

AUSFILM

Connecting film & TV makers
worldwide to Australia

Ausfilm Guide:

CODE OF CONDUCT

September 2024



STANDARDS OF BEHAVIOUR & ANTI-SEXUAL HARASSMENT CODE OF CONDUCT - AUSFILM INTERNATIONAL INCORPORATED AND AUSFILM USA

A. ABOUT THE CODE OF CONDUCT

Ausfilm International Incorporated and Ausfilm USA (collectively, "Ausfilm") are committed to playing their role in industry-wide efforts to eliminate sexual harassment in the workplace. Further to this commitment, Ausfilm has created this Standards of Behaviour and Anti-Sexual Harassment Code of Conduct ("Code of Conduct") which applies to companies that are members of Ausfilm ("Members"), as well as individuals that do business with such Members and/or Ausfilm, including, but not limited to, officers, directors, employees, agents, representatives, managers, lawyers, vendors and independent contractors.

Members of Ausfilm agree to conduct themselves in accordance with this Code of Conduct. Members recognise that membership in Ausfilm is not a right, but rather a privilege. In recognition of the importance of preventing sexual harassment and to ensure that Ausfilm remains a highly respected trade organisation, Ausfilm may expel a Member for failure to abide by the Standards of Behaviour and Code of Conduct.

B. WHAT CONSTITUTES SEXUAL HARASSMENT

Sexual harassment is unwelcome, unwanted, or offensive conduct of a sexual nature and/or conduct which is based on the sex of the victim. Sexual harassment may include sexual solicitations, inappropriate touching, inappropriate use of nudity or sexual images, sexual jokes, and other physical, verbal, or visual conduct of a sexual nature. In the workplace, there are two main forms of sexual harassment: (1) quid pro quo sexual harassment; and (2) hostile work environment caused by sexual harassment.

Quid Pro Quo sexual harassment is when a job, promotion or other professional benefit is conditioned upon the applicant's or employee's submission to sexual advances or other conduct based on sex, or such job, promotion or other benefits are denied to an individual because the individual refused to participate in romantic or sexual activity.

Hostile Work Environment is unwelcome verbal, physical or visual conduct that is severe or pervasive, and which creates an intimidating, hostile or offensive work environment or interferes with work performance.

Sexual harassment is illegal under Title VII of the Civil Rights Act of 1964 in the United States and the Sex Discrimination Act 1984 in Australia. Moreover, some behavior which constitutes sexual harassment may also be actionable under criminal law, including rape, sexual assault, physical assault, indecent exposure, and obscene communications, among other things.

Members should ensure that they have Anti-Harassment Policies and that they enforce them.

C. GUIDELINES AND PROTOCOLS FOR MEMBERS:

Ausfilm expects Members to comply with the following guidelines to maintain a workplace free of sexual harassment.

1. HARASSMENT FREE WORKPLACE

Members are expected to maintain a workplace free from all forms of sexual harassment, and must comply with the law regarding sexual harassment. Members should consult with a lawyer to the extent they are unsure about the law or a particular complaint of sexual harassment.

This obligation extends to addressing the harassing behavior of vendors and affiliated companies. This obligation is not limited to a traditional worksite, but also other locations where an employee is required to be in the course of the employee's employment with a Member. Without limiting the generality of the foregoing, this applies to Ausfilm events.

2. TRAINING

To the extent required by law, Members must provide in-person anti-sexual harassment training for their employees, including all levels of management. To the extent that the training is not required by law, Ausfilm recommends that Members provide such training. Ausfilm recommends that Management be present at training sessions to demonstrate the Member's commitment to preventing sexual harassment. Ausfilm recommends that Members take steps to maintain awareness of sexual harassment on an ongoing basis and provide such training and support as is appropriate for the size of their company.

3. REPORTING PROCEDURES

Members should encourage employees to report any conduct believed to be sexual harassment irrespective of whether such conduct was aimed at that particular employee or another person. Members should ensure that processes are in place for the reporting and investigation of such conduct through reporting procedures that provide a range of methods and multiple points-of- contact. Ausfilm suggests designating at least two (2) individuals, ideally of different genders, that employees can approach if they are subject to, or witness harassment.

4. TREATMENT AND INVESTIGATION OF HARASSMENT REPORTS

Members should require employees to approach reports of sexual harassment objectively bearing in mind that a report itself does not predetermine guilt. Members should reassure the reporting party that they take harassment very seriously and that s/he will face no retaliation for reporting.

If Ausfilm receives a report of alleged sexual harassment and Ausfilm is not the employer of the accuser or the accused, then Ausfilm generally will not conduct an investigation. However, if a report of alleged sexual harassment occurs at an Ausfilm event, then Ausfilm may engage a third party to investigate.

In addition to reporting sexual harassment internally, Members should encourage employees to report instances of sexual harassment to the following:

Australian Human Rights Commission

<https://www.humanrights.gov.au/our-work/sex-discrimination>

United States Equal Employment Opportunity Commission

https://www.eeoc.gov/laws/types/sexual_harassment.cfm

National Women's Law Center's TIME'S UP Legal Defense Fund

<https://www.nwlc.org/timesup>

California Department of Fair Employment and Housing

<https://www.dfeh.ca.gov/>

New York Human Rights Commission

<https://www1.nyc.gov/site/cchr/index.page>

Members can also refer employees to seek advice or assistance from others (including a lawyer).

5. TIMELY RESPONSE

Members should ensure that a timely, neutral, and fair response is provided to any sexual harassment complaint.

6. NON-RETALIATION

Members cannot retaliate against an employee for reporting instances of sexual harassment.

7. CONFIDENTIALITY

Members will endeavor to maintain the confidentiality of employees that report sexual harassment claims. Both the accuser and the accused have rights that need to be protected.

8. STANDARDS OF BEHAVIOUR AT AUSFILM EVENTS

Ausfilm is committed to ensuring that individuals that attend Ausfilm events are treated with dignity, respect, professionalism and common courtesy. Conduct that is discriminatory, demeaning, debasing, harassing, or bullying, whether subtle or blatant, intended or unintended, is not acceptable.

Ausfilm expects Members not to be intoxicated or under the influence of drugs (other than proper doses of prescribed medications) while attending Ausfilm events.

Ausfilm reserves the right to require a Member to leave an event and to expel a Member in the event that a Member fails to comply with these standards of behavior.

Ausfilm greatly appreciates the opportunity to work with experienced and innovative companies and individuals in the entertainment industry and appreciates everyone's efforts to prevent harassment and discrimination and to ensure a respectful and professional culture.

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