



Access and Equity Policy

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Purpose

To provide the same services to all groups in society to develop knowledge and skills by creating an accessible, supportive, safe and inclusive learning environment for all students.

Scope

To ensure all staff, trainers, contractors and clients have access to non-discriminatory services.

References

- Australian Skills Quality Authority VET Quality Framework (VQF)
- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984



Related Documents

- The Moreland Group Student Handbook

Responsibilities

The Moreland Group General Manager is responsible for ensuring all legislative requirements are met and staff meet their obligations.

All staff are responsible for maintaining a happy and discrimination-free work environment by recognising that access and equity means giving everyone a fair go in public life and that everyone has responsibilities under the act.

Key Responsibilities

1. Fair treatment / Equal opportunity

The Victorian Anti-Discrimination legislation is about fairness.

Fair treatment means making sure people are given a "fair go" when they are at work and when they are looking for work, sometimes this is referred to as equal opportunity.

Fair treatment means:

- Treating people as individuals with different skills and abilities, without making judgments based on stereotypes, or on characteristics, such as;

National and State legislation makes unlawful discrimination on the grounds of:

- Age (people of all ages)
- Sex (whether a person is female or male)
- Race (This includes colour, descent, ethnic origin or nationality. It also applies if you are treated unfairly because of the race of the people you live with or associate with.)
- Physical Disability (This includes the total or partial loss of any function of the body, or the loss of a limb, or the malfunctioning of a part of a person's body, or any malformation or disfigurement—whether temporary or permanent. Thus, a wide range of disabilities is covered, such as partial or total blindness, deafness, epilepsy, AIDS, amputation, diabetes, asthma, heart conditions, paraplegia, skin conditions, cerebral palsy and so on.)
- Intellectual Impairment (This includes permanent or temporary loss or imperfect development of mental faculties, resulting in reduced intellectual capacity. However, it excludes mental illness, which may be covered by Federal law but is not covered by the VIC Equal Opportunity Act.)
- Sexuality (This refers to whether a person is heterosexual, homosexual, bisexual or transgender.)
- Marital Status (This refers to whether a person is single, married, divorced, separated, widowed, or living in a de facto relationship with a person.)
- Pregnancy (This includes whether a woman is pregnant, is suspected of being pregnant, or is expected to become pregnant in the future.)



Discrimination on any of the grounds listed is unlawful if it occurs in most areas of public life, including employment.

All aspects of employment are covered. This includes:

- recruiting and selecting staff
- policies, practices and procedures (including unwritten ones)
- terms and conditions of work
- training, promotion and transfer
- the methods and reasons for ending employment.

Ensuring a work environment that allows all employees to work to their full potential, and that is free from all forms of discrimination and harassment, including sexual harassment.

Making sure work decisions are based on the merit principle. That is, the applicant who best meets the needs of the job is the one selected, and the worker who best meets the needs of the job is the one retained.

Equal opportunity laws also allow special initiatives designed to overcome the results of long-term discrimination suffered by certain groups.

2. Direct and indirect discrimination

Unlawful discrimination means treating someone differently and less favourably because of one of the grounds spelled out in law. Discrimination need not be DIRECT, or open. It can also be INDIRECT.

Indirect discrimination happens when there is a requirement that at first sight seems to treat everyone equally, but which in fact has an unfavourable effect on a certain group of people.

3. Sexual harassment

Sexual harassment covers unwelcome behaviours of a sexual nature which cause a person to feel intimidated, humiliated or offended and that it is reasonable for them to feel that way. With sexual harassment, what is important is how the behaviour was perceived, not necessarily how it was intended.

These are some of the forms that sexual harassment can take:

- unwelcome touching or kissing in a sexual way
- repeated comments or jokes, leering or staring, that are sexually suggestive
- sexually explicit pictures, objects or reading matter
- direct or implied sexual propositions, or unwelcome requests for dates
- intrusive questions about sexual activity
- abusing a position of power to try to obtain sexual favours.



Sexual harassment can also include the general climate of a workplace. A poor workplace atmosphere can create an uneasy, intimidating, hostile environment. This can have a bad effect on health, work performance, job satisfaction and productivity.

Sexual harassment can occur between;

- employer and employee (or potential employee)
- employee and employee
- or employer/employee and client.

All categories of employee—full/part time, contract, casual, unpaid, agent and voluntary, trainers, contractors and subcontractors—are covered by the Equal Opportunity laws and by The Moreland Group policy.

Sexual harassment occurs mostly by men against women. However, it can also occur by women against men, by men against men, or by women against women. All of these forms of sexual harassment are unlawful.

4. Workplace bullying

Workplace bullying usually refers to the persistent ill treatment of an individual at work by one or more other persons that causes risk to the health, safety and welfare of employees. If an employee is intimidated, put down or humiliated (sometimes in front of others) on a regular basis, this may constitute workplace bullying. It need not involve physical ill treatment, such as punching and kicking. Most cases of bullying involve such treatment as verbal abuse, 'nit-picking', threats, sarcasm, ostracism, or sabotage of a person's work.

It is important to separate a manager's or employer's genuine right to control and monitor work from abuse or bullying. All employers have a right to direct and control how work is done, and managers have a responsibility to monitor workflow and comment on performance.

Where the workplace bullying does not relate to grounds covered by equal opportunity legislation, it still constitutes a serious workplace problem and can be considered a breach of the Workplace Health and Safety Act (1995), Workers Compensation and Rehabilitation Act (2003) or other criminal laws relating to assault or threatening behaviour.

5. Victimisation

Victimisation is also unlawful.

Victimisation means treating someone unfairly because they have acted on the rights given them by equal opportunity law, or because they have supported someone else who acted upon those rights—for instance, if your job is threatened because you have made a complaint to the Equal Opportunity Commissioner. Victimisation is unlawful, and may attract severe financial penalties.



6. Reasonable adjustment

This refers to actions taken to provide students (requesting special consideration of their individual needs) with the same educational opportunities available to all other students, while maintaining the integrity of the course/qualification and assessment.

Specific strategies to adjust a course/qualification may include, but not be limited to:

- modification to training venue
- modification to, and/or the provision of, equipment, for example, adaptive technology equipment, or a bi-lingual dictionary
- the provision of information in appropriate, accessible formats, for example, in Braille, or the inclusion of subtitles on audio visual material, large print, coloured paper, digital recordings and so on
- adjustments to course delivery and/or assessment strategies in ways that do not compromise the requirement to demonstrate essential skills or knowledge, for example, extending due dates for assignments, the substitution of one assessment task for another of equivalent academic merit, further contextualising of course content etc.

A request for reasonable adjustment must be received by the RTO Training Manager who will discuss needs and strategies, along with any additional costs that will need to be met by the student. There is an opportunity to note individual needs at the time of enrolment, or this information can be provided to the RTO Training Manager after enrolment, but before course commencement (to ensure actions can be taken in time for commencement).

Privacy of the student will be maintained in regards to the reasonable adjustment, though details will be kept in the student confidential file and provided to the Assessor should the adjustment impact on assessment processes and expectations.

Note:

- The Moreland Group is not responsible for making individual adjustments for a student who chooses not to disclose his/her need for a reasonable adjustment. All responsibility for requesting reasonable adjustment rests with the student.
- Students who request special consideration may be required to provide appropriate documentation from a qualified professional.

Commitment

The management of The Moreland Group has a firm commitment to fair treatment principles, and will ensure that no discriminatory policies, practices or procedures exist in any aspect of employment, and when:

- providing goods and services to our clients
- offering or providing education
- giving approval to qualifications



In addition, harassment of any type will not be tolerated.

Rights and Responsibilities

Anti-Discrimination legislation gives rights and responsibilities to potential employees, current employees and employers.

Potential and current employees have:

- the right for decisions about who should be offered a job to be made on merit
- the right not to be sexually harassed by other employees or by the employer.
- the right to be protected by their employers from sexual harassment by the people to whom they provide goods and services.
- the right to work in an environment free of discrimination and harassment
- the responsibility not to discriminate against, or harass, other employees or clients.
- the responsibility not to sexually harass other employees or people to whom they are providing goods or services.
- People who are being offered or provided with goods or services have:
- the right not to be sexually harassed by the providers of those goods or services.

Employers (and managers and supervisors) have:

- the responsibility to ensure that the workplace and the services given to clients are free of discrimination and harassment; employers—and managers and supervisors—have a legal responsibility to take all reasonable steps to make sure that this happens
- the responsibility to ensure that the workplace is free of sexual harassment, and that clients are not sexually harassed while being provided with goods or services
- a legal responsibility to take all reasonable steps to make sure this happens.

What this means in practice

This Policy is one of the steps taken by The Moreland Group. The other steps are:

- A member of senior management will accept day-to-day responsibility for implementing this policy. The person with this responsibility is: The General Manager

Managers and supervisors have a direct responsibility to make sure that employees know about this policy and adhere to it.

Managers and supervisors are trained in this policy and its implementation by means of:

- Reading the Policy
- Discussing the Policy at regular department meetings under Compliance Issues
- Attend any external training as requested

Employees will know about this policy through:

- Being given the policy as part of The Moreland Group Induction Package
- Reading the Policy
- Discussing the policy at regular department meetings



- Attending any training as requested

Complaints of Discrimination or Harassment

The General Manager of The Moreland Group have ultimate responsibility for implementing the Equal Opportunity / Fair Treatment Policy. Any complaints about breaches of this policy will be dealt with seriously, confidentially and quickly. The people to contact in the first instance are: The RTO Training Manager

They will be able to help you in the following ways:

- Listen to your complaint.
- Provide information on existing policies and procedures.
- Discuss options available to resolve the problem.
- Refer you to other places where you can get help.

In most cases the decision about what further action to take (if any) lies with the person who has made the complaint. However, in cases where there is a risk to the employee's (or other employees) health or safety at work, managers will take action to prevent a problem from escalating.

If further assistance is required;

- You may also approach your union for assistance.
- In addition, any person has the right at any time to contact the Victorian Equal Opportunity and Human Rights Commission
 - o Alternatively, contact the Federal Department of Human Right and Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination.
- A professional legal person

You can phone or write to:

- Victorian Equal Opportunity and Human Rights Commission *Website:*
www.humanrightscommission.vic.gov.au

Please Note: this information is for guidance purposes only and should not be used as a substitute for formal legal advice.

This does not remove the student's right as a consumer from following other avenues under the Australian Consumer law.

Appealing a Reasonable Adjustment decision

The Education Manager is the point of contact for any student dissatisfied with the reasonable adjustment process implemented by the RTO Administration and/or Training Manager.



Students who are dissatisfied with the response to their request, or with the reasonable adjustment strategy devised, may appeal in writing to the Education Manager via training@moreland-grp.com.au