

# Human Rights and Anti-Discrimination Policy

ACT Cabs Pty Ltd

Version: 1.4

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## **Introduction:**

ACT Cabs does not tolerate any form of discrimination whatsoever. Every person has the right to an environment free of discrimination.

Any reports of discrimination will be treated seriously and investigated promptly, confidentially and impartially, in accordance with ACT Cabs' complaints resolution procedure.

ACT Cabs is committed to providing an environment which is safe, and free from discrimination for any of its stakeholders.

This policy is endorsed by the Managing Director of ACT Cabs.

## **Purpose:**

The intent of this policy is to support ACT Cabs Pty Ltd's legislative obligations of the various discrimination acts and the *Human Rights Act 2004* (ACT) in constructing a positive working environment, built on mutual respect and consistent with ACT Cabs Pty Ltd's Code of Conduct and Company Values.

This policy asserts that:

- All individuals have rights under legislation, for which ACT Cabs Pty Ltd commits to uphold;
- Appropriate action will be taken against individuals engaging conduct which limits the legislative rights of others; and
- All ACT Cabs Pty Ltd decisions will be made, and policies will be written and enacted, with due consideration given to relevant human rights.

## **Scope:**

This policy covers employees, drivers, clients, customers, passengers, contractors, taxi operators, agents and others at ACT Cabs Pty Ltd who are engaged in ACT Cabs Pty Ltd-related activity either on or off-work premises.

Discrimination or other violations to the rights of others, by any member of ACT Cabs Pty Ltd community against another is **prohibited**.

## Legislation:

This policy is governed by the:

- Disability Discrimination Act 1992 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Human Rights Act 2004 (ACT)
- Discrimination Act 1991 (ACT)

Discrimination occurs when a person discriminates either directly or indirectly, or both, against someone else; A person directly discriminates against someone else if the person treats, or proposes to treat, another person unfavourably because the other person has one or more 'protected' attributes.

A person indirectly discriminates against someone else if the person imposes, or proposes to impose, a condition or requirement that has, or is likely to have, the effect of disadvantaging the other person because the other person has one or more 'protected' attributes.

## Protected attributes under federal, state and territory laws:

A person must not under any circumstance whatsoever, discriminate against another person based on one or more protected attribute provided below:

### I. Federal Laws:

Legislation and Discrimination Grounds
<b><i>Australian Human Rights Commission Act 1986 (Cth)</i></b>
Discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or

relationship status, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, and trade union activity.

Also covers discrimination on the basis of the imputation of one of the above grounds.

***Age Discrimination Act 2004 (Cth)***

Discrimination on the basis of age – protects both younger and older Australians.

Also includes discrimination on the basis of age-specific characteristics or characteristics that are generally imputed to a person of a particular age.

***Disability Discrimination Act 1992 (Cth)***

Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour, and presence in body of organisms causing or capable of causing disease or illness (eg, HIV virus).

Also covers discrimination involving harassment in employment, education or the provision of goods and services.

***Racial Discrimination Act 1975 (Cth)***

Discrimination on the basis of race, colour, descent or national or ethnic origin, and in some circumstances, immigrant status.

Racial hatred, defined as a public act/s likely to offend, insult, humiliate or intimidate on the basis of race, is also prohibited under this Act unless an exemption applies.

***Sex Discrimination Act 1984 (Cth)***

Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status.

Sexual harassment is also prohibited under this Act.

## II. Territory Laws for the ACT

**Legislation and Discrimination Grounds**

***Discrimination Act 1991 (ACT)***

Discrimination on the basis of sex, sexuality, gender identity, relationship status, status as a parent or carer, pregnancy, breastfeeding, race, religious or political conviction, disability, including aid of assistance animal, industrial activity, age, profession, trade, occupation or calling, spent conviction, and association (as a relative or otherwise) with a person who has one of the above attributes.

Sexual harassment and vilification on the basis of race, sexuality, gender identity or HIV/AIDS status are also prohibited under this Act.

### III. State Laws for NSW

#### Legislation and Discrimination Grounds

##### ***Anti-Discrimination Act 1977 (NSW)***

Discrimination on the basis of race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, and carer's responsibilities.

Sexual harassment and vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status are also prohibited under this Act.

## Prohibition on the refusal of taxi fares:

### I. Assistance animals

It is an offence by Law as well as the rules of the ACT Cabs By-Laws for a driver to refuse access to a person who has an assistance animal (e.g. a Guide Dog) or to impose a fee or charge on a person to bring a guide dog into the taxi. Refusing an assistance animal can lead to legal action or heavy fines by the Australian Government. The ACT Cabs By-Laws prohibit a driver from refusing an assistance animal or providing less favourable treatment to a person with an assistance animal

### II. Passengers requiring fares at taxi ranks

Passengers can have a disability or an impairment that may not be visible to the driver. This makes it difficult for the passenger to walk even a short distance. A driver

refusing service, or providing unfavourable treatment to a passenger is against the law, and may lead to fines or legal action by the ACT Government.

The ACT Cabs By-Laws and company policies also require that a passenger must not be refused travel based on short travel distance, or be treated unfavourably.

Drivers must provide a quality service to all passengers, regardless of their travel distance. A driver must not suggest a passenger to walk, or to seek some other form of transport. All passengers must be treated with sensitivity, and respect.

Any driver who refuses a guide dog, or who refuses a passenger on a taxi rank based on short travel distance, will be the subject of disciplinary action as per the rules of the ACT Cabs By-Laws, Code of Conduct and this company policy.

This may include a termination of the driver or other person's affiliation from ACT Cabs.

## **Principles:**

Consistent with its legislative and policy commitments, ACT Cabs Pty Ltd commits to providing a work environment free from discrimination which upholds the human rights of staff, drivers, clients, passengers and others at ACT Cabs Pty Ltd who are engaged in ACT Cabs Pty Ltd-related activity either on or off-work premises.

As such, ACT Cabs Pty Ltd will seek to ensure that due regard is given to human rights in the application of workplace policies and administrative actions and that discrimination in all of its forms is appropriately addressed.

## **Anti-Discrimination:**

ACT Cabs Pty Ltd affirms its continuing opposition to discrimination, whether direct or indirect, on the basis of the attributes outlined in the discrimination definition outlined in relevant legislation and outlined below.

## **Human Rights:**

Human Rights in this policy refers to the Civil and Political Rights, and the Economic, Social and Cultural Rights defined in Parts 3, and 3A of the Human Rights Act 2004 (ACT).

- These rights include:

- recognition and equality before the law;
- privacy and reputation;
- freedom of thought, conscience, religion and belief;
- peaceful assembly and freedom of association;
- freedom of expression; and
- take part in public life.

In making administrative decisions, or producing and enacting ACT Cabs Pty Ltd policies, the human rights of employees, drivers, customers, passengers and others in ACT Cabs Pty Ltd will be considered by the decision-maker, or decision making body.

Note that the above considerations are not relevant where other legislation, Commonwealth or Territory, expressly requires the act or decision to be made in a particular way, or the legislation itself is inconsistent with a human right.

## **Complaint resolution:**

- A. In circumstances where informal resolution attempts are unsuccessful, or where allegations are so serious that the less formal approaches are inappropriate, the complainant may utilise ACT Cabs Pty Ltd's complaint resolution procedure.
- B. Where the complainant is an Agent, Contractor or Driver of ACT Cabs Pty Ltd, the ACT Cabs By-Laws or Code of Conduct or Terms of Use will apply, depending on the nature of the complaint.
- C. Where the complainant is an employee of ACT Cabs Pty Ltd, the Grievance Resolution Policy or the ACT Cabs By-Laws or Code of Conduct will apply, depending on the nature of the complaint.
- D. Where the complainant is a member of the public, a passenger or customer or client of ACT Cabs Pty Ltd, the ACT Cabs By-Laws, or Code of Conduct or Terms of Use will apply, depending on the nature of the complaint.
- E. Where a complaint is made against a staff member by a Driver, the relevant authority investigating the Driver's allegations will ensure that any actions taken in relation to the staff member arising from the complaint will be done in

accordance with the relevant processes outlined in Code of Conduct or ACT Cabs By-Laws.

## **Implementation:**

This policy will be implemented through training, communication and awareness-raising, and will be monitored and reviewed on a regular basis.

## **Responsibilities:**

The following table provides a high-level summary of key roles and responsibilities in relation to this policy.

<b>Who</b>	<b>Responsibilities</b>
Managing Director	Approval of this policy
Managers	Implementation and compliance with this policy in their area of responsibility
Staff, Drivers, Agents, Contractors and others engaged in ACT Cabs Pty Ltd-related activity either on or off-work premises	Comply with the policy