

 PO Box 3407 Toowoomba QLD 4350	HR POLICY	Newlands Civil Construction Pty Ltd ABN 41 133 339 778
	<b>DISCRIMINATION</b>	Newlands Commercial Construction Pty Ltd ABN 64 166 350 563

Authorised By: B O'Sullivan

HR-POL-049

Version: Jan 2018

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## 1. Purpose

NCC is committed to creating a work environment which is free from discrimination and where all members of staff are treated with dignity, courtesy and respect. Therefore, we have developed this Policy and have procedures for complaints.

NCC is an equal opportunity employer and all staff should be able to work in an environment free from discrimination and vilification. We consider such behaviours unacceptable and they will not be tolerated.

## 2. Scope

This Policy applies to all NCC employees and contractors, paid, voluntary or otherwise.

## 3. Policy

- 3.1 All employees contribute to the creation of a discrimination free and inclusive workplace and a healthy workplace culture.
- 3.2 Top Management have a particular obligation to model appropriate behaviour; promote this Policy; treat all complaints seriously and attend to them promptly; monitor the work environment and seek expert help for complex or serious matters;
- 3.3 All employees have the responsibility to comply with this Policy; report incidents to their managers and not to participate in discriminatory behaviour;
- 3.4 NCC will treat any discrimination complaint seriously and complaints will be dealt with in a confidential manner. Any complaint or witness will not be victimised in any way and if misconduct is proven appropriate action will be taken to ensure similar behaviour does not continue';
- 3.5 Under the Queensland *Anti-Discrimination Act 1991* (the Act) discrimination, victimisation, vilification and seeking unnecessary information on which discrimination might be based are illegal;
- 3.6 Discrimination is against the law and includes the following:
  - 3.6.1 race (including colour, descent or ancestry, nationality, national or ethnic origin);
  - 3.6.2 age (whether young or older);
  - 3.6.3 impairment (including biological, functional, learning, physical, sensory. Mobility, cognitive, psychological, psychiatric impairment or the present of an organism capable of causing disease);
  - 3.6.4 religious belief or activity;
  - 3.6.5 sex or gender identity;
  - 3.6.6 relationship status (including being married single, divorced, separated, de facto or in a same sex relationship);
  - 3.6.7 sexuality;
  - 3.6.8 family responsibilities (including the responsibility to care for and support a dependent child or immediate family member);
  - 3.6.9 trade union activity;
  - 3.6.10 political belief or activity;
  - 3.6.11 association with someone else who is identified because of one of the above attributes.
- 3.7 An employee who is subject to discrimination within the workplace and or is unable to resolve the matter yourself can seek assistance from the following:
  - 3.7.1 Top Management or supervisor;
  - 3.7.2 The Human Resource Manager;
- 3.8 When an employee makes a complaint to their supervisor, Top Management or HR, NCC will take all reasonable measures to resolve the issue in house;
- 3.9 Where the issue cannot be resolved internally, the complainant has the right to bring the issue to the appropriate state authority. For example the Anti-Discrimination Commission Queensland (ADCQ) can be contacted on 1300 130 670 (state wide). The Commission's website <http://www.adcq.qld.gov.au/home> has more information including the complaint form.
- 3.10 When receiving a complaint the HR Manager or other responsible person will, act quickly, seriously and sympathetically and investigate the incident thoroughly, impartially and with confidentiality. When a resolution has

Issued: 4 January 2018

Reviewed on 17 June 2020

Revise by: 17 June 2022

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been achieved, the HR Manager will follow up with all parties involved and communicate the outcomes to ensure no repeat episodes.

#### 4. Definitions

- 4.1 **Direct Discrimination** – occurs when a person (or group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more of the attributes listed above. Direct discrimination may involve:
- 4.1.1 Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment;
  - 4.1.2 Using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job.
- 4.2 **Indirect Discrimination** – occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute. The fact that the disadvantage was not intended is not an excuse. For example:
- 4.2.1 Requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent;
  - 4.2.2 Only hiring people who have never had a back injury or a workers compensation claim might rule out an employee whose health has returned and can do the job well;
  - 4.2.3 Not considering the provision of some reasonable adjustments would disadvantage a person with an impairment, who may be able to perform the essential parts of the job in a different way.

#### 5. Responsibilities

- 5.1 Employees who make a complaint of discrimination will not suffer victimisation by NCC for making the complaint. This also applies to staff who agree to be a witness in a complaint or have a complaint made against them;
- 5.2 Action will be taken by NCC against any staff member found to have breached this Policy. Action will be appropriate to the breach and may include: an official warning and note on the person's personnel file; a formal apology; counselling; demotion, transfer, suspension; or dismissal for very serious matters;
- 5.3 Under the Act the person who discriminates against, victimises, vilifies or asks for unnecessary information can be liable for the illegal behaviour as well as their employer, NCC, unless NCC can show it has taken reasonable steps to prevent it;
- 5.4 Managers must ensure that all staff are treated fairly and are not subject to any of the behaviours mentioned in this Policy. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.
- 5.5 NCC Top Management assume the ultimate responsibility for Quality, Safety and Environmental requirements and core business practices in the workplace. NCC Senior Management plan, manage, monitor, review, and direct actions and allocate resources to support workers at every level to identify hazards, assess, control and evaluate risk in all areas of NCC operations.



Barry C O'Sullivan  
 Director  
 Newlands Civil Construction Pty Ltd AND  
 Newlands Commercial Construction Pty Ltd

4 January 2018