People & Culture or via our Speak Up platform, anonymously if you so wish.

The best way to avoid discrimination is to treat everyone fairly. Koala takes a continuous improvement approach to anti-discrimination, and will adjust its procedures and processes if they are identified as working unfairly.

Applying legitimate, relevant criteria to employment decisions and making decisions based on merit is not discrimination.

If you have the skills, qualifications and experience to do a particular job; you will be considered for the role. Our employment decisions are fair and equitable and based only on merit.

Our job descriptions spell out the requirements in assessing for career development, recruitment and access to training and development opportunities.

### Bystanders

A 'bystander' is a person who has witnessed or subsequently learnt about potentially unacceptable behaviour at Koala.

Bystanders are an important part of our strategy to prevent unacceptable behaviour. This is because sometimes people to whom unacceptable behaviour is directed might not know it is unacceptable or may feel uncomfortable about speaking up.

We encourage bystanders to support colleagues who may have been subjected to unacceptable behaviour, including by:

- 'calling out' unacceptable behaviour if it occurs in the workplace;
- spotting offending behaviour, asking their colleague if they are okay and providing them with information about this policy;
- reporting the conduct (see 'How to respond' below).

Where feasible, Koala will take steps to preserve a bystander's anonymity.

### How to respond to bullying/harassment/discrimination

Never ignore this behaviour. Doing so could be taken as tacit consent, especially if you are a Manager and watching on. If you feel comfortable, tell the person that their behaviour is unacceptable and ask them to stop.

If it is not possible to resolve the issue yourself or you do not feel comfortable, contact People & Culture or speak to your Manager. Alternatively, everyone has the right to complain via Koala's **Speak Up** platform, anonymously if you so wish.

The People & Culture team will act immediately on any reports of discrimination, harassment or bullying.

We value the courage to speak up if you think something is wrong, or if behaviour makes you uncomfortable. We will not penalise Koalas, or put them at a disadvantage, for making a genuine complaint.

Managers are to be positive role models for the behaviour we expect. They must ensure that Koalas are familiar with our policies on equal opportunity, harassment and bullying, and always comply with them. Managers must forward any complaints they are made aware of to the People & Culture team immediately.

### Dealing with a complaint

People & Culture should be the first point of contact for all Koalas or managers during a complaint.

We treat all complaints or reports seriously and sympathetically and will handle all complaints in a manner deemed appropriate given the seriousness and nature of the complaint. This may involve conducting an investigation into the complaint or engaging an external person to do so. It may involve conducting a mediation or other dispute resolution procedures.

The person who carries out an investigation will recommend the course of action given the circumstances of the alleged harassment/discrimination/bullying depending on severity.

If Koalas prefer to handle the issue informally, they can do so in consultation with the People & Culture team and their manager. Resolving issues informally is sometimes the most appropriate action and means no formal action needs to take place.

### How Koala responds to investigated complaints

We will take appropriate disciplinary action against any Koalas who we find have discriminated against, harassed or bullied another person during their employment.

Actions may range from:

- File note – kept on employee file;
- Counselling;
- Demotion;
- Suspension;
- Transfer to other duties;
- Warning; and/or
- Termination of employment on the grounds of misconduct.

### Victimisation

It is against the law for the alleged responder to do anything that might be interpreted as retribution or victimisation. Legal action can be taken against individuals who breach this legislation, as well as against Koala. Koala won't tolerate any actions like this and may take disciplinary action.

Victimisation includes harming or threatening to harm another person because that person has made a complaint. We want everyone to feel safe to make a complaint.

A non -exhaustive list of victimising behaviour includes:

- Threatening behaviour, including making threatening comments to or about that person;
- Inappropriate discussion about the complaint;
- Disparaging comments about the person who has made the complaint to or about the respondent;
- Encouraging others to treat the complainant negatively; and
- Demotion, dismissal, transfer, suspension, or loss of a benefit.

If you believe you are being victimised, you should speak immediately to the People & Culture team who will investigate.

### Malicious and False complaints

If we find a complaint to be deliberately false and malicious, Koala may take disciplinary action up to and including termination .

## Vicarious liability

In the eyes of the law, Koala, as well as the discriminator, harasser or bully, may be legally responsible for discrimination, harassment or bullying in the workplace or in connection with the person's employment.

Koala may be vicariously liable for the behaviour of all Koalas, including:

- Individual Koalas;
- Managers; or
- Subcontractors, consultants or other individuals within a workplace

Managers may also be, by default, liable for the conduct of their direct reports. So we expect everyone to be proactive in bringing any potential situations to the attention of the People & Culture team.

## Breach of this policy

Conduct which breaches this policy is unacceptable. Depending on the severity and circumstances, breaches of this policy may lead to disciplinary action, up to and including termination of your employment or engagement with Koala.

We reserve the right to vary, replace or terminate this policy from time to time. This policy does not form part of any contract and does not impose contractual obligations upon Koala.

## Further reading

- [Conduct @ Koala](#)
- [Media & Social Media @ Koala](#)
- Work, Health & Safety @ Koala
- [Speak Up @ Koala](#)