



EQUAL OPPORTUNITY PROCEDURE

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VARIATION RECORD

Version Number	Version Date	Brief Description of Change
1.0	October 2007	Original procedure issued. Board approved on 25 October 2007.
1.1	13 November 2009	Replaced Clause 5, removed Human Rights from clause 8.4 added unlawful to clauses 9, 10 and 12.
1.2	November 2012	Amendments to: item 3 addition of extra grounds, items 7 and 8 amendment to Grievance officer, addition of Grievance Procedure and removal of officer names.
2.0	December 2014	Updated for KPA, item 8.4 addition of Fair Work Commission.
2.1	April 2017	Updated Grievance Officer to Fair Treatment Officer throughout, item 1 second paragraph added, item 2 second and third paragraphs added, item 3 direct discrimination paragraph amended, item 6 responsibilities amended, item 8.2 investigations amended, and item 8.2 victimisation added.
2.2	November 2019	Changed procedure to procedure throughout, item 3 added language, fines enforcement register and extended the definition of discrimination, item 8.1 added manager, and 8.2 added Code of Conduct.
2.3	July 2021	Procedure now maintained by COO. Total revision of structure and wording.
2.4	July 2023	Item 2 list expanded and item 4 added Fair Treatment Procedure.

1. SCOPE

This procedure outlines the Kimberley Ports Authority's **(KPA's)** commitment to provide equal opportunity in all aspects of employment and in the provision of goods and services to customers **(Procedure)**. The Procedure applies to job applicants, employees, contractors and consultants.

This Procedure is consistent with KPA's Human Resource Management Policy Statement, Code of Conduct, Fair Treatment Procedure and Harassment and Bullying Procedure.

2. GENERAL PROCEDURE

KPA is an equal opportunity employer and will provide equality in employment for all people employed or seeking employment.

Every person will be given a fair and equitable chance to compete for appointment or promotion and to pursue their career as effectively as others.

Employment decisions relating to appointment, promotion and career development will be determined according to individual merit and competence.

Consistent with this, KPA does not condone any form of unlawful discrimination or vilification, including that which relates to:

- gender;
- pregnancy or potential pregnancy;
- marital/domestic status;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
- age;
- family responsibilities, family status, status as a parent or carer;
- racial classification;
- sexuality;
- HIV/AIDS vilification;
- religious belief or activity;
- political belief or activity;
- industrial activity;
- employer association activity;
- trade union activity;
- physical features;
- breastfeeding;
- transsexuality;

- transgender;
- sexual orientation;
- sexual harassment;
- Breast feeding;
- profession, trade, occupation or calling;
- medical record, and
- criminal record.

In all cases no factors other than performance and competence are to be used as the basis for performance assessment, training and development opportunities and promotions.

3. RESPONSIBILITIES

It is the responsibility of all KPA Managers to ensure that:

- all employees and contractors understand and are committed to the principles and legislation relating to equal opportunity and applying it in the workplace;
- employment decisions relating to appointment, promotion and career development are determined according to individual merit and the individual's inherent ability to carry out the job;
- the organisation has a workplace culture that encourages equal employment opportunity;
- ongoing support and guidance is provided to all employees in relation to equal employment opportunity principles and practice in the workplace; and
- an example is set by their own behaviour.

It is the responsibility of all employees and contractors to ensure that they:

- comply with this procedure and treat all colleagues, contractors, consultants and port users with respect and professionalism without regard to non-relevant criteria or distinctions;
- refrain from engaging in discriminatory or harassing behaviour; and
- inform their manager or FTO if they believe that they (or someone else) has been treated unfairly.

4. COMPLAINTS

Should a complaint of discrimination or harassment be made, it will be investigated in a confidential and procedurally fair manner according to the Fair Treatment Procedure. If proven, the person responsible will be subject to disciplinary action.