

# MALABAR RESOURCES LIMITED

## PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY

September 2021

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### OUR COMMITMENT

The Australian Human Rights Commission have released their Respect@Work: Sexual Harassment National Inquiry Report which found that 40 percent of the minerals industry workforce had experienced some form of sexual harassment in the past five years<sup>1</sup>. More must be done to prevent and eliminate sexual harassment in all workplaces. Sexual harassment in employment is unlawful under the *Sex Discrimination Act 1984* (Cth).

Malabar Resources Limited (“Malabar” or “the Company”) is committed to providing a safe, inclusive, and respectful environment that is free from all forms of sexual harassment for all employees and contractors. Malabar’s culture and supporting ideals create the conditions where all employees and contractors treat each other professionally, respectfully, without discrimination and to identify behaviour that is unlawful or contrary with Malabar’s ideals.

This policy outlines Malabar’s commitment to supporting a safe workplace and to limiting the risk and incident of sexual harassment within the workplace or in connection with our activities.

### DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the individual harassed would feel offended, intimidated, or humiliated. This includes situations where an individual is asked to engage in an activity of a sexual nature as a condition of their employment, as well as situations that create an environment which is hostile, intimidating or humiliating for the victim.

Sexual harassment can take the form of one or more incidents and actions constituting harassment may be physical, verbal, or written (including electronic communication). Examples of conduct which constitute sexual harassment include, but are not limited to:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Physical violence, including sexual assault;

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<sup>1</sup> Australian Human Right Commission (2020). *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*. Sydney: AHRC. Available at <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

- The use of job-related threats or rewards to solicit sexual favours;
- Comments about a person's private life or the way they look;
- Sexually suggestive comments, stories, or jokes;
- Repeated and unwanted social invitations for dates or physical intimacy;
- Insults based on the sex of the worker;
- Sending sexually explicit messages (by phone or by email);
- Displaying of sexually explicit or suggestive material; and
- Sexually suggestive gestures.

## **OUR POLICY**

Malabar will not tolerate sexual harassment under any circumstances. The responsibility lies with every manager, supervisor, employee, and contractor to ensure that sexual harassment does not occur. Malabar recognises that anyone can be a victim of sexual harassment regardless of their gender or the gender of the harasser. All instances of sexual harassment are strongly prohibited whether they take place within Malabar premises or outside, including at social events, business trips, training sessions or conferences sponsored by Malabar.

Any employee or contractor who sexually harasses another shall be disciplined in accordance with this internal policy. A breach of this policy will result in disciplinary action, up to and including termination of employment.

## **COMPLAINTS PROCEDURES**

Malabar strongly encourages any employee or contractor who believes they have been sexually harassed to take immediate action. If the employee is comfortable in doing so, they are encouraged to raise the issue with the person directly with a view to resolving the issue through discussion. The employee or contractor should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and request that it cease. However, due to the severity of sexual harassment, it is recommended that this discussion occurs in consultation with the appropriate manager, human resources personnel, or supervisor.

Conversely, or in addition, the employee can report the behaviour in accordance with Malabar's Grievance Policy.

Any allegations of sexual harassment will be taken seriously and treated promptly with sensitivity. The reports will be kept fully confidential, but under natural justice laws, the individual who is the subject of the complaint must be notified. No employee or contractor will be penalised unfairly as a result of rejecting inappropriate and unwanted advances. Anyone who victimises or retaliates against an individual who has complained of sexual harassment, or any employee who has been accused of being a harasser, may face disciplinary action.

Complainants have the right to determine how their complaint is dealt with, to get assistance or representation during the process, and to withdraw their complaint at any stage of the process.

During any investigation, the alleged harasser has the right obtain assistance or representation, as well as the right to reply completely to any formal allegations made. No presumptions of guilt will be formed, and no decision will be made until the full investigation is completed.

All employees and contractors are entitled to seek assistance from the appropriate tribunal or legislative authority in resolving any concerns.

Managers or supervisors who fail to take adequate corrective measures after becoming aware of harassment will face disciplinary action.

### **PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT**

Malabar acknowledges that some acts of sexual harassment (e.g., sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls/text messages, etc.) may constitute criminal conduct. As part of the criminal justice system, such complaints should be handled by the appropriate authorities (i.e., the police).

### **MONITORING AND EVALUATION**

Managers, supervisors, and others responsible for dealing with sexual harassment incidents will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made to the parties. Malabar will review and make amendments to this policy as needed.

Please talk to your direct manager if you have any questions or alternatively you can contact the Company Secretary.

### **DOCUMENT CONTROL**

<b>Version</b>	<b>Date</b>	<b>Owner</b>	<b>Description of changes</b>
1	30/09/2021	Company Secretary	