

CRIMINAL RECORD ANTI-DISCRIMINATION POLICY

1. INTRODUCTION

- (a) This Policy is intended to assist executives, officers, managers, employees and contractors (together in this Policy referred to as **employees**) and non-executive directors of Redflex Holdings Limited and its subsidiaries (**Company**) who are involved in employment decisions to:
 - (i) establish the Company's expectations in relation to employment decisions regarding persons with criminal records; and
 - (ii) inform those employees and non-executive directors about the fair and non-discriminatory methods of assessing an employee's criminal record against inherent requirements of particular jobs at Redflex.
- (b) Redflex does not tolerate any form of unlawful discrimination or harassment in the workplace. In particular, Redflex commits to treating persons who have a criminal record fairly and in accordance with anti-discrimination, spent conviction and privacy laws.
- (c) This Policy will assist to ensure that all employees and non-executive directors have an adequate understanding of the Company's requirements and its legal obligations towards employees who have criminal records.
- (d) For the purposes of this Policy, a "**criminal record**" includes not only the list of convictions recorded on police or court records but also the circumstances of those convictions (and may include the perception (or assumption) of someone having a criminal record).
- (e) This Policy supplements the Employee Code of Conduct and the Redflex Employee Handbook.
- (f) This Policy will apply except in circumstances otherwise mandated by applicable law or regulation. In case of any variance between any provision of this Policy and the mandate of any applicable law or regulation, such law or regulation shall control.

2. WHO IS COVERED BY THIS POLICY

- (a) This Policy covers all employees who work for or are engaged by the Company in any capacity and for any duration. This Policy also covers non-executive directors to the extent that non-executive directors are involved in recruitment activities and in making employment decisions at Redflex.
- (b) Employees are expected to observe this Policy (as varied from time to time) as applicable to employees. However, this Policy does not:
 - (i) form part of the terms of an employee's employment and it cannot be enforced by any employee as a contractual promise; or
 - (ii) give rise to any expectation of a particular outcome or decision on any matter arising under or pursuant to this Policy.

3. SCOPE OF THIS POLICY

- (a) All employees and non-executive directors are expected to comply with this Policy at all times in relation to employment decisions regarding current employees, prospective employees, temporary, casual or part-time employees, apprentices and trainees.
- (b) This Policy does not generally apply to the engagement of volunteers by Redflex.
- (c) This Policy applies to all employment decisions including, but not limited to, recruitment, vocational training, promotion, conditions of work (including eligibility for incentives and salary increases), termination of employment and employment-related licensing and registration.

4. EMPLOYEE AND EMPLOYER RIGHTS AND OBLIGATIONS

- (a) Individuals have a right to equal employment opportunities according to law. In this regard reference is made to the Company's Discrimination, Bullying, Harassment and Victimisation Policy.
- (b) Employment decisions should therefore **not** be based on a person's race, gender, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital or socio-economic status or any based on any other protected characteristic. Nor should any person be discriminated against or harassed based on any of these characteristics.
- (c) Unless an exception applies, employment decisions should also **not** be based on a person having a criminal record.
- (d) One of these exceptions is that discrimination will not have occurred if the employee, by virtue of the existence of the employee's criminal record, is unable to perform the inherent requirements of a particular job at Redflex. This is known as the "**inherent requirements**" exception. Put another way, it will not be unlawful discrimination if the person's criminal record means that he or she is unable to perform the essential aspects of a particular job at Redflex. However:
 - (i) a "particular job" must be a specific or definable job, function or task at Redflex; and
 - (ii) there must be a "tight" or "close" connection between the criminal record (i.e. it must be more than a "logical link") and the inherent requirements of a particular job. This is important as the Company's determination on what are the inherent requirements of a particular job at Redflex is not just a matter of relying on the contents of a written position description. The inherent requirements of a particular job are the articulated essential aspects of a particular job at Redflex (and not merely the peripheral aspects).

5. PROCEDURE FOR DETERMINING THE INHERENT REQUIREMENTS OF A PARTICULAR JOB AT REDFLEX

- (a) It is Redflex's responsibility to objectively determine what it considers to be the inherent requirements of a particular job at Redflex. Such requirements should be



determined by Redflex prior to creating a job role or advertising a vacant job role inviting applications.

- (b) As stated above, the inherent requirements of a particular job at Redflex are the articulated essential aspects of a particular job at Redflex (and not merely the peripheral aspects). For example, for a Mobile Speed Operator, an inherent requirement of that job is to have a driving record that demonstrates a commitment to road safety. Another example is for an in-house lawyer at Redflex, the lawyer must be a fit and proper person capable of holding a current practising certificate or license to practice law in the relevant jurisdiction and not be disbarred or otherwise prohibited from practising law in the relevant jurisdiction. A further example is a store person handling goods of significant value, that the store person must be trustworthy and be of good character.
- (c) The following are the objective factors to take into account when Redflex seeks to determine the “inherent requirements of a particular job” at Redflex:
 - (i) **Redflex will identify the essential tasks, circumstances and requirements of a particular job at Redflex:**
 - (A) What are the tasks that the employee will be required to perform? (e.g. operate a particular piece of equipment, access to roadside photo enforcement equipment or access to the Company’s bank accounts);
 - (B) What are the circumstances under which the work must be carried out? (e.g. an MSCO must carry out their duties on the side of a public road and sometimes have interactions with the general public whereas a computer programmer conducts his job in an office setting); and
 - (C) What are the organisational requirements for the particular job (e.g. does the particular job require a security clearance, licence or registration)?
 - (ii) **Redflex will assess whether a criminal record is relevant to these tasks, circumstances and requirements.** The following questions will help to determine whether a certain criminal record will have an impact on the inherent requirements of a particular job at Redflex:
 - (A) Does legislation require Redflex to ensure that the employee meets certain requirements regarding a criminal record? For example, it may be illegal to employ a person with a certain criminal record in working with children;
 - (B) Is a licence or registration essential to the job? Is a criminal record a barrier to obtaining this licence or registration?
 - (C) Does the job involve any direct responsibility for finance or items of significant value?



- (iii) **Redflex will assess an individual's criminal record against the inherent requirements for the particular job at Redflex:**
 - (A) Redflex will assess each individual on a case by case basis;
 - (B) Each person will, firstly, be assessed on their ability to perform the particular job at Redflex and, secondly, on the relevance of the criminal record;
 - (C) Only short-listed candidates will be requested to disclose their criminal records.
- (d) The inherent requirements of the particular job will be published in position descriptions and in job advertisements for particular jobs at Redflex.
- (e) For example, if there is an inherent requirement of a particular job at Redflex to have a safe driving record (e.g. a Mobile Speed Camera Operator in New South Wales), a person with a minor drug possession conviction that resulted in a fine or a community service/corrections order should not be discriminated against on the basis of that criminal record. Such a criminal record, without more, does not bear any "tight" or "close" connection to having a safe driving record because a minor drug possession conviction does not on its face involve the ability to drive a motor vehicle safely.
- (f) By way of another example, if there is an inherent requirement of a particular job at Redflex that the employee be trustworthy and of good character (e.g. an employee in the Redflex Finance Department), a person with a recent (and not spent) criminal record involving fraud or dishonesty (e.g. larceny, larceny by trick, embezzlement and forgery) will likely be a factor that Redflex can take into account in making an adverse employment decision relating to that person. In this example, there is a "tight" or "close" connection between the criminal record and the inherent requirement that the employee be trustworthy and of good character.

6. PROCEDURE FOR ASSESSING A CRIMINAL RECORD AGAINST THE INHERENT REQUIREMENTS OF A PARTICULAR JOB AT REDFLEX

- (a) Redflex will also fairly assess whether a particular individual meets the inherent requirements of a particular job at Redflex. A criminal record will not be an absolute bar to employment with Redflex but can be a factor to be considered if the criminal record is tightly or closely connected to the inherent requirements of a particular job at Redflex.
- (b) As stated above, there must be a "tight" or "close" connection between the criminal record and the inherent requirements of a particular job. For guidance, some examples appear below:
 - (i) If there is an inherent requirement of a particular job at Redflex to have a safe driving record (e.g. a Mobile Speed Camera Operator in New South Wales), a person with a minor drug possession conviction that resulted in a fine or a community service/corrections order should not be discriminated against on the basis of that criminal record. Such a criminal record, without more, does not bear any "tight" or "close" connection to having a safe driving record because a minor drug



possession conviction does not on its face involve the ability to drive a motor vehicle safely.

- (ii) If there is an inherent requirement of a particular job at Redflex that the employee be trustworthy and of good character (e.g. an employee in the Redflex Finance Department), a person with a recent (and not spent) criminal record involving fraud or dishonesty (e.g. larceny, larceny by trick, embezzlement and forgery) will likely be a factor that Redflex can take into account in making an adverse employment decision relating to that person. In this example, there is a “tight” or “close” connection between the criminal record and the inherent requirement that the employee be trustworthy and of good character.
- (c) Redflex commits to discussing the relevance of any criminal record with the individual concerned and will invite the individual to provide further information about the criminal record and the circumstances of the criminal record. This is so Redflex has as much information available as possible to assess whether the individual is capable of meeting the inherent requirements of the particular job at Redflex. Such discussion can take place at a time or in any manner to maximise the individual’s privacy in relation to the criminal record.
- (d) The information that Redflex will consider when assessing the relevance of an individual’s criminal record to the inherent requirements of a particular job at Redflex include:
 - (i) the seriousness of the conviction or offence and its relevance to the particular job at Redflex;
 - (ii) whether there was a finding of guilt but without recording a conviction (which may indicate that a Court has viewed the offending as less serious);
 - (iii) the age of the individual when the offending occurred;
 - (iv) the length of time since the offending (and, as a general rule, adult offences over 10 years old and juvenile offences over 5 years old should be completely disregarded);
 - (v) whether there is a pattern of similar offending by the individual;
 - (vi) the circumstances of the offending (e.g. whether committed at a workplace or within a domestic or personal situation);
 - (vii) whether the individual’s circumstances have changed since the offending (e.g. past drug possession or use with no re-offending recorded since the last conviction);
 - (viii) whether the offence committed and recorded has now been de-criminalised in the relevant jurisdiction;
 - (ix) the attitude of the individual to their past criminal record and offending;



- (x) whether there are supporting personal, work or character references from appropriate persons (e.g. a previous employer) who know the individual and about the previous offending.

7. WHEN REDFLEX WILL SEEK A CRIMINAL RECORD CHECK

- (a) For particular jobs for which Redflex believes it appropriate to request a criminal record check or Redflex is required by any legal or contractual requirement to seek a criminal record check for any prospective employee, it will only do so for short-listed applicants or for those invited for interview.
- (b) Generally, but subject to limited exceptions based on urgency to fill a vacant role, Redflex will not request commencement of employment until a criminal record check has been completed.
- (c) If employment commences prior to completion of the criminal record check, then the employee will be informed that the employee's employment is conditional.
- (d) Criminal record checks will only be conducted with the individual's informed written consent unless the check is mandated by law.

8. TERMINATION OF EMPLOYMENT BASED ON CRIMINAL RECORD

- (a) Subject to other sections of this Policy, the Company will not terminate the employment of an employee solely on the basis of having a criminal record.
- (b) However, if a criminal record or the failure to disclose a criminal record prevents or restricts an employee from performing the inherent requirements of the employee's job at Redflex, then the employee may be terminated on these grounds.
- (c) In making this decision, the Company must consider a range of factors including the nature and background of the criminal record or the failure to disclose such criminal record. The Company will also provide to the relevant employee a fair and reasonable opportunity to explain the nature and background of the criminal record or the failure to disclose such criminal record.
- (d) If termination of employment is an appropriate outcome in a particular case, the Company will treat the relevant employee with dignity and will respect the relevant employee's right to privacy.
- (e) The Company will fully explain the reasons for the termination of employment, provide the relevant employee with his or her legal entitlements on termination of employment, provide a statement of service (where applicable), ensure that the relevant employee's criminal record, including information relating to the termination of employment, are kept confidential and will take steps to ensure that all relevant and applicable privacy, anti-discrimination and unfair dismissal laws are complied with.

9. GRIEVANCE PROCEDURES

The Company has a published grievance procedure on the internal Redflex WX site and will be provided to external persons on request.

10. RESPONSIBILITY FOR THIS POLICY

- (a) The Senior Vice President - Group General Counsel & Company Secretary has overall responsibility for monitoring, reviewing and effectiveness of this Policy and for making recommendations for changes to minimise risks to the Company's operations.
- (b) The Company's People & Performance team is responsible to ensure that employees and non-executive directors are aware of their obligations under this Policy when making employment decisions.
- (c) All employees and non-executive directors are responsible for their own compliance with this Policy. Therefore, employees and non-executive directors should ensure that they take the time to read and understand this Policy.
- (d) Any contraventions of this Policy should be reported to the Senior Vice President - Group General Counsel & Company Secretary or via the whistle blower or ethics hotline for investigation and outcome. External persons should put their matter in writing addressed to the Senior Vice President - Group General Counsel & Company Secretary, Redflex Holdings Limited, 31 Market Street (PO Box 720), South Melbourne, Victoria 3205, Australia.
- (e) Questions regarding the content or application of this Policy should be directed to the Senior Vice President - Group General Counsel & Company Secretary or the People & Performance team.

11. INFORMATION AND TRAINING

- (a) Employees and non-executive directors will be informed or trained in the Company's policies and procedures, as appropriate. Employees are also expected to acknowledge that they have read and understood the Company's policies and procedures on a regular basis.
- (b) The Company's People & Performance team and other employees and non-executive directors involved in making employment decisions will be provided with access to this Policy and/or training, as appropriate.
- (c) If any employees or non-executive directors have any questions in relation to this Policy or the application of this Policy to a particular situation, the employee or the non-executive director should contact the legal team for clarification.

12. CONTRAVENTIONS OF THIS POLICY

Contraventions of this Policy by employees will be treated seriously and may lead to workplace disciplinary action up to and including termination of employment.

13. FURTHER INFORMATION

- (a) For further information, employees and non-executive directors are referred to the Commission's publication entitled *On the Record – Guidelines for the Prevention of Discrimination in Employment on the Basis of Criminal Record* (2012).
- (b) The Commission's publication can be accessed by clicking [here](#).



14. REVIEW OF THIS POLICY

- (a) The Company will review this Policy periodically to ensure it complies with applicable legal requirements and remains relevant and effective.
- (b) This policy is not intended to be contractual in nature.
- (c) The Company may change this Policy at any time.

15. ACCESS TO THIS POLICY

- (a) This Policy will be available to all employees and non-executive directors both on the Redflex’s internal WX site and the Company’s website www.redflex.com.
- (b) Prospective employees and persons external to the Company will have access to this Policy on the Company’s website www.redflex.com.

CHANGE HISTORY

Change History Log

Version	Description	Date
1.0	Initial Version	20 April 2018