



# **BIG RIVER**

## **Workplace Behaviour Policy**

BIG RIVER INDUSTRIES LTD  
ACN 609 901 377  
(Company)

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# 1 Introduction

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## 1.1 Purpose

Big River is committed to a safe, respectful and inclusive working culture and environment for everyone.

We aim to maintain a work environment which is free from harassment. This includes sexual and sex-based harassment and bullying, and all forms of unlawful discrimination such as racial, religious and disability-based vilification, victimisation, and hostility.

This policy sets out the Company's behavioural expectations and the responsibilities we all share to ensure a safe, respectful workplace.

## 1.2 Application

This Policy applies to all participants of Big River (**Participants**), including:

- Board Members
- Senior Executives and Officers
- Employees
- Contractors
- Consultants
- Suppliers of Big River

The policy also applies to interactions between workers and third parties (including visitors and customers) where that interaction occurs in connection with any work-related activity.

This Policy applies to:

- All work-related activities where interactions may impact the workplace/working relationships. This includes interactions those taking place out of business hours or outside Company premises, such as at conferences, training sessions, social events/ functions, team social gatherings (organised or not organised by the Company), or at accommodation supplied by the Company.
- Phone and online communication which may impact on the workplace and/or workplace relationships including via social media and private and/or internal communication devices and platforms.
- The Company's recruitment, hiring, and promotion selection processes
- How Big River Group requires Participants to provide services

## 2 Our values and commitments

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### 2.1 Core values and commitments

This Policy reflects the Company's core values and commitments.

The Company's core values and commitments are defined as The Big River Way:

- *One Team* - We put our people first and lead by example. We work together to act ethically, responsibly and honestly in all our dealings.
- *Respect* – We respect all people; their ideas and cultures and our words and actions reflect this in our positive commitment to protecting our people and keeping them safe.
- *Excellence* – We bring excellence and innovation to our solutions and customers. We commit to being innovative in our approach and solution driven in our thinking.
- *Accountability* – We are trusted by our teams, customers and suppliers to deliver on what we say we will do, and we bring an owner mindset to driving for results.
- *Partnerships* - We partner with our customers and suppliers and act ethically, responsibly, honestly and with high standards of personal integrity in all our dealings, both internally and externally.
- *Responsible* – We act in a socially and environmentally responsible manner.

## 3 Responsibilities

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### 3.1 All Participants

All Participants have the following responsibilities:

- Understand and comply with this Policy and seek clarification if unclear as to any aspect of this Policy
- Report any incident(s) which they believe may constitute Unacceptable Workplace Conduct under this Policy
- Offer support to people experiencing harassment, bullying, unlawful discrimination or vilification
- Maintain confidentiality over matters subject to investigation
- Treat others with courtesy, dignity, and respect.

### 3.2 Managers

Managers have the following additional responsibilities:

- Model appropriate, respectful behaviour which is consistent with this Policy and the Company's core values
- Communicate this Policy to employees, contractors, and consultants
- Provide training and guidance to Participants on their obligations under this Policy and applicable legislation
- Proactively manage and identify risks which may increase the likelihood of Unacceptable Workplace Conduct occurring and suggesting and/ or implementing measures to reduce those risks

- Treat all reported concerns of Unacceptable Workplace Conduct seriously
- Ensure concerns are dealt with as quickly as possible in accordance with principles of procedural fairness with respect to allegations Unacceptable Workplace Conduct
- Ensure that the confidentiality of all persons involved in a concern reported under this policy is maintained to the maximum possible extent in keeping with principles of procedural fairness
- Take steps to mitigate risks of victimisation
- Take appropriate disciplinary action against a Participant found to have breached this Policy

## 4 Unacceptable Workplace Conduct

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The conduct described in this section is unacceptable and collectively referred to as “**Unacceptable Workplace Conduct**”.

### 4.1 Harassment

#### What is harassment?

Harassment refers to unwelcome, unreasonable behaviour directed towards an individual or group of workers that creates a risk to health and safety.

Workplace harassment occurs when conduct towards a person, or group of persons, by an employer or co-worker(s):

- Is unwelcome and uninvited;
- Is considered by the person subjected to the behaviour as offensive, intimidating, humiliating, or threatening; and
- Would be considered by a reasonable person, having regard to all the circumstances, as offensive, intimidating, humiliating or threatening.

Examples of harassment include the following behaviours:

- |   |  |
|---|--|
| • Taunts, insults, verbal or non-verbal ridicule  | • Sending offensive, intrusive, or in appropriate messages                         |
| • Jokes about particular social groups, innuendo including through gestures, sarcasm                  | • Posting offensive comments online or on social media                             |
| • Displaying, sending or distributing offensive materials, including racist or pornographic materials | • Isolating or ignoring a person   |
| • Asking intrusive questions which are irrelevant to the person’s work                                | • Rough or physical contact with another person                                    |
|   | • Pranks or practical jokes  |
|   | • Using threats, intimidation or a promise to interfere with another person’s work |

A person’s intention or motive is irrelevant for the purpose of determining whether harassment has occurred. Harassment can occur as a single incident or as repeated behaviour. Where behaviour is repeated, it may amount to bullying as set out in paragraph 4.5 below.

### What is not harassment?

Behaviour which is not considered harassment includes the following:

- Reasonable management action
- Reasonable performance management
- Difference of opinion which is respectfully communicated
- Disciplinary action taken in accordance with this or another Company policy.

## 4.2 Sexual Harassment

### What is sexual harassment?

Sexual harassment is unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel offended, humiliated or intimidated.

Examples of sexual harassment include, but are not limited to:

- Comments about a person's physical appearance or sexuality
- Requests or pressure for sexual favours
- Whistling or catcalling
- Persistent requests or pressure for dates or out of work interaction of a romantic or sexual nature
- Sending or requesting intimate, sexual images or videos, including on private devices, online, or via social media
- Jokes or comments with a sexual connotation, including innuendo or gestures
- Displaying, sharing or showing sexually explicit materials
- Suggestive, intrusive or inappropriate body language
- Sexually explicit conversations or phone calls
- Uninvited acts of intimacy, including touching, holding, hugging or kissing
- Staring, leering
- Speculation about a person's intimate or private life

Participants must be aware that:

- Sexual harassment may occur as a single or "one-off" incident;
- A person's intention or motive is irrelevant in determining whether sexual harassment has occurred;
- Whether a person was actually offended is irrelevant;
- A person does not need to object to behaviour for the conduct to be unwelcome;
- A person may experience sexual harassment by being exposed to or witnessing this kind of behaviour in their work environment or culture.
  - For example, by overhearing a sexually explicit conversation, or seeing a sexually explicit poster in the workplace.
- Sexual harassment may occur on electronic communications, including workplace communication platforms (such as Microsoft Teams or Zoom), on social media or on private devices.

- For example, sharing, showing, commenting on imitate or sexual images or videos of a person, including materials posted by them, may amount to sexual harassment.

Big River has a **zero-tolerance** approach to sexual harassment.

As part of our commitment to providing a safe and respectful work environment, as well as our obligations under relevant workplace laws, where substantiated, allegations of sexual harassment may result termination of employment or engagement, and in appropriate circumstances, immediate dismissal without notice.

#### 4.3 **Sex-based Harassment**

Sex-based harassment is unlawful and will not be tolerated.

##### What is sex-based harassment?

Sex-based harassment is conduct which:

- is unwelcome of a demeaning nature, which is engaged in by the reason of the sex of the person(s) harassed (or characteristic which is generally associated or imputed to that sex);
- occurs in circumstances where a reasonable person would anticipate the possibility that the person(s) harassed would feel offended, humiliated or offended.

Harassment in the workplace, whether or not such harassment is on basis of sex, will not be tolerated. Participants who engage in harassment of any kind may be subject to disciplinary action, up to and including termination.

#### 4.4 **Hostile Work Environment**

It is unlawful for a person or group to subject another person(s) to a workplace environment which is hostile on the ground of sex.

##### What is a hostile work environment?

A hostile work environment occurs where workplace conduct which a reasonable person, having regard to all the circumstances, would have anticipated could result in a workplace environment being offensive, intimidating or humiliating to a person(s) on the basis of sex, or a characteristic associated with or imputed to a particular sex.

#### 4.5 **Bullying**

Big River has a zero-tolerance to bullying.

##### What is bullying?

Bullying is repeated, unreasonable behaviour towards a person or group of persons, which creates a risk to health and safety.

“Unreasonable behaviour” refers to behaviour that a reasonable person, having regard to all the circumstances, would anticipate could victimise, humiliate, intimidate or threaten.

Whether a person deliberately or intends to bully another person is irrelevant.

Examples of workplace bullying include, but are not limited to:

- Abusive, insulting or offensive language or comments;
- Belittling, or humiliating comments
- Spreading gossip or malicious rumours about a person
- Setting tasks which are unreasonably below or beyond a person's skill level or experience
- Isolating or ostracising, or deliberately excluding a person from work-related activities or social interactions
- Sarcasm or other demeaning language or gestures
- Setting impossible or constantly changing deadlines
- Deliberately undermining a person's performance
- "cyber" bullying, such as sending rude, offensive or intimidating messages or text messages, or via social media
- Giving person the majority of unpleasant tasks
- Practical jokes or pranks
- Unjustified criticism or making false or vexatious complaints against a person
- Denying access to information or materials to the detriment of a person

#### What is not bullying?

- A single incident of unreasonable behaviour is not bullying. However, a single incident must not be ignored as it may be repeated and quickly escalate to working bullying.
- Management action which is taken in a reasonable way (such as allocating work in a reasonable way, providing feedback, setting achievable performance goals or deadlines, or taking appropriate performance or disciplinary action);
- Implementing reasonable structural or organisational changes, including transferring a Participant for legitimate operational reasons.

Bullying is unacceptable and shall not be tolerated. Participants found to have engaged in bullying may be subject to disciplinary action, up to and including termination of employment.

## 4.6 **Workplace Violence and Aggression**

#### What is workplace violence and aggression?

Workplace violence and aggression refers to abuse, threats or assaults at the workplace and can include emotional or physical abuse, threats, or assaults, as well as attacks to a person or property.

Workplace violence and aggression can cause physical and psychological harm, with the impact on a victim varying by the severity of the violence and the person's own experiences or personality.

Such behaviour can follow a pattern of behaviour, such as frustration, agitation and can escalate to written or verbal abuse, physical treats of violence, or assault.

Examples of violent or aggressive acts include:



- Verbal abuse or threats, including over the phone
- Written abuse or threats
- Physical or sexual assault
- Malicious damage to the property of another person or the Company
- Ganging up, bullying or intimidating behaviour

#### How should individuals respond to workplace violence?

Incidents of workplace violence should always be reported, however Participants must immediately remove themselves from the situation if possible first and then report the matter to an appropriate supervisor or manager as soon as practicably possible.

Workplace violence will not be tolerated and may attract serious disciplinary consequences, up to and including summary dismissal, and where necessary, will be reported to appropriate authorities, including the police.

### 4.7 **Unlawful Discrimination**

#### What is unlawful discrimination?

Unlawful discrimination refers to treating, or proposing to treat, a person with a protected attribute unfavourably because of that attribute and can occur directly, or indirectly, as set out below. A person's intention or motive is irrelevant for the purposes of determining whether discrimination has occurred.

Certain attributes are protected by law. Protected attributes include:

- Race
- Colour
- Sex
- Sexual orientation
- Gender or gender identity;
- Disability or medical condition
- Age
- Sexual preference
- Religion, political belief or activity
- Marital status
- Pregnancy or potential pregnancy
- Carer status or family responsibilities
- Breastfeeding
- Irrelevant criminal record
- Physical features
- Industrial activity or affiliation

**Direct discrimination** occurs if a person or entity treats, or proposes to treat a person with a protected attribute unfavourably because of that attribute.

- For example, not promoting someone because of their sexual orientation or race.

**Indirect discrimination** occurs if a person imposes, or proposes to impose, an unreasonable requirement, practice or condition which is likely to have the effect of disadvantaging a person with a protected attribute.

- For example, requiring that all employees commence work at 8am, may constitute indirect discrimination against employees with school age children unless the 8am start time is reasonable.

Big River is committed to providing Participants equal opportunity and will take all reasonable steps to prevent unlawful discrimination (direct or indirect) from occurring in the workplace, customers dealings, or in its recruitment processes.

Unlawful discrimination will not be tolerated. Participants found to have engaged in discriminatory conduct may be subject to disciplinary action, up to and including dismissal, and the Company may be vicariously liable for such conduct.

#### 4.8 **Racial and Religious Vilification**

##### What is vilification?

Vilification is a public act which encourages or urges others to hate, have serious contempt for, revulsion, or severe ridicule of a person or group of people because of their race or religion.

Examples of vilification may include:

- Spoken, written, online or physical behaviour towards a particular race or religious group that encourages others engage in hateful or violent conduct towards them such as damaging their property, or inciting false rumours against them.

Racial and religious vilification is unlawful and may result in disciplinary action, up to and including termination. It is also unlawful to give permission or participate in the vilification of others, for example by allowing vilifying information or materials to be published or adducing to distribute them.

Vilification is unlawful and may result in disciplinary action, up to and including termination.

#### 4.9 **Victimisation**

##### What is victimisation?

Victimisation occurs when a person subjects or threatens to subject another person to a detriment because that person has made a complaint, helped someone else make a complaint, or has been otherwise involved in a complaint or investigation.

- For example, isolating or excluding someone because they made a complaint about a colleague would constitute victimisation.

Victimisation is unlawful and may result in disciplinary action, up to and including dismissal.

### **5 Breach of this Policy**

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Unacceptable Workplace Conduct may result in disciplinary action up to and including termination of employment or termination of engagement.

### **6 Reporting a Concern**

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Participants who believe they have been subjected to or witnessed Unacceptable Workplace Conduct are encouraged to report their concern to a Contact Person as soon as possible.

A **Contact Person** refers to:

- A Participant's direct manager;
- A People & Culture representative

Where possible, Participants reporting concerns under this policy should document relevant details and provide those details to their Contact Person.

On receipt of a concern reported under this Policy, the Contact Person will:

- Explain the reporting process and provide information about available options for resolution, including informal and formal resolution options as set out below;
- Provide information about support options available, including the Employee Assistance Program (EAP)

All concerns reported under this Policy are treated seriously and confidentially, with all persons involved in an investigation or resolution process being treated fairly and with respect.

Confidentiality will be maintained to the maximum possible extent, with the subject matter of complaints being disclosed only to those directly involved in the complaint or its resolution, such as a named witness or HR representative. All Participants involved in an investigation or resolution process shall be required to maintain strict confidence.

In certain instances, a complainant or witness, may seek to remain anonymous. Where possible, Big River will seek to accommodate a complainant or witness's preference for anonymity. However, it may not be possible in all circumstances to keep the identity of persons involved in a complaint confidential if doing so would interfere with the Company's ability to take action to investigate the complaint in accordance with its obligations of procedural fairness to a respondent.

## 6.1 Informal Resolution

Informal procedures focus on timely resolution of a matter and may be appropriate where:

- The allegations are of a less serious nature, but the Participant subjected to the conduct wants it to cease
- The complainant only wishes to pursue an informal resolution
- It appears likely that the complaint has arisen due to a possible misunderstanding or miscommunication based on the available information

An informal resolution may include:

- A direct, private discussion between the parties involved
- Conveying information between the Respondent and Complainant separately
- Arranging a mediation between the respondent and complainant by a third party
- Arranging or conducting a session about the policy / guidelines to raise awareness of the issues

In determining whether an informal resolution process is appropriate, the Contact Person must consider:

- The seriousness of any allegations raised;
- The preferences of the complainant
- Whether there is any immediate or ongoing risk to the health and safety of the complainant or other participants

## 6.2 Formal Resolution

If a complaint cannot be resolved informally, the concern will be investigated in accordance with the steps set out below. The decision to investigate will be at the Company's discretion.

The Company will determine whether to conduct an investigation, and whether the investigation should be conducted internally or whether an external investigator should be appointed.

An investigation may require:

- Interviews with the complainant, any witnesses to the alleged Unacceptable Workplace Conduct, and the respondent to the alleged conduct;
- The collection of materials and evidence relevant to the matter

Where attendance at an interview is required, a respondent may have a support person accompany them.

The function of a formal investigation is to determine whether a complaint alleging Unacceptable Workplace Conduct can be substantiated.

Where there is factual disagreement, an investigator may be required to decide, on the balance of probabilities, what is more likely to have occurred.

If the respondent confirms that they engaged in the alleged conduct, the Company will consider the appropriate outcome.

## 7 External Supports and Resources

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### 7.1 External Bodies

An individual can also contact relevant external organisations for information or advice, or to lodge a complaint.

- The Equal Opportunity Commission/Board in your State:
  - [Victoria](http://humanrights.vic.gov.au): humanrights.vic.gov.au
  - [NSW](http://antidiscrimination.nsw.gov.au): antidiscrimination.nsw.gov.au
  - [Queensland](http://qhrc.qld.gov.au): qhrc.qld.gov.au
  - [South Australia](http://equalopportunity.sa.gov.au): equalopportunity.sa.gov.au
  - [Western Australia](http://sat.justice.wa.gov.au): sat.justice.wa.gov.au
- [Australian Human Rights Commission](http://humanrights.gov.au): humanrights.gov.au
- [Fair Work Commission](http://fwc.gov.au): fwc.gov.au
- [Fair Work Ombudsman](http://fairwork.gov.au): fairwork.gov.au

### 7.2 Key External Resources

Commonwealth	State
<i>Age Discrimination Act 2004 (Cth)</i>	<i>Discrimination Act 1991 (ACT)</i>
<i>Australian Human Rights Commission Act 1986 (Cth)</i>	<i>Anti-discrimination Act 1977 (NSW)</i>
	<i>Anti-Discrimination Act 1991 (Qld)</i>

<i>Fair Work Act 2009 (Cth)</i>	<i>Equal Opportunity Act 1984 (SA)</i>
<i>Racial Discrimination Act 1975 (Cth)</i>	<i>Racial Vilification Act 1996 (SA)</i>
<i>Sex Discrimination Act 1984 (Cth)</i>	<i>Equal Opportunity Act 1995 (Vic)</i>
<i>Workplace Gender Equality Act 2012 (Cth)</i>	<i>Racial and Religious Tolerance Act 2001 (Vic)</i>
<i>Disability Discrimination Act 1992 (Cth)</i>	<i>Equal Opportunity Act 1984 (WA)</i>

## 8 Support

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Big River recognises that participation in a complaint or investigation can be daunting and encourages all Participants to discuss concerns with their relevant Contact Person (if appropriate) or HR representative. Or by calling the Employee Assistance Program on 1800 808 374.

Policy Details

**Date of Policy:** 10/10/2024

**Review period:** 12 Months