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<b>Prepared by:</b>	AB Compliance Administrator	<b>Edition:</b>	7
<b>Approved by:</b>	LGK General Manager	<b>Date:</b>	23/09/15

First Intervention is committed to access and equity for all individuals and actively promotes practices and processes to provide a working and learning environment that is free from discrimination, victimization and harassment. First Intervention embraces the concept of equity and is determined to foster an inclusive culture that encourages choice, flexibility and access to employment, training and assessment based on merit, and in accordance with legislation.

This is achieved by the implementation of policies and procedures that promote equal opportunity. They are made available to all staff and contractors and every effort is made to ensure they are understood.

All employees have a responsibility to ensure that all employees, trainers, students, clients and visitors are treated equitably and not subject to discrimination, victimization or sexual harassment. Any complaints are to be immediately referred to the General Manager as such behavior is considered serious and will not be tolerated. Victimization of anyone complaining of discrimination will be subject to disciplinary action. Disciplinary action may include dismissal or refusal of further services offered by First Intervention.

First Intervention strives to provide training, assessment and support services that respond to the individual needs of the learners. Effective, efficient and accessible systems are implemented to ensure that learners have access to their records of participation and progress.

## **EQUAL OPPORTUNITY**

First Intervention is an equal opportunity employer that continuously strives to express this through practising fair enrolment and employment for all regardless of race, religion, colour, creed, culture, age, sex or disability.

First Intervention will recruit, interview, hire, select for training, promote, demote, discipline, rates of pay or other compensation, transfer, enrol in training courses and events in a fair and equitable manner. Equal employment opportunity principles will be applied to all aspects of employment such as promotions, wages, benefits, redundancies, retrenchment and termination. All employees have a responsibility to behave in a respectful and humanistic manner.

If conflict arises, employees, students and clients are counselled and coached to resolve grievances respectfully and promptly, as objectively as possible and as close to the source as possible. If necessary they will be referred to the next management level.

First Intervention is committed to providing an employment environment which recognizes and positively promotes equal opportunity for all staff and that supports anti-discrimination legislation.

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## EQUAL OPPORTUNITY LEGISLATION

The two main areas of legislation are Discrimination and Sexual Harassment.

### Discrimination

The Equal Opportunity Act 2010:

In Victoria it is against the law for someone to discriminate against you because of a characteristic that you have, or that someone assumes you have. These personal characteristics include:

- age
- carer and parental status
- disability (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental, psychological and learning disabilities)
- employment activity
- gender identity, lawful sexual activity and sexual orientation
- industrial activity
- marital status
- physical features
- political belief or activity
- pregnancy and breastfeeding
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- expunged homosexual conviction
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

It is also against the law to sexually harass or victimise someone, or to vilify someone because of their race or religion.<sup>1</sup>

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<sup>1</sup> <http://www.humanrightscommission.vic.gov.au/index.php/types-of-discrimination>

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## Sexual harassment

The Equal Opportunity Act 2010:

Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written. It can include:

- comments about a person’s private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites.

Sexual harassment is against the law and some types of sexual harassment can also be a criminal offence.

These include indecent exposure, stalking and sexual assault, as well as obscene or threatening phone calls, letters, emails, text messages and posts on social networking sites.

A single incident is enough to constitute sexual harassment – it doesn’t have to be repeated.<sup>2</sup>

First Intervention employees, contractors, trainers, students and visitors must not ignore sexual harassment or discrimination. Silence or failure to respond promptly is not acceptable. Confidentiality is essential for appropriate and impartial resolution of a complaint and to minimise adverse effects on the victim.

The General Manager has responsibility for ensuring:

- all reasonable steps are taken to discourage, prevent and eliminate sexual harassment;
- that behaviour within the area of responsibility does not create or condone an environment, which may lead to sexual harassment;
- staff and students maintain proper standards of behaviour, which are at all times conducive to an environment free from sexual harassment;
- all staff and students are made aware of their rights, responsibilities and the policies and procedures relating to sexual harassment;
- complaints are referred to a designated Sexual Harassment Contact;
- Confidentiality is maintained.

Staff and students are responsible for ensuring:

- they are aware of the contents of the legislation and the Institute policy relating to sexual harassment as well as all details of this procedure;
- their behaviour is such that it does not warrant allegations of sexual harassment against them;
- they do not initiate complaints which they know, and any reasonable person would conclude, are made in bad faith;

<sup>2</sup> <http://www.humanrightscommission.vic.gov.au/index.php/types-of-discrimination/sexual-harassment>

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- they engender an atmosphere, which actively discourages sexual harassment. Sexual Harassment Contacts are responsible for: treating all complaints with the utmost seriousness,
- confidentiality is maintained and advising complainants of confidentiality procedures; acting on complaints immediately; enabling complainants to choose their preferred Sexual Harassment Contact;
- advising complainants of their right to bring another person to interviews if they wish;
- arranging for interpreters if complainants have communication difficulties;
- providing unbiased advice and empathetic support for staff and students involved in sexual harassment complaints;

#### **RELEVANT LEGISLATION**

- Commonwealth National Vocational Education and Training Regulator Act 2011
- Fair Work Commission Rules 2013
- National Employment Standards 2010
- Commonwealth Fair Work Regulations 2009
- Commonwealth Fair Work Act 2009
- Workplace Relations Regulations 2006
- Commonwealth Work Health and Safety Act 2011
- Commonwealth Age Discrimination Act 2004
- Victorian Racial & Religious Tolerance Act 2001
- Commonwealth Privacy Act 1988
- Commonwealth Workplace Gender Equality Act 2012
- Commonwealth Racial Hatred Act 1995
- Victorian Equal Opportunity Act 2010
- Commonwealth Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Commonwealth Sex Discrimination Act 1984
- Commonwealth Racial Discrimination Act 1975

#### **REFERENCES:**

ASQA SN: 4.1, 6, 8.5-8.6

Policy: 101.20 Staff Policy

Procedure: 102.15 Student Complaints and Appeals  
 102.11 Sexual Harassment Grievance  
 102.37 Employee/Contractor Complaints Procedure