

Harassment Policy

Cygnus Metals Limited (ACN 609 094 653)

Adopted by the Board with effect on 27 March 2024.

1. Introduction

Harassment (including unlawful discrimination, sexual harassment and sex-based harassment) in the workplace is unacceptable conduct which will not be tolerated or condoned.

Cygnus Metals Limited (**Cygnus**) is committed to providing a work environment free of all forms of harassment and expects all employees, contractors and visitors to do everything they can to honour this commitment.

2. Unlawful discrimination

Unlawful discrimination may occur when a person is treated less favourably than another because they have a particular characteristic or belong to a particular group of people, such as their race, nationality, ethnic origin, gender, gender identity (including intersex and transgender), sexuality, sexual orientation, pregnancy, potential pregnancy, breastfeeding, age, disability, disease, carer's or family responsibilities, marital or relationship status, political opinion, union membership, protected industrial activity or any other characteristic prohibited by law (Prohibited Grounds).

Unlawful discrimination can take two forms:

- **Direct discrimination:** direct discrimination occurs when a person treats or proposes to treat another person less favourably because of a Prohibited Ground; and
- **Indirect discrimination:** indirect discrimination occurs where policies and practices, which appear on their face to be non-discriminatory, operate in such a way so as to unreasonably disadvantage one person or a group of people (because of a Prohibited Ground) when compared with another.

In other words, it is when a requirement, condition or practice is imposed that applies equally to everyone but has an unfair effect on certain people who share a particular attribute.

3. Harassment

Harassment is unwelcome behaviour that a reasonable person would consider offends, humiliates, or intimidates another person because of a particular personal characteristic that person has (such as their race, age, gender, disability, or sexuality) or which makes the workplace uncomfortable and hostile for other workers.

Examples of what may constitute harassment include using epithets or slurs, threatening, intimidating or engaging in hostile acts that focus on a Prohibited Ground, including jokes or pranks, or placing or circulating offensive material anywhere on the Cygnus' premises, or using Cygnus' resources, including electronic mail, voice mail and the Internet, to create, send, receive or store written or graphic material that denigrates or shows hostility, bias against or aversion toward a person or group because of a Prohibited Ground. This is not an exhaustive list.

4. Sexual harassment

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

The circumstances to be taken into account include but are not limited to:

- the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- any disability of the person harassed; and
- any other relevant circumstance.

Sexual harassment may occur in a single, one-off incident or a series of incidents - repeated conduct is not necessary. It can take many forms and be direct or indirect, physical, verbal or written.

Examples of what may constitute sexual harassment include threatening or taking adverse action if sexual favours are not granted, demands for sexual favours in exchange for favourable or preferential treatment; unwelcome and repeated flirtations, propositions or advances, pressure or demand for dates, unnecessary familiarity, unwelcome physical contact, whistling, leering, improper gestures or offensive remarks, including unwelcome comments about appearance, sexual jokes or inappropriate use of sexually explicit or offensive language, and the display in the workplace of sexually suggestive objects or practices. This is not an exhaustive list.

There are behaviours which do not constitute sexual harassment, such as conduct based on mutual attraction and friendship.

5. Sex-based harassment

Harassment on the ground of sex is where a person engages in unwelcome conduct, of a demeaning nature, by reason of a person's:

- sex;
- a characteristic that is generally linked to the person's sex; or
- a characteristic that is generally attributed to the person's sex,
- 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.
- The circumstances to be taken into account include but are not limited to:
 - the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
 - the relationship between the person harassed and the person who engaged in the conduct;
 - any disability of the person harassed;
 - any power imbalance in the relationship between the person harassed and the person who engaged in the conduct;
 - the seriousness of the conduct;
 - whether the conduct has been repeated; and
 - any other relevant circumstance.

Examples of what may constitute harassment on the ground of sex include making sexist or misogynistic remarks.

6. What is not discrimination or harassment?

Workplace harassment or discrimination should not be confused with legitimate management action. Legitimate management action may include:

- feedback, comment or advice, including negative feedback, from managers or supervisors on an employee's work performance or work-related behaviour;
- formal performance appraisal;
- workplace investigation into alleged breaches of policy;

- counselling of staff regarding their work performance or behaviour;
 - performance management process; and
 - other reasonable management action.
-

7. Reporting process

Employees who engage in any form of harassing behaviour will be disciplined appropriately, which could include termination of employment. If any harassing behaviour is suspected, it should be reported to an appropriate manager immediately and in good faith.

8. Review

This policy will be reviewed annually.