

ACCESS & EQUITY

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PURPOSE

It is the purpose of this policy to clarify MTC Training's ethical and legal position in regards to the provision of open access and equity to all stakeholders of the organisation.

POLICY

It is the policy of *MTC Training* 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 National legislation and Catholic Education SA requirements. *MTC Training'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.

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: *MTC Training* will enforce zero tolerance in regards 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

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

Abuse of Children

MTC Training is committed to a child safe environment for all of our minor students.

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All employees, contractors, students and other stakeholders should note that children accessing *MTC Training'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 & Disability Discrimination

**Many forms of harassment and all forms of bullying are prosecutable offences under Australian law. *MTC Training* 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.

MTC Training recognises that ignoring harassment and bullying can have serious consequences for all parties. Given that *MTC Training* 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

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laws pertaining to any form of harassment or discrimination and according to Catholic Education South Australia requirements.

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

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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.

Frivolous or Malicious Complaint

Fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

Knowingly lodging a false complaint (without truth or foundation).

FAIRNESS & EQUITY

Students

1. *MTC Training'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.
2. *MTC Training's* assessment process evidences the following characteristics:
 - a. The standards, assessment processes and all associated information are straight forward, understandable and accessible;
 - b. The characteristics of potential candidates are identified, to enable flexibility of delivery and assessment;
 - c. The chosen processes and materials within the system of assessment do not disadvantage candidates or students;
 - d. Appropriate and effective complaints and appeal resolution mechanisms linked to a pro active continuous improvement are in place to address and remediate any unintentional issue of unfairness or disadvantage identified;
and
 - e. Where potential disadvantages are identified, remedial actions are taken as a matter of priority to ensure there is no repetition of the situation.
3. Candidates applying for course entry will be informed of and provided with the Access Equity & Fairness Policy at their initial interview. At this time 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.

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Employees

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

1. the most capable person for placement in a position will be selected;
2. within *MTC Training's* capacity all stakeholders will be assisted to participate, maintain and develop personally and professionally;
3. neither favouritism nor the granting of special favours will apply to any stakeholder.

AWARENESS & RIGHTS

1. Employees, students and other stakeholders of *MTC Training* are expected to be conscious of actual and potential differences and to actively recognise and respect the boundaries directly or indirectly set by others.
2. All people associated with *MTC Training* 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.
3. No person lodging a complaint, or assisting in the investigation of a complaint, will be victimised or treated unfairly.
4. Timely access to their student or personnel records/files.
5. 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 *MTC Training* employee they feel most comfortable with.

The employee will report the issue to the Child Safety Officer (CSO) who will commence investigations immediately.

The employee will concurrently with the CSO investigation assist the student and their parent/carer(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 RTO Manager. Where the RTO Manager is not available or the complainant prefers they may report to the Accountable Officer, Trainer/Assessor, or other *MTC Training* personnel with whom they feel most comfortable.

Please refer to Complaint Process and associated documentation for detailed information on the handling of all complaints.

MTC Training 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 RTO Manager.

FRIVOLOUS OR MALICIOUS COMPLAINTS

A 'Frivolous or Malicious Complaint' is a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

Stakeholders found to have made a 'Frivolous or Malicious' Complaint will face disciplinary action as per the most appropriate level as described in the disciplinary Process – Employees or Disciplinary Process – Student Policies as may be the case..

RESPONSIBILITIES

General

1. It is the responsibility of all *MTC Training* personnel, and stakeholders to
 - ensure their personal well being;
 - the well being and development of all other *MTC Training* stakeholders;through immediate intervention and reporting of any situation which vilifies or demeans or harms an individual.
2. Employees, Contractors and students are required to be aware of and be compliant with the relevant legislations in regards to access, equity and antidiscrimination including:
 - <http://www.comlaw.gov.au>.
Equal Opportunity for Women in the Workplace 1999
Equal Opportunity Act 1984 (SA)
 - <http://www.legislation.sa.gov.au>
Racial Vilification Act 1996
Children's Protection Act 1993

- **www.humanrights.gov.au/**
Human Rights & Equal Opportunities Act 2004
Sexual Discrimination Act 1984
Racial Discrimination Act 1975
Racial Hatred Act 1995
Disability Discrimination Act 1992

CEO & RTO Manager

All managers and supervisors are responsible for:

- Ensuring that all 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 *MTC Training's* procedures as outlined in the Complaints Policy.
- Continuously monitoring, educating, informing and supporting all stakeholders to reinforce a safe and equitable workplace.

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 *MTC Training'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 CEO.
- Request the assistance of another person in raising the complaint and in any subsequent resultant interviews.

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.