



Costa Sexual Harassment Policy

Costa Group Holdings Limited ACN 151 363 129 ("**Company**")



1	Purpose	3
2	Definitions	3
3	How This Policy Applies	3
4	Relevant Policies	4
5	Sexual/sex-based Harassment and hostile workplace environment	4
6	Responsibilities	5
7	Bystander Intervention	6
8	Options for Reporting and Responding	6
9	Possible Outcomes	7
10	Reporting and Evaluation	8
11	Resources and Helpful Information	8



1 PURPOSE

Costa is committed to providing a work environment which is safe, respectful, inclusive and free from sex-based and sexual harassment. Sex-based and sexual harassment is unlawful and an unacceptable form of behaviour which will not be tolerated under any circumstances.

We will act to prevent sex-based and sexual harassment and provide safe and effective responses for those impacted within and connected to Costa, prioritising their wellbeing and ensuring that their wishes are listened to and inform the action that is taken.

It is the shared responsibility of everyone who works at Costa to behave in a way that ensures the safety and wellbeing of others and is respectful and inclusive. It is also an expectation that, if it is safe to do so, any person that sees or knows of behaviour that may cause offence, distress or harm to others, will intervene or report it.

2 DEFINITIONS

BYSTANDER: A bystander is a person who observes/witnesses an event or incident or is subsequently informed about an incident but is not necessarily directly involved in it.

EMPLOYEE ASSISTANCE PROGRAM (EAP): an external counselling service that is often voluntary, confidential and free to all staff and their families.

SENIOR MANAGEMENT: Costa Executive Team and Board members

THIRD PARTY: someone external to Costa, including suppliers, clients or customers and associates from other organisations.

UNACCEPTABLE CONDUCT: Unlawful discrimination or harassment, workplace bullying and victimisation.

VICTIMISATION: when a person subjects or threatens to subject, another person to detriment because they

- (a) gave or intends to give evidence in relation to a complaint or in connection with any proceedings;
- (b) allege or intend to allege a breach of an act;
- (c) have refused or intend to refuse to do anything that may amount to a contravention of the Policy; or
- (d) have reasonably reported a breach of the policy.

3 HOW THIS POLICY APPLIES

This Policy applies to all people at our workplace in relation to:

- behaviour at the workplace; and
- conduct outside the workplace or working hours if the conduct:
 - is likely to cause serious damage to working or professional relationships at Costa;
 - is incompatible with a person's duty to Costa or employment relationship or engagement;

- damages or is likely to damage Costa's interests or reputation.

Examples of areas in or outside of the workplace could include common areas such as entrances, vehicles, pack shed, paddock, orchard, reception areas, corridors, kitchens and toilets, Costa and labour hire provided accommodation and transport.

The applicability of this policy is not limited to Costa sites or working hours and covers all work-related events, which includes for example lunches, training courses, field trips, client functions, meetings and conferences and parties.

In addition to inappropriate conduct between Costa employees, sexual harassment of and from third parties is part of the scope of this policy and could face both internal and external consequences.

4 RELEVANT POLICIES

This policy operates in conjunction with the following organisational policies:

- Code of Conduct
- Behaviour Standards Policy
- Equal Opportunity Harassment and Bullying Policy
- Workplace Health and Safety Policy
- Information Technology Acceptable Use Policy
- Social Media Policy
- Complaints Procedure Flow Chart
- Conflict of Interest Policy
- Whistleblower Policy

5 SEXUAL/SEX-BASED HARASSMENT AND HOSTILE WORKPLACE ENVIRONMENT

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances.

Sexual harassment can be a one-off occurrence and a specific intent or motive is not necessary.

It can include, but not limited to:

- unwelcome touching, hugging or kissing
- staring or leering
- suggestive comments or jokes
- exposing people to sexually explicit pictures, screen savers or posters
- unwanted invitations to go out on dates or requests for sex
- comments or intrusive questions about an employee's private life or the way they look
- unnecessary familiarity, such as deliberately brushing up against someone
- insults or taunts of a sexual nature
- displaying offensive screen savers, photos, calendars or objects of a sexual nature
- sexually explicit emails or SMS messages
- inappropriate advances on social networking sites

- publicly accessing sexually explicit internet sites
- coercive sexual harassment - requests or pressure for sex or other sexual acts in exchange for favourable treatment or being treated unfavourably if they don't comply with the requests
- behaviour which would also be an offence under the criminal law, such as sexual assault, indecent exposure, sexual assault, stalking or obscene communications.
- Exposing people to public displays of private relationships (i.e. create a sexualised atmosphere)

Sexual harassment is a form of sex discrimination, which is unlawful under the *Sex Discrimination Act 1984 ('The Act')* in Australia, and is responded to in accordance with relevant laws and regulations where Costa operates internationally.

Sex-Based Harassment

Sex-based harassment (also referred to as harassment on the ground of sex) is any unwelcome conduct of a demeaning nature because of a person's sex, in circumstances which a reasonable person may be offended, humiliated or intimidated.

Sex-based harassment can be a one-off occurrence and a specific intent or motive is not necessary. It can include, but not limited to:

- asking intrusive personal questions based on a person's sex.
- making inappropriate comments and jokes to a person based on their sex.
- displaying images or materials that are sexist, misogynistic or misandrist (e.g. screen savers, photos, calendars or objects).
- making sexist, misogynistic or misandrist remarks about a specific person.
- requesting a person to engage in degrading conduct based on their sex.

This constitutes sex-based harassment regardless of whether the attributes in question are actual or perceived. In Australia, sex-based harassment is covered under *The Act* and is unlawful. In locations where Costa operates internationally, sex-based harassment is covered under relevant laws and regulations.

Hostile workplace environment

A hostile workplace environment is an offensive, intimidating or humiliating workplace environment 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 a particular sex. Examples include sexualised conversations or banter, or sexually explicit materials being displayed.

In some countries, including Australia, it is unlawful to subject someone to a workplace environment that is hostile on the ground of sex.

6 RESPONSIBILITIES

Everyone has a role to play in preventing and responding to sex-based and sexual harassment. This is consistent with our existing workplace health and safety obligations to protect our people from harm to health and safety, including psychological harm.



Without exception, everyone is expected to behave in ways that are safe, respectful and inclusive. People who speak up about or report concerning behaviours they see or know of, make a valuable contribution to the health and safety of our workplace by supporting someone who may be subjected to the behaviour and preventing escalation or repeat behaviour.

The laws give rise to potential legal liability for sexual harassment for individuals and Costa as an organisation.

Individuals may be liable for their own behaviour if they sexually harass another person. In some cases, this may also be criminal conduct. If a person is told that their behaviour is perceived to be unwelcome, they must respect that and stop immediately. This is personal liability.

Bystanders and other individuals may be liable if they request, instruct, induce, encourage, authorise or assist someone to sexually harass another person. This is accessory liability.

Employers are also responsible for sexual harassment that occurs in the workplace and may be liable for failing to prevent or properly respond to sexual harassment, which is known as vicarious liability.

7 BYSTANDER INTERVENTION

Bystanders, including colleagues, who witness or are aware of sexual harassment, sex-based harassment or a hostile work environment or the potential for this occurring, are expected to play a significant role in preventing this conduct and will be supported to act.

Costa encourages behaviours grounded in integrity and respect, and action taken by colleagues to positively impact workplace culture.

When safe to do so, bystanders who are aware of sex-based or sexual harassment or a hostile work environment, or observe the risk of any incident occurring are required to:

- provide support to the colleague who is being (or may be) subjected to sex-based or sexual harassment;
- formally or informally challenge concerning behaviour; and
- report sex-based or sexual harassment.

8 OPTIONS FOR REPORTING AND RESPONDING

To help individuals choose how they wish to address concerns about someone's behaviour, a range of options are outlined in the Costa Complaints Procedure Flow Chart. Please refer to this document to choose the best or most appropriate avenue. Options include self-management, informal or formal reporting pathways (internal or external).

Reports can be made by people directly impacted or bystanders who witness or know of sex-based or sexual harassment, or observe a risk of any incident occurring.

There is no time limit restriction for an incident or risk to be addressed at Costa, however please note that formal reports through external pathways may not be investigated further where the complaint has been lodged after a specific period of time (e.g. more than 24 months after the alleged event(s) happened in Australia). Knowing about incidents and issues in a timely way is helpful to prevent repeat and escalated incidents in future.

Letting Costa know about (the potential for) sex-based or sexual harassment does not necessarily trigger a formal investigation, although that may be appropriate in some cases. Support, advice and early intervention may resolve the issue and it will also help to understand what is happening in the organisation.

There will be no repercussions for those who report issues. Repercussions are in breach of Costa's values and Equal Opportunity Harassment and Bullying Policy.

Responding to accusations

In the case where an individual or individuals are being accused, Costa expects the individual(s) to:

- Stay calm, listen to the complaint
- Treat the situation seriously
- Acknowledge the situation that their alleged actions may have caused
- Tell their manager what has happened
- Evaluate their behaviour and seek to understand why someone may have been offended, humiliated or intimidated by it
- Ensure that their future behaviour is professional and appropriate

9 POSSIBLE OUTCOMES

Consequences for offenders

The decision about any outcomes of a sex-based or sexual harassment investigation will take all the circumstances of the case into consideration including the seriousness of the behaviour, the context, the impact on the individual, the seniority of the offender and relevant industrial instruments.

People at our workplace who engage in behaviour in that amounts to a breach of this policy may be subject to appropriate disciplinary action (for employees), or removal from the workplace or termination of services (for contractors or visitors).

Breaches of this policy may also amount to breaches of applicable law.

Restorative actions for the individual impacted

We will work with any impacted individuals to understand and implement, where possible, any actions that may help them to recover from the incident, rebuild relationships at work and continue a successful career with Costa.

Organisation action

On an ongoing basis, Costa will take reasonable steps to identify the potential risk of sex-based and sexual harassment. After an incident, it may be necessary to undertake a review of a particular work site or environment and implement targeted interventions such as surveys and education.

Reprisals and victimisation

If any person is found to have victimised, or harassed people who intervene to stop or report sex-based or sexual harassment, or participate in any inquiries or investigations relating to an allegation of sexual harassment, they may be subject to separate disciplinary action.

This includes any action that treats someone adversely, such as ostracising a colleague, reducing their shifts or overtime opportunities, giving them menial jobs, relocating them against their wishes,

taking them off key client accounts/key projects, giving them a poor performance review and terminating their employment.

Information or claims without substance

Vexatious claims are serious and can cause distress, detriment or harassment to the person who is the subject of the complaint. If any person is found to have knowingly provided false information, knowingly made allegations of sex-based or sexual harassment without merit or for vexatious or malicious reasons, they may be subject to separate disciplinary action.

If an employee is unhappy with the resolution of their complaint, they can escalate the issue to Senior Management, Human Resources, an external body or the Costa Whistleblower Hotline where available.

10 REPORTING AND EVALUATION

The prevention of and response to sex-based and sexual harassment is a priority at Costa and, consistent with any other core organisation metric, is reported to our Board/Executive on a regular basis to help inform further action that we need to take to eradicate sex-based and sexual harassment.

As part of Costa's ongoing commitment to continuously improve our prevention efforts and create an environment that encourages early intervention on issues, we commit to identifying and assessing risks and how control measures will be monitored, implemented, and reviewed with our regular risk assessments.

11 RESOURCES AND HELPFUL INFORMATION

Employees are encouraged to seek guidance from their HR Manager in relation to the interpretation of all or any parts of this policy.

There are a number of places where employees can get specialist external support. For individuals in Australia, these include:

- The Employee Assistance Program (EAP), which is an external, independent, professional counselling service that is voluntary, confidential and free to all staff and their families.
- Australian Human Rights Commission complaint information service on 1300 656 419.
- Fair Work Commission.
- Police line for non-emergencies on 131 444
- Relevant State Equal Opportunity Commission.
- [Lifeline Australia](#) on 13 11 14.
- [1800RESPECT National Sexual Assault, Domestic Family Violence Counselling Service: a national telephone and online counselling and referral service](#) Phone: 1800 737 732.
- Your Doctor or GP can assess whether you will benefit from a Mental Health Treatment Plan. If you have a Mental Health Treatment Plan, you will be entitled to Medicare rebates to access certain psychologists, occupational therapists and social workers.