

Sexual Harassment, Sex Discrimination, and Sex Based Harassment Policy

Document Control

Policy owner: CEO

Responsible Committee: People and Culture Committee

Approved by: Board

Effective from: XX May 2026

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Applies to: Directors, employees, contractors, consultants, volunteers and temporary staff, and, where relevant, members and other participants in ASA activities

Related documents: Bullying, Harassment, Discrimination and Victimisation Policy; Code of Conduct; Whistleblower Policy; Work Health and Safety Policy; Psychosocial Hazards Policy

Version: 1.0

1. Introduction

1.1 Australian Shareholders Association (ASA) is committed to providing a safe, healthy and respectful environment for all people who work for, volunteer with, represent, participate in, or otherwise engage with ASA.

1.2 ASA recognises its obligations under the *Sex Discrimination Act 1984* (Cth), the *Fair Work Act 2009* (Cth), and applicable work health and safety laws. This includes a positive duty to take reasonable and proportionate measures to eliminate, as far as possible, sex discrimination in a work context, sexual harassment and sex-based harassment in connection with work, conduct that subjects a person to a hostile workplace environment on the ground of sex, and related victimisation.

1.3 This Policy forms part of ASA's broader work health and safety and people management framework.

1.4 ASA does not tolerate conduct prohibited by this Policy in the workplace, in connection with work or ASA activities, or in circumstances where the relevant contact or relationship arose through work or ASA activities and the conduct has a sufficient connection to ASA.

2. Purpose

The purpose of this Workplace Sexual Harassment, Sex Discrimination and Sex-Based Harassment Policy (Policy) is to:

- explain the standards of conduct expected by ASA

- explain what may constitute sex discrimination, sexual harassment, sex-based harassment, a hostile workplace environment on the ground of sex, and victimisation
- set out how concerns can be raised and how ASA may respond

3. Definitions

3.1 For the purposes of this Policy:

worker means any person engaged by ASA or performing work for or on behalf of ASA, including an employee, director, office holder, contractor, subcontractor, labour hire worker, apprentice, trainee, work experience student or volunteer.

member means a member of ASA.

ASA activity means any meeting, conference, training session, volunteer activity, work-related travel, social function, online forum, communication platform or other activity connected with ASA.

4. Scope

4.1 This Policy applies to workers whenever they are performing work for ASA, including on ASA premises, when working from home, while travelling for work, at work-related social functions, conferences and meetings, and in other circumstances where there is a sufficient connection with work.

4.2 This Policy also applies to members when participating in ASA activities or interacting with workers, volunteers, directors, other members, speakers, guests or third parties in connection with ASA.

4.3 This Policy applies to conduct in online spaces, including email, Microsoft Teams, messaging applications, text messages, social media and other digital platforms, where the conduct is connected with work or an ASA activity, where the relevant contact or relationship arose through work or an ASA activity, or where the conduct otherwise affects a person's work, volunteer role or participation in an ASA activity.

4.4 ASA also expects contractors, suppliers, speakers, venue staff, guests and other third parties engaging with ASA to behave consistently with this Policy. ASA may take appropriate steps to protect workers and others if concerns arise involving third parties.

4.5 This Policy is a policy and guidance document. It does not form part of any employee's contract of employment and does not limit ASA's rights under any contract, the ASA Constitution, membership terms, or applicable law. ASA may amend this Policy from time to time.

5. Policy details

5.1 Guiding principles

5.1.1 The guiding principles for this Policy are:

- (a) Work health and safety: sexual harassment, sex-based harassment, sex discrimination and related victimisation are psychosocial and legal risks that must be identified, managed and addressed as part of ASA's broader work health and safety approach.
- (b) Strong and consistent leadership: leaders are expected to model respectful behaviour, reinforce standards, and foster a culture in which concerns can be raised safely.
- (c) Prevention and risk management: ASA seeks to prevent prohibited conduct by identifying risks, implementing controls, providing education and training, and reviewing the effectiveness of its systems and practices.
- (d) Early intervention: concerns should be addressed early, where appropriate, to help prevent escalation and harm.
- (e) A person-centred and trauma-informed response: ASA will seek to respond in a way that supports the safety, dignity and wellbeing of the person affected.
- (f) Procedural fairness: ASA will ensure fair treatment of all persons involved, including by informing a respondent of the substance of any allegations and giving them a reasonable opportunity to respond.
- (g) Responsiveness to diverse needs: ASA will seek to take account of the particular circumstances and needs of the people involved.

5.2 Responsibilities

5.2.1 All workers and members must:

- (a) comply with this Policy and behave respectfully
- (b) treat others with dignity, courtesy and professionalism
- (c) not engage in prohibited conduct
- (d) where safe and appropriate, raise concerns promptly or seek guidance if they experience or witness conduct that may breach this Policy
- (e) maintain privacy and confidentiality as far as reasonably practicable

5.2.2 In addition to their responsibilities under clause 5.2.1, managers and supervisors must:

- (a) model appropriate behaviour and reinforce ASA's standards
- (b) take reasonable steps to prevent prohibited conduct within their area of responsibility
- (c) act on concerns raised with them or observed by them, including by escalating them promptly through the appropriate reporting pathway
- (d) support affected persons and consider immediate safety, wellbeing and work health and safety needs
- (e) treat reports seriously and handle them as confidentially as reasonably practicable

5.2.3 In addition to their responsibilities as workers, leaders and executives must:

- (a) ensure appropriate systems, training, reporting lines and controls are in place to prevent and respond to prohibited conduct
- (b) monitor themes, trends and systemic risks, and review whether further action is required
- (c) allocate appropriate resources to prevention, support and response measures
- (d) support a consistent, lawful and fair response to concerns raised under this Policy

5.3 Prohibited conduct

5.3.1 ASA does not tolerate any of the following conduct:

- (a) sex discrimination
- (b) sexual harassment
- (c) sex-based harassment
- (d) conduct that subjects a person to a hostile workplace environment on the ground of sex
- (e) victimisation related to a concern, complaint or disclosure

5.3.2 The intention of the person engaging in the conduct is not determinative. Conduct may breach this Policy even if it was not intended to offend, humiliate or intimidate.

5.3.3 A single incident may amount to prohibited conduct. A pattern of behaviour may also amount to prohibited conduct.

5.3.4 Conduct prohibited by this Policy may also expose individuals and ASA to legal, reputational and work health and safety risks.

5.3.5 If ASA determines that a person has breached this Policy, ASA may take action appropriate to the circumstances, including:

- (a) education, counselling or a direction to cease the conduct
- (b) changes to duties, reporting lines, rostering or participation arrangements
- (c) disciplinary action, including warnings or termination of employment
- (d) termination of a contract or volunteer engagement
- (e) removal from an event, meeting, online forum or ASA activity
- (f) suspension or termination of membership, subject to the ASA Constitution and any applicable membership processes
- (g) referral to a regulator or the police where appropriate

5.3.6 All workers, members and others covered by this Policy are expected to cooperate in good faith with any assessment, inquiry or investigation undertaken by ASA.

5.4 What is sexual harassment

5.4.1 Sexual harassment is unwelcome conduct of a sexual nature, including an unwelcome sexual advance, an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

5.4.2 Sexual harassment can occur once or repeatedly. A person does not need to have expressly objected for conduct to be unwelcome.

5.4.3 Examples of sexual harassment may include:

- unwelcome touching, hugging, kissing, cornering or other physical contact
- intrusive questions or comments about a person's body, sex life or private relationships
- repeated unwelcome invitations or contact of a sexual or intimate nature

- sexually suggestive jokes, comments, gestures or messages, including in emails, texts, chat platforms or virtual meetings
- staring or leering in a sexual way
- requests, pressure or demands for sexual favours or sexual acts
- conduct that may also amount to a criminal offence, such as sexual assault, indecent exposure, stalking or obscene communications

5.5 What is sex-based harassment

5.5.1 Sex-based harassment is unwelcome conduct of a demeaning nature by reason of a person's sex, or by reason of a characteristic that generally relates to, or is generally imputed to, persons of that sex, in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

5.5.2 Examples of sex-based harassment may include:

- insulting, belittling or mocking a person because of their sex
- making sexist, misogynistic or misandrist comments, jokes or remarks
- displaying, sharing or circulating material that demeans people because of their sex
- asking a person to engage in degrading conduct because of their sex

5.6 What is sex discrimination

5.6.1 Sex discrimination may occur where a person is treated less favourably than a person of a different sex would be treated in the same or similar circumstances because of that person's sex, or because of a characteristic that generally relates to, or is generally imputed to, persons of that sex.

5.6.2 Sex discrimination may also occur where a condition, requirement or practice is imposed that has, or is likely to have, the effect of disadvantaging persons of a particular sex and is not reasonable in the circumstances.

5.7 Hostile workplace environments on the ground of sex

5.7.1 A workplace environment may be hostile on the ground of sex where conduct in a workplace or work-related setting results in an environment that a reasonable person would anticipate could be offensive, intimidating or humiliating to a person because of their sex or a characteristic associated with their sex.

5.7.2 For the purposes of this Policy, a workplace or work-related setting includes ASA premises, meetings, conferences, travel, social functions, online spaces and

other settings connected with work or an ASA activity, or arising from contact or relationships formed through work or an ASA activity..

5.8 Victimisation

5.8.1 Victimisation means subjecting, or threatening to subject, a person to a detriment because they have made, propose to make, or are believed to have made a complaint, disclosure or allegation under discrimination law or this Policy, helped someone else to do so, or otherwise asserted their rights.

5.8.2 A person will not be disadvantaged for raising a concern honestly and on reasonable grounds, even if the concern is not ultimately substantiated.

5.9 Criminal conduct

5.9.1 Some conduct prohibited by this Policy may also amount to criminal conduct. Depending on the circumstances, this may include sexual assault, stalking, indecent exposure, physical assault or threatening or obscene communications. Where appropriate, ASA may refer the matter to police or support the affected person to do so.

6. Reporting concerns and responding to reports

6.1 Any worker or member who experiences, witnesses or becomes aware of conduct that may breach this Policy is encouraged to raise the concern or seek guidance as soon as reasonably practicable.

6.2 A concern may be raised verbally or in writing, including in person, by telephone, by video meeting or by email.

6.3 Concerns may be raised with any of the following, as appropriate:

- (a) the person's manager or supervisor
- (b) the CEO
- (c) the Chair of the Board
- (d) the Chair of the People and Culture Committee

6.4 If the concern involves the CEO, it should ordinarily be raised with the Chair of the Board or the Chair of the People and Culture Committee. If the concern involves the Chair of the Board, it should ordinarily be raised with the Deputy Chair or another independent director nominated by the Board. If any of those persons is unavailable, or it is otherwise inappropriate in the circumstances to raise the concern with them, the concern may be raised with another person nominated by the Board for that purpose.

6.5 A person is not required to confront the person whose conduct is of concern before making a report. If a person chooses to tell the other person to stop, that should only occur where it is safe and appropriate to do so.

6.6 ASA will accept anonymous reports where possible. However, anonymity may limit ASA's ability to investigate or respond fully.

6.7 A person may also choose to seek independent advice or make a report to an external regulator or the police at any time.

6.8 ASA will take reports seriously and respond in a way that is proportionate to the issues raised.

6.9 ASA will, so far as reasonably practicable:

- (a) assess any immediate safety, support and work health and safety risks
- (b) consider whether interim measures are required
- (c) handle the matter as confidentially as reasonably practicable
- (d) determine whether the matter is best addressed by support, informal resolution, a formal investigation, a work health and safety response, or a combination of these
- (e) ensure procedural fairness
- (f) keep appropriate records
- (g) take any action ASA considers appropriate in the circumstances

6.10 Informal resolution may be considered where appropriate, but only where the circumstances make it suitable. Mediation or facilitated discussion will only be used where ASA considers it appropriate and the relevant participants freely agree.

6.11 A formal investigation may be conducted by an internal or external investigator, depending on the circumstances.

6.12 Even where an investigation does not substantiate a breach of this Policy, ASA may still take steps it considers necessary to manage safety, wellbeing, working relationships or work health and safety risks.

6.13 Deliberately false, malicious or vexatious reports may themselves amount to a breach of this Policy or other ASA policies. However, a report will not be treated that way merely because it is not substantiated.

7. Further options and support

7.1 Depending on the circumstances, a person may also consider:

- (a) making a complaint to the Australian Human Rights Commission
- (b) applying to the Fair Work Commission, where available, to deal with a sexual harassment dispute and, where relevant, for an order to stop sexual harassment
- (c) making a report to the relevant work health and safety regulator, including SafeWork NSW where applicable
- (d) seeking legal advice
- (e) making a report to the police

7.2 Support options may include:

- 1800RESPECT – 1800 737 732
- Lifeline – 13 11 14
- Beyond Blue – 1300 22 4636
- ASA's Employee Assistance Program for staff, which can be accessed through the CEO, the People and Culture Committee Chair or the Board Chair

8. More information

8.1 If you have any questions about this Policy or require further information about its operation, please contact the CEO or the Chair of the People and Culture Committee.