



## **POL 051 Access Equity Fairness Policy and Procedure**

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POL 019 Complaints Policy and Procedures  
POL 075 Children's Protection Policy

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## **PURPOSE**

The purpose of this policy is to clarify Construction Training Academy (CTA) ethical and legal position with respect to the provision of open access and equity to all stakeholders of the organisation.

## **POLICY**

It is the policy of CTA to ensure an environment that is:

- safe and equitable through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification;
- a child safe environment;
- as a minimum, aligned with State and Federal legislation.

CTA's Access and Equity is based in the following principles:

- All stakeholders will be treated with respect in a workplace and learning environment free of harassment and intimidation;
- All personnel and learner decisions will be fair, reasonable, non-discriminatory and based on merit;
- No individual or group will be treated less favourably than another;
- All communications and interactions will be free of bias, prejudice and discriminatory language
- All stakeholders including children will be encouraged to participate in the development and improvement of services.

CTA has appointed the CEO as the Child Protection Officer.

## **ZERO TOLERANCE**

### Definition

For the purposes of this document 'zero tolerance' means the high potential for instant dismissal from employment or expulsion from study if allegations of misconduct in relation to this policy are proven to be true and the mediation process is unsuccessful.

Note: CTA will enforce zero tolerance with respect to complaints of a false, frivolous or malicious nature.

All stakeholders are strongly encouraged to discuss any issues and/or request further information regarding access and equity.

### Zero Tolerance Classified Behaviours

CTA zero tolerance applies to any behaviours that breach the following standards:

- **Abuse of Children**

CTA is committed to a child safe environment for all minor students.

All employees, contractors, students and other stakeholders should note that children accessing CTA's services will be provided with greater supervision and support than adults.

Abuse of children incorporates physical or mental harm of any kind and neglect.

It may include but not be limited to:

- any of the behaviours listed as Zero Tolerance below
- physical contact of any kind
- sexual contact of any kind
- verbal abuse
- exploitation
- intimidation
- ostracising

All inappropriate behaviours towards children are zero tolerance behaviours and will immediately result in expulsion, termination of employment or contract.

Any person or persons making a Mandatory Report in relation to a minor student will be supported and will not be victimised.

▪ **Anti-Discrimination, Human Rights, Equal Opportunity and Disability Discrimination**

**\*\***Many forms of harassment and all forms of bullying are prosecutable offences under Australian law. CTA will notify Police in the event of such incidences occurring.

*BULLYING is behaviour of a physical, written, verbal or non-verbal nature, directed toward an individual or group of individuals and which is considered unreasonable or anti-social behaviour that is offensive, degrading, intimidating or humiliating. This behaviour can include but is not limited to public reprimand or behaviour intended to punish, ridicule, insult, or may be based in unsubstantiated allegations and cruelty.*

*HARASSMENT is an unwelcome and unwarranted behaviour that offends, intimidates, humiliates or embarrasses another person. This behaviour can be written, physical, verbal or visual in nature. Harassment is not necessarily deliberate or intentional and can be one incident or several incidents occurring over a period of time. Harassment may be accompanied by an expressed or implied threat.*

*Harassment and bullying are unwelcome, unsolicited and non-reciprocated behaviours. They may be intentional or unintentional and may take many forms, such as verbal, written or physical. Regardless of the intent or form it takes, the distress caused to the victim is the same.*

CTA recognises that ignoring harassment and bullying can have serious consequences for all parties. Given that CTA seeks to attract and retain talented personnel and students from all backgrounds and to maintain safe and positive work and learning conditions, it is determined to provide an environment free of harassment, victimisation and bullying and to upholding of State and Federal laws pertaining to any form of harassment or discrimination.

The boundaries of what constitutes harassment, victimisation and bullying may vary from person to person and these may vary dependent upon the relationships.

Harassment should not be confused with legitimate comment and advice (including positive feedback) given appropriately by management or trainers and assessors.

▪ **Discrimination**

*DISCRIMINATION is behaviour that results in a person being treated less favourably than another or others due to certain personal attributes. These attributes may include, but are not limited to ethno/religious background, gender, pregnancy, marital status, disability, and age.*

Discrimination is broadly defined as treating one person unfairly over another based on factors that are unrelated to their ability or potential. State and Federal legislation protects people from discrimination and from being treated unfairly because they have complained about discrimination.

Direct or indirect discrimination on the basis of one or more of the following attributes is unlawful:

- Age
  - Sex
  - Physical, psychiatric or intellectual illness or impairment
  - Breastfeeding
  - Gender identity
  - Lawful sexual activity/ sexual orientation
  - Marital status
  - Physical features
  - Political affiliation
  - Pregnancy
  - Nationality and/or cultural background
  - Religious affiliation
  - Status as a parent or carer
- **Sexual Harassment**
- SEXUAL HARASSMENT may include sexual propositions or advances, verbal or written requests of a sexual nature, sexually explicit conversations, sexual suggestions or innuendos, gender-based insults and taunting, invasive questioning, physical contact and the display of offensive material (e.g. posters, cartoons, jokes, graffiti, magazines, screensavers, email).*

A person sexually harasses another person if in circumstances in which a reasonable person would be able to have anticipated that the person harassed would be offended, humiliated, or intimidated.

## FAIRNESS AND EQUITY

### Students

- CTA's assessment system and its processes do not disadvantage any stakeholder. All eligible candidates are guaranteed access to assessment, which does not discriminate on any basis. Assessment guidelines include flexibility for working with candidates and students who have special needs.
- CTA's assessment process evidences the following characteristics:
  - The standards, assessment processes and all associated information are straight forward, understandable and accessible;
  - The characteristics of potential candidates are identified, to enable flexibility of delivery and assessment;
  - The chosen processes and materials within the system of assessment do not disadvantage candidates or students;
  - Appropriate and effective complaints and appeal resolution mechanisms linked to a proactive continuous improvement are in place to address and remediate any unintentional issue of unfairness or disadvantage identified;
 and

- Where potential disadvantages are identified, remedial actions are taken as a matter of priority to ensure there is no repetition of the situation.
- All candidates applying for course entry will be informed of and provided with the Access and Equity Policy via:
  - the CTA website at <http://www.constructiontrainingacademy.com.au>
  - the application pack and
  - at induction.
- The candidate will be afforded the confidential opportunity of disclosing any situation they believe may impede their ability to successfully complete without support or assistance. The Trainer/Assessor will discuss and negotiate with the candidate an appropriate support plan which may include both internal and external support strategies. The Trainer/Assessor will clearly identify in writing to the candidate any external support services that will incur a cost that is not covered by the course fees.

## **Employees**

CTA is an equal opportunity employer and values the diversity of its workforce. This means that without discrimination on any grounds:

- the most capable person for placement in a position will be selected;
- within CTA's capacity all stakeholders will be assisted to participate, maintain and develop personally and professionally;
- neither favouritism nor the granting of special favours will apply to any candidate.

## **AWARENESS AND RIGHTS**

- Employees, students and other stakeholders of CTA are expected to be conscious of actual and potential difference and to actively recognise and respect the boundaries directly or indirectly set by others.
- All people associated with CTA may expect the following rights to;
  - be treated with respect and fairly;
  - be emotionally and physically safe in the environment;
  - have all reports of harassment treated respectfully, seriously, impartially, sensitively and with reasonable confidentiality and for those issues to be addressed immediately and appropriately;
  - where ever possible, have complaints resolved by a process of discussion, cooperation and conciliation; and
  - receive information, support and assistance in resolving the issue for all parties involved in the complaint.
- No person lodging a complaint, or assisting in the investigation of a complaint, will be victimised or treated unfairly.
- Timely access to their student or personnel records/files.
- All employees and students are expected to participate in the complaint resolution process in good faith.

## PROCEDURE FOR REPORTING

### Children

Children in the first instance should report any concerns to any CTA employee they feel most comfortable with.

The employee will report the issue to the Children's Protection Officer who will commence investigations immediately.

The employee will concurrently with the Children's Protection Officer's investigation assist the student and their parent(s) to access and complete the Complaints Process.

The Children's Protection Policy should be followed.

### Adults

Concerns regarding Equal Opportunity, Harassment, Discrimination or other inappropriate conduct should be reported **immediately** to the CEO.

Where the CEO is not available or the complainant prefers they may report to the Trainer/Assessor, Student Support Officer, supervisor or other CTA personnel with whom they feel most comfortable.

Please refer to POL019 Complaints Policy and Procedure and associated documentation for detailed information on the handling of all complaints.

CTA employees and contractors are delegated with the authority to determine whether an individual should be immediately removed from a harmful situation.

Employees and stakeholders are authorised to remove a student, employee or other stakeholder from a harmful situation without prior consultation with senior management.

All actual or suspected harmful situations must be reported **immediately** to the CEO.

## RESPONSIBILITIES

### CEO

The CEO is the Responsible Officer for legislative compliance including but not limited:

- Corporate e.g. ASIC;
- Occupational Health Safety and Welfare;
- Industrial Relations
- Training and Skills Commission SA (Skills for All SA Government Funding);
- VET Quality Framework including Australian Qualifications Framework;
- Discrimination and Human Rights.

It is the CEO's responsibility to ensure that CTA and all of its stakeholders are afforded and provide open access to this policy and related legislation.

CEO is also responsible for:

- Ensuring that stakeholders are aware that harassment is unlawful, unacceptable and will not be tolerated.
- Setting an example by appropriate behaviour at all times.

- Establishing open lines of communication with all stakeholders to ensure reporting of incidents.
- Treating any reporting of unacceptable behaviour in a confidential, sensitive, and serious manner.
- Treating the alleged perpetrator impartially pending a fair and open investigation.
- Acting on any complaints swiftly following CTA's procedures as outlined in the Complaints Policy.
- Continuously monitoring, educating, informing and supporting all stakeholders to reinforce a safe and equitable workplace.

### **Accountable Officer (RTO Manager)**

The Accountable Officer is responsible for compliance to legislative requirements in relation to development and delivery of all learning and assessment including but not limited to:

- VET Quality Framework including Australian Qualifications Framework;
- Training and Skills Commission SA (Skills for All SA Government Funding);
- Occupational Health and Safety;
- Discrimination and Human Rights.

and for setting an example by appropriate behaviour at all times.

### **Children's Protection Officer (CEO)**

The Children's Protection Officer is responsible for ensuring:

- the currency of and ease of access to relevant legislation, policy and support in relation to access, equity and fairness for all stakeholders;
- support services are available and accessible to stakeholders;
- this policy is incorporated at CTA website, is including in application packs and the induction process for both students and employees;

and for setting an example by appropriate behaviour at all times.

### **General**

It is the responsibility of all CTA personnel, and stakeholders to

- set an example by appropriate behaviour at all times.
- ensure their personal well-being;
- ensure the well-being and development of CTA students;
- immediately intervene and report any situation which vilifies or demeans or harms an individual.

Employees, Contractors and students are required to be aware of and be compliant with the relevant legislations in regard to access, equity and antidiscrimination including:

- Training and Skills Development Act 2008 (SA)
- National Vocational Education and Training Regulator Act 2011
- Standards for National VET Regulator (NVR) Registered Training Organisations
- Fit and Proper Persons Requirements 2011

### **Australian Human Rights Commission**

<https://www.humanrights.gov.au/our-work/legal/legislation>

- Australian Human Rights Commission Act 1986
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- Age Discrimination Act 2004
- Disability Discrimination Act 1992

### **Australian Government** <http://www.comlaw.gov.au>.

- Fair Work Act 2009
- Fair Work Regulations 2009
- Privacy Act 1988
- Workplace Relations Act 1996
- Equal Opportunity for Women in the Workplace 1999
- Family Law (Child Protection Convention) Regulations 2003 (Commonwealth)

### **South Australian Government** <http://www.legislation.sa.gov.au>

- Children's Protection Act 1993
- Children's Services Act 1985 and Regulations 1998
- Fair Work (Commonwealth Powers) Act 2009
- Freedom of Information Act 1991
- Industrial and Employee Relations Act 1994
- Industrial Law Reform (Fair Work) 2005
- Professional Standards Act 2004
- Racial Vilification Act 1996
- WorkCover Corporation Act 1994
- Worker's Rehabilitation and Compensation Act 1986

All other Federal and State Government legislation, regulations, Acts that may be ratified or updated and as may be relevant from time to time.

Employees and students should not make frivolous or malicious complaints.

### **Employees**

All personnel, including supervisors and management, have a responsibility for ensuring the workplace and learning environments are free of discrimination and harassment. Each employee has the responsibility to ensure that CTA's culture is one of respect for others and:

- To ensure that they avoid committing harassment or discrimination in any form.
- Offer support to anyone affected by harassment or discrimination.
- Report any example of harassment or discrimination to the CEO.
- If harassed, take action to stop it, not only for self-protection, but to prevent others suffering the same form of discrimination.

- Treat alleged perpetrators fairly.
- If they believe that they have been harassed or denied equality in employment should contact the CEO.
- Request the assistance of another person in raising the complaint and in any subsequent resultant interviews.
- Setting an example by appropriate behaviour at all times.

### **Students**

All students have the responsibility to:

- Ensure that they avoid committing harassment or discrimination in any form.
- If harassed, take action to stop it, not only for self-protection, but to prevent others suffering the same form of discrimination.
- Make themselves aware of and act within the confines of relevant legislation and this policy.
- Enhance the learning experience by allowing others to learn without compromise of the learning environment through poor or distracting behaviours;
- Exhibit positive behaviour at all times;
- Follow instructions at all times.
- Request the assistance of another person in raising the complaint and in any subsequent resultant interviews.