

EEO, Discrimination and Victimisation Policy

Introduction

Airport Development Group Pty Ltd (ADG) and the Northern Territory Airports Pty Ltd (NTAPL) recognises that Equal Employment Opportunity (EEO) is a matter of employment obligation, social justice and legal responsibility. It also recognises that prohibiting discriminatory policies and procedures is sound management practice.

This policy has been designed to facilitate the creation of a workplace culture that maximises company performance through employment decisions. These decisions will be based on real business needs without regard to non-relevant criteria or distinctions, and will ensure that all decisions relating to employment issues are based on merit.

Policy Statement

ADG/NTAPL is an equal opportunity employer and will provide equality in employment for all people employed or seeking employment. Every person at ADG/NTAPL will be given a fair and equitable chance to compete for appointment, promotion or transfer, and pursue their career as effectively as others.

In accordance with this policy, ADG/NTAPL will not condone and regards as unfair, all forms of unlawful discrimination or vilification including that which relates to:

- gender;
- gender identity;
- sexual orientation;
- intersex status;
- pregnancy, potential pregnancy and breastfeeding;
- race (including colour, nationality, descent, ethnic or ethno-religious background);
- age;
- marital or relationship status;
- disability or impairment (including physical or intellectual disability or impairment and infectious diseases, including HIV/AIDS);
- transgender status;
- family responsibilities;
- parental status or carer's responsibilities;
- religious beliefs;
- irrelevant criminal record;
- industrial activities;
- union membership; and
- political beliefs.

Application and Definitions

This policy applies to:

- All workers;
- Those applying for a job with ADG/NTAPL;
- Agents and suppliers; and
- Anyone working with ADG/NTAPL.

Agent means a person or business authorised to act on behalf of NTAPL/ADG.

Attribute means one or more of the attributes referred under the heading “Policy Statement” in this Policy.

Company means ADG and/or NTAPL.

Complaint includes a workplace complaint made under this or any other policy or other workplace instrument or legislation.

Worker means full time, part time, fixed term, casual employees, contractors, subcontractors, employees of contractors and subcontractors, labour hire personnel, outworkers, apprentices or trainees, students gaining work experience, person engaged under workplace arrangements and volunteers.

Unlawful Discrimination

Neither a representative of ADG/NTAPL nor a worker from ADG/NTAPL may discriminate against another person on the grounds of a protected attribute referred to above or because the person has or is believed to have an association with a person who has or is believed to have an attribute referred to in the above paragraph.

There are two types of discrimination, direct and indirect. Whether a person who is alleged to have committed an action of direct or indirect discrimination intended the act to be discriminatory is irrelevant. Lack of intent is not an appropriate response.

Direct Discrimination

Direct discrimination means treating a person less favourably than another on the basis of an [attribute](#).

Examples of direct discrimination are:

- Not hiring someone because they are not married or because they are married;
- Not promoting an employee because she is female or because an employee has family responsibilities;

Direct discrimination cannot be justified on the basis of reasonable conduct or reasonable necessity.

Indirect Discrimination

Indirect discrimination occurs when:

- a person must comply with some requirement in relation to their employment and they are unable to because of an attribute he/she possesses;
- the majority of persons not possessing that attribute can comply; and
- the requirement that is imposed is unreasonable in the circumstances.

Examples of indirect discrimination include:

- scheduling a meeting for 7.30am when the employee with carer responsibilities can not attend at that time; or
- reducing employee levels by making all part-time positions redundant when the majority of part-time workers are women.

Victimisation

Victimisation takes place if a person subjects or threatens to subject another person or an associate of the other person to any detriment because the person has made, or intends to make, a [complaint](#); or has given or intends to give evidence or information in connection with an internal or external workplace investigation or has alleged, or intends to allege, that a person has committed an act which would amount to a contravention of this or any other ADG/NTAPL policy or applicable legislation. An act of victimisation towards a complainant will not be substantiated where it is found that the complaint was false, frivolous, vexatious or malicious.

Aim of the Guidelines

These guidelines aim to:

- outline the responsibilities of all workers in the prevention and elimination of unlawful discrimination and victimisation; and
- describe the mechanisms for resolving cases of unlawful discrimination and victimisation.

Prevention of Workplace Discrimination and Victimisation

Managers' Responsibilities

Managers play an important role in preventing unlawful discrimination and victimisation. They are expected to:

- understand that the workplace is a diverse environment and that what is perceived as discrimination or victimization by one person, may not be seen as such by another. This does not mean, however, that an individual's concern is not legitimate, therefore managers must take all complaints seriously;
- ensure that their own behaviour complies with these guidelines, and all Company policies, Human Resources (HR) principles (including Equal Employment Opportunity (EEO) and the Code of Conduct) and Company values;
- ensure that all workers reporting to them are aware of the Company's policy and guidelines and the Company's expectations of appropriate behaviour and regularly remind and update workers of such policies, guidelines and expectations;
- monitor the workplace to ensure appropriate behaviour;

- intervene quickly and appropriately to modify worker behaviour, so that situations do not escalate;
- ensure any decisions made in relation to workers or workplace activities are done so objectively and not on the basis of a protected attribute; and
- seek advice from the Human Resource Manager if unsure how to proceed.

Vicarious Liability

Managers should be aware that they can be liable for the actions of workers who report to them in accordance with the following:

- *Anti-discrimination Act 1992 (NT),*
- *Racial Discrimination Act 1975 (Cth),*
- *Sex Discrimination Act 1984 (Cth),*
- *Fair Work Act 2010 (Cth).and*
- *Disability Discrimination Act 1992 (Cth).*

Vicarious liability for the unlawful act of a worker or agent may attach to the employer and in some cases to the representatives of the employer, unless the employer or the representative of the employer can establish that all reasonable steps have been taken to prevent the worker or agent from doing the unlawful act.

The employer's vicarious liability does not generally displace the worker's or agent's personal liability.

To demonstrate that ADG/NTAPL and managers have taken reasonable steps to prevent unlawful acts, managers must implement the preventative action identified above.

Responsibilities of Workers

Workers have an obligation to ensure their behaviour is appropriate both within the workplace, and at work related functions. Workers are therefore expected to:

- ensure that their own behaviour does not discriminate or victimize others; and
- abide by Human Resource Principles including EEO Principles and the Code of Conduct and other policies and Company values.

Workers also have a responsibility to other workers. Anyone who becomes aware of discrimination or victimization should bring it to the attention of management. Such conduct is not purely a personal matter between individuals as it can affect other workers, productivity and working relationships. (Discussing the matter with individuals who do not have authority to manage or deal with the matter is considered inappropriate and may be a breach of the Company policies.)

An accusation of harassment or victimization is a serious matter and so an accusation should not be made frivolously, or falsely. It may not be necessary to raise a formal complaint in order to bring a matter of harassment or potential harassment to management's attention for

resolution. For example, a team member may make an informal complaint to a manager that "inappropriate joke telling" in a unit/team meeting is an issue. No-one in particular need be identified as the perpetrator and management can decide on a strategy to stop the behaviour in a way which does not necessarily single out any particular individual. Where an individual believes they have been discriminated against or victimized, if it is safe to do so, they may approach the alleged offender and ask that the inappropriate or offensive behaviour is not repeated. Where the individual does not feel safe to approach the alleged offender they are encouraged to bring the matter to the attention of one of the following

- their immediate supervisor
- their Department Manager; or
- the Human Resource Manager.

A complainant will be disciplined in accordance with the company's Discipline Policy which could lead to the termination of your employment or engagement with ADG/NTAPL if it is found that a complaint was false, frivolous, vexatious or malicious.

The Company may choose to investigate a complaint even in circumstances where it is withdrawn.

Relevant Legislation

The following legislation is intended to prevent and eliminate of unlawful discrimination and victimization:

- *Anti-discrimination Act 1992 (NT)*;
- *Work Health and Safety (Uniform Legislation) Act 2011 (NT)*;
- *Racial Discrimination Act 1975 (Cth)*;
- *Sex Discrimination Act 1984 (Cth)*;
- *Human Rights and Equal Opportunity Commission Act (HREOC) 1986 (Cth)*;
- *Disability Discrimination Act 1992 (Cth)*;
- *Age Discrimination Act 2004 (Cth)* and
- *Fair Work Act 2010 (Cth)*.

Management of Workplace Discrimination and Victimisation

Managers' Responsibilities

Workers who supervise other workers must:

- take all complaints of discrimination and/or victimization seriously;
- where they become aware of an instance of discrimination or victimization but no complaint has been made, take action in accordance with their responsibility;
- resolve less serious allegations quickly (preferably within 24 hours of the complaint being brought to their attention) wherever possible, informally and appropriately. It is recommended that management consider the feelings and wishes of the complainant when resolving discrimination and victimization issues taking into account the rules of procedural fairness and natural justice;

- ensure all complaints are treated seriously, equitably and sympathetically and that consideration is given to the privacy of all the people concerned. It is the manager's responsibility to stress the importance of and need for confidentiality so as to protect the identity of workers involved in a harassment case;
- ensure that workers are informed of all the options (making an informal or formal complaint) and their right to pursue whichever options they choose is respected and supported. Not addressing and resolving incidents of discrimination and/or victimization is not an option;
- provide accessible and open channels of communication for the lodgment and resolution of complaints of harassment;
- encourage the worker to raise a formal complaint where an informal process involving the manager has not resolved the situation;
- escalate the situation to the HR Manager where an informal process has not resolved the situation but the complainant will not or has not formalized their complaint;
- for less serious allegations, investigate a formal complaint of discrimination and/or victimisation following the principles of procedural fairness and natural justice;
- for more serious allegations escalate the issue to HR for discussion about the appointment of an Investigation Officer; and
- Remove themselves from an investigation if it is alleged that they are discriminating against or victimising a worker or they hold a real or perceived conflict of interest.

References

Code of Conduct
 Complaints Policy
 Discipline Policy

Table of amendments

Version	Date	Short Description of amendment
1	October 2010	Equal Employment Opportunity Guidelines
2	December 2014	EEO, Discrimination and Victimisation Policy – Revamp of policy to include new laws