



## Equal Opportunity, Anti-Discrimination, Anti-Harassment and Anti-Bullying

### **Purpose and Scope**

To clarify understanding of Equal Opportunity, Anti-Discrimination, Anti-Harassment and Anti-Bullying and the ways in which these apply to program and service provision, and other operations of The Centre. The Centre ensures that Equal Opportunity, Anti-Discrimination, Anti-Harassment and Anti-Bullying are incorporated into all of its operations, to encourage participation and improve outcomes for learners/ clients and to provide staff with a safe work environment free from discrimination, harassment, victimisation, bullying, and equal opportunity.

It is the responsibility of The Board of Governance, Executive, staff, clients/ learners and the wider community to promote, implement and monitor the application of The Centre's zero tolerance to breaches of this policy. This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and learner/ client functions.

The Centre aims to provide an environment where all staff and learners/ clients are treated fairly and with respect. Employment decisions are to be based on merit and not on irrelevant attributes that an individual may possess. Under equal employment opportunity (EEO) laws discrimination, sexual harassment, bullying, victimisation and vilification are unlawful.

### **Policy**

#### **1. Rights and Responsibilities**

1.1 All staff members and learners/ clients must:

- 1.1.1 Comply with The Centre's Code of Conduct at all times
- 1.1.2 Ensure they do not engage in any unlawful conduct towards work colleagues, learners / clients or others with whom they come into contact through work, education or services
- 1.1.3 Ensure they do not aid, abet or encourage other persons to engage in unlawful conduct
- 1.1.4 Follow the requirements of the Complaints Policy if they experience or perceive any unlawful conduct report this in accordance with the Complaints Policy
- 1.1.5 Report any perceived unlawful conduct in accordance with the Complaints Policy
- 1.1.6 Comply with all reasonable requests to participate in or give evidence to an officer appointed by the CEO to investigate breaches of this policy

1.2 It is the responsibility of the Board and Executive to ensure that:

- 1.2.1 Reasonable steps have been taken to implement the requirements of this policy in relation to learner/ clients and staff at The Centre
- 1.2.2 Incident/ recording and reporting requirements in relation to breaches of this policy are complete within the requirements of The Centre's relevant Policy and Procedure and stored in accordance with The Centre's Privacy and Data Security Policy
- 1.2.3 Breaches of this policy that constitute a breach of or crime by definition of the relevant Act be reported to the relevant authority
- 1.2.4 The CEO informs the Board of Governance of all breaches of this policy

#### **2. Equity in Access to The Centre's Programs and Services:**

- 2.1 The Centre provides access to all members of the community into its programs and services
- 2.2 Support provided to individual clients/ learners to access programs and services is negotiated on an individual client/ learner basis
- 2.3 The Centre provides opportunities for clients/ learners to gain skills, knowledge and experience through its programs and services
- 2.4 Support for learners/ clients with complex needs is covered in the requirements of the Welfare Policy and relevant Quality Frameworks

### 3. Exclusion from programs/ services or employment:

- 3.1 A client/ learner or staff member may not be permitted to access programs, services or engage in child related work only if:
  - 3.1.1 They have a criminal history that will prevent them from meeting the inherent requirements of a vocational area of study, industry requirements or Child Safe requirements of The Centre (See Definitions)
  - 3.1.2 The client/ learner or staff member requires modifications to the environment that would present an unjustifiable hardship to The Centre
- 3.2 The Centre may exclude learners that requires the delivery of programs or services to be in a language other than English which would be an unjustifiable hardship on The Centre.

### 4. Discrimination

- 4.1 In accordance with relevant legislation, no person or organisation will be treated unfairly or discriminated against on the basis of age, colour, race, gender, religious or political conviction, sexuality, ability or disability, location, family responsibilities, membership or non-membership of an association or for any other stereotypical or illegal reasons. The Centre does not discriminate against persons in relation to learning and employment opportunities on the basis of previous criminal convictions excluding instances of clause 3.1.1 of this policy.

### 5. Harassment

- 5.1 The Centre is committed to providing an environment free from all forms of harassment. The Centre has a zero tolerance to harassment of any form. Behaviour or actions that are intended to harm, intimidate, threaten, victimise, offend, degrade or humiliate another person are not acceptable at The Centre. The Centre has policy, procedure and systems in place to investigate instances of harassment across the extent of its operations. Learners/ clients and staff must comply with The Centre's Code of Conduct that clearly highlight.
- 5.2 Sexual harassment is unlawful in the workplace, which includes any place a person goes for the purpose of carrying out any function in relation to his/her employment. The workplace may also extend to social functions.

### 6. Victimisation

- 6.1 Victimisation is where a person is retaliated against or subjected to a detriment or targeted behaviour because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint. A staff member or learner/client must not retaliate against a person who raises a complaint or subject them to any detriment.
- 6.2 Victimisation will not be tolerated at The Centre.

### 7. Vilification

- 7.1 Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race or religion. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

### 8. Bullying

- 8.1 The Centre has a zero tolerance of bullying of any form.

#### 8.2 Learners/ Clients

- 8.3 Learners/ clients who experience bullying are to notify a member of The Centre in one of the following ways:

- 8.3.1 In Person by speaking to a staff member such as a teacher/ Trainer or Program Leader
- 8.3.2 In writing by formal complaint in to the CEO.
- 8.3.3 By phone to the relevant Program Leader for their course. In the case of VCAL this is the Program Leader Learner Engagement
- 8.3.4 Parents/ guardian are encouraged to report suspected bullying by arranging a meeting or by phone with the relevant Program Leader.

- 8.4 All complaints/ allegations of bullying are taken seriously and investigated within the requirements of The Centre's Investigations Procedure.

8.5 Learners who are the victim of bullying at The Centre where the perpetrator of the bullying is another learner/ client or staff member of The Centre, will be provided individual support on a case by case basis that could include:

- 8.5.1 Individual support from a Learner Engagement Officer
- 8.5.2 External referral to support agency's that specifically support the social and emotional impact of bullying and recovery from instances of bullying

8.6 Prior to returning (if appropriate) to the learning environment, learners/ clients that have breached the Learner/ Client Code of Conduct in relation to bullying will be required to complete a program on the impact of bullying. They also may be asked to attend a different class/ group to the one in which the victim of their behaviours is attending or is enrolled.

### 8.7 Staff

8.8 Staff who believe they have been the victim of bullying are to report this to their Program Leader or relevant supervisor in writing as per the requirements of The Centre's Complaints Policy

8.9 Workplace bullying occurs when an individual or group of individuals repeatedly behaves unreasonably towards a worker or a group of workers at work, and the behaviour creates a risk to health and safety.

8.10 Workplace bullying can occur between a worker and a manager or supervisor, between co-workers or other workplace participants e.g. learners/ clients or visitors. Bullying does not cover situations where an employee has a grievance about legitimate and reasonable performance management processes, disciplinary action or allocation of work in compliance with systems.

## 9. Diversity

9.1 As an organisation, The Centre recognises and values:

- 9.1.1 Individual differences of its clients/ learners, staff and the communities that it serves.
- 9.1.2 Clients/ learners who enter into our programs and services with a wealth of knowledge and life experience.

9.2 The Centre creates an environment that is inclusive for all and recognises that diversity is an opportunity to enrich and extend opportunities to all.

9.3 The Centre creates an inclusive environment for all people regardless of their background or circumstances by:

- 9.3.1 Providing a welcoming environment in all of its services, programs and locations
- 9.3.2 Offering flexibility in all of its programs and services
- 9.3.3 Providing reasonable adjustment for client/ learners engaged in learning programs (See section 7)
- 9.3.4 Having an open recruitment and selection process
- 9.3.5 Determining individual client/ learner needs for support upon engagement with The Centre
- 9.3.6 Providing clients/ learners with access to a range of external support services within the requirements of The Centre's Welfare Policy

## 10. Support Services

10.1 The Centre is committed supporting client/ learners and staff through high quality training and program services and practices

10.2 The Centre encourages client/ learners and staff to provide feedback to The Centre to improve programs and services

10.3 All clients/ learners entering into learning programs have access to:

- 10.3.1 Language, Literacy and Numeracy support (LLN)
- 10.3.2 Digital Literacy support
- 10.3.3 Careers advice and support
- 10.3.4 Welfare support on a referral basis
- 10.3.5 Additional support for learners with a disability (Section 7)

10.4 Clients/ learners that have been identified as having complex needs are supported through the application of The Centre's Welfare policy which includes:

- 10.4.1 Referral to the Learner Engagement Team (LET)
- 10.4.2 Referral to external services to support the learner in the areas of social, emotional, financial, psychological, drug and alcohol, addiction and other required areas as identified by the LET
- 10.4.3 Case management services provided by the LET

- 10.5 The Centre maintains a network of providers to assist in the support of learners/ clients and staff who are facing complex needs or adverse experiences.
- 10.6 The Centre understands that it delivers programs and services to a wide range of people in the community including learners/ clients with complex needs. As such, The Centre makes available to all staff the Employee assistance program to staff that are affected in the workplace by items listed in this policy and through their interactions with learners/ clients.

## 11 Encouraging Opportunities For People With A Disability

- 11.1 The Centre encourages people with a disability to engage with programs and services. The Centre's framework to support opportunities consists of:

- 11.1.1 Recognise and respond to individual difference in ways that foster acceptance and understanding in the learning environment and in the workplace
- 11.1.2 Improve quality of educational opportunity and outcome for learners/ clients with disabilities
- 11.1.3 Improve quality of employment opportunity and experience for staff with disabilities
- 11.1.4 Ensure its policies and practices do not discriminate unlawfully against learners/ clients or staff on the grounds of disability
- 11.1.5 Ensure that learners/ clients and staff have access to a fair and effective grievance process on the basis of disability.

- 11.2 The Centre has set key initiatives across the organisation and its operations to meet the requirements of the Disability Standards for Education 2005 and the Disability Act 2006 (Vic) these include promoting programs and services and making necessary reasonable adjustments to:

### 11.2.1 Student Enrolment

- 11.2.1.1 Information about the enrolment process addresses the needs of learners/ clients with disabilities and is provided in a range of accessible formats
- 11.2.1.2 Enrolment procedures can be completed without undue difficulty
- 11.2.1.3 Information about entry requirements, learning options and pathways and educational settings are explicit and accessible

### 11.2.2 Student Participation

- 11.2.2.1 Course activities are sufficiently flexible for all learners/ clients to participate
- 11.2.2.2 Learning activities are negotiated, agreed on and implemented
- 11.2.2.3 Reasonable alternative learning activities are offered where necessary
- 11.2.2.4 Additional learning support is provided where needed

### 11.2.3 Curriculum Development

- 11.2.3.1 Curriculum, teaching materials and the assessment and certification requirements are appropriate and accessible
- 11.2.3.2 Course delivery modes and learning activities take into account the learning capacities and needs of the student and meet intended educational outcomes
- 11.2.3.3 Study materials are made available in a format that is appropriate for the student and conversion of learning materials into alternative accessible formats is done in a timely manner

- 11.2.3.4 Teaching and delivery strategies for the course or program are adjusted to meet the learning needs of the student, including additional support if required and any activities that are conducted outside the classroom are designed to include the student
- 11.2.3.5 Assessment procedures and methodologies are adapted so the student can demonstrate the knowledge, skills and competencies being assessed

#### 11.2.4 Learner Support Services

- 11.2.4.1 Staff are aware of the specialised support services available for the student and are provided with information that enables them to assist the student to access required support
- 11.2.4.2 Access to specialised services for the student, where necessary, is facilitated, including through collaborative arrangements with specialised service providers in health, personal care and therapy, speech therapy, occupational therapy and physiotherapy
- 11.2.4.3 Specialised equipment including inclusive technology and assistive devices are provided to support the student in participating in the course or program
- 11.2.4.4 Appropriately trained support staff such as interpreters and learning support workers are made available to learners/ clients with disabilities as required

#### 11.2.5 Employment

- 11.2.6 Staff and prospective staff with disabilities are able to obtain and maintain employment and career opportunities, on the same basis as staff without disabilities, and without experiencing discrimination.
- 11.2.7 The Centre's policies and procedures ensure that:
  - 11.2.7.1 Our workplaces are free from policies and practices that discriminate unlawfully against staff or potential job seekers with disabilities
  - 11.2.7.2 Staff have access to a fair, efficient grievance review process that addresses potential breaches of merit and equity on the grounds of disability discrimination

### 12 Rights and Responsibilities

- 12.1 It is the responsibility of the Board, Executive, Staff and learners/ clients to ensure that this policy is implemented across the Centre and all of its operations.
- 12.2 It is the responsibility of the CEO to report compliance of this policy to the Board of Governance regularly or in individual instances or circumstances.

### 13 Information Privacy and Data Security

- 13.1 Information relating to the requirements of this policy will be collected and stored in line with the requirements of The Centre's Information and Data Security Policy
- 13.2 Processes relating to complaints handling, investigation, consequences and reporting of breaches of this policy are to be monitored and remain in the strictest of confidence within the requirements of the above named policy and the Staff Confidentiality and Security Agreement.

### 14 Breaches of this Policy

- 12.1 It is the responsibility for the CEO to ensure that all staff and learners/ clients are inducted/ provided information relating to the requirements so as to ensure they meet the requirements of this policy. In individual instances of breaches of this policy the CEO must:
  - 12.1.1 Ensure that all complaints or grievances in relation to this policy are investigated within the requirements of the investigations procedure
  - 12.1.2 All staff and learners/ clients are afforded a due process and natural justice principals in relation to grievances or complaints.
  - 12.1.3 Respondents to complaints are provided with the right to reply to grievances or complaints within a suitable timeframe
  - 12.1.4 All parties are supported in instances of grievances/ complaints being made in relation to the conduct of a staff member, learner or client.



- 12.2 Consequences relating to breaches of this policy are defined as serious misconduct
- 12.3 If an investigation finds that a breach of this policy has occurred, the following options are available to the CEO in determining the disciplinary action taken including:
- 12.3.1 Serious breaches in relation to staff are to comply with the staff discipline and Termination of Staff Procedure(s)
  - 12.3.2 Serious breaches in relation to Clients/ learners and disciplinary action are to meet the requirements of the Learner/ Client Code of Conduct signed on enrolment/ commencement by the individual learner.

## Definitions

- Networks** Networks are relationships that are developed between a range of organisations, businesses and people in key positions that foster the exchange of information and ideas among individuals or groups that share a common interest.
- Discrimination** Unlawful discrimination means treating a person less favourably because of a personal attribute they have which is covered by equal opportunity laws. Under Victorian equal opportunity laws, discrimination based on the following attributes is unlawful: sex, race, disability, gender identity, sexual orientation, lawful sexual activity age, pregnancy, marital status, parental status, breastfeeding in public, carer status, religious belief or activity, political belief or activity, industrial activity, physical features, personal association, irrelevant criminal record.
- Harassment** Unlawful harassment is any behaviour which is based on one of the attributes listed above under 'discrimination' and which is unwelcome, and offends, humiliates or intimidates the person being harassed. The fact that no offence was intended does not mean that the harassment is not unlawful. The most common form of harassment is sexual harassment. Examples of sexual harassment include: unwanted touching; indecent or sexual assault; sexual propositions; nude pin-ups and posters; obscene telephone calls; persistent requests for outings or dates; leering or staring; wolf whistling; offensive or obscene language; downloading and circulation of pornographic material and crude jokes
- Victimisation** Victimisation means punishing or threatening to punish someone. It is against the law to punish or threaten to punish someone because they have:
- asserted their rights under equal opportunity law
  - made a complaint
  - helped someone else make a complaint
  - refused to do something because it would be discrimination, sexual harassment or victimisation.
- Bullying** Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.
- Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records) Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying

<b>Child Safe Requirements</b>	Required under The Centre's registration with the Victorian Registration and Qualifications Authority, under the Education and Training Reform Act 2006, as a Non-school Senior Secondary Education Provider in relation to the VCAL Program at the Chisholm Street campus. See Standard 3 Student Welfare of the Victorian Registration & Qualifications Authority Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course, applicable to the Centre pursuant to Schedule 8, clause 3 of the Education and Training Reform Regulations 2017 and Schedule 1 of the Child Safety and Wellbeing Act 2005
<b>Relevant previous criminal convictions</b>	<p>Criminal convictions within the previous 10 years (depending on the nature of the conviction) that will have an impact on or relevance to:</p> <ul style="list-style-type: none"> <li>- The Centre's Child Safe requirements or the ability for a learner to apply for a Working with Children Check.</li> <li>- Previous convictions that will mean that learners do not meet the inherent requirements of the course, work placement or post course employment opportunities associated with the course of study they are or are intending to undertake.</li> </ul> <p>The specific offenses relate to the type of course, employment sector and associated requirements. As such, decisions based on this are dependent on relevant industry expectations e.g. WWCC's are required to be able to work in a school.</p>
<b>Irrelevant Criminal Convictions</b>	Criminal Convictions that are not required to be disclosed due to being minor in nature e.g. Drink driving or speeding offences
<b>Inherent Requirement</b>	<p>Meeting the requirements of The Centre's Child Safe Policy in relation to the screening of adults in the learning environment. All adult learners enrolled in courses of a duration longer than 3 days are required to undertake application for a Volunteer Working with Children Check.</p> <p>Inherent requirements for Certificate III in Education Support, Individual Support and Certificate IV in Disability for learners to qualify to commence/ attend work placement in these industries are:</p> <ul style="list-style-type: none"> <li>- Working With Children Check</li> <li>- National Criminal History Check.</li> </ul>
<b>Complex needs</b>	People with complex needs are understood as having multiple issues in their lives which can include mental health and/or addictions, developmental issues, involvement in the Criminal Justice system, problems finding and maintaining housing etc.
<b>Access</b>	is about ensuring that programs and services are made available to meet the needs of the people who want to take advantage of them
<b>Equity</b>	is about fairness, ensuring that people have access to programs and services without discrimination according to age, gender, location, culture, disability or disadvantage
<b>Diversity</b>	is about acknowledging, respecting and valuing difference

**Version Control**

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**References**

Age Discrimination Act 2004 (Cth)  
Disability Discrimination Act 1992 (Cth)  
Racial Discrimination Act 1975 (Cth)  
Sex Discrimination Act 1984. (Cth)  
Disability (Access to Premises - Buildings) Standards 2010 (Cth)  
Disability Standards for Education 2005. (Cth)  
The Equal Opportunity Act 2010 (Vic)  
The Racial and Religious Tolerance Act 2001 (Vic)  
The Charter of Human Rights and Responsibilities Act 2006 (The Charter)  
Fair Work Act 2009 (Cth)  
Privacy and Data Security Act 2014 (Vic)  
The Privacy Act 1988 (Cth)

**Related Policy**

Equal Opportunity anti-discrimination and bullying Policy  
Welfare Policy  
Privacy and Data Security  
Child Safe Policy  
Human Resources Policy  
Occupational Health and Safety Policy

**Related Procedure**

Investigations Procedure  
Information Privacy Procedure  
Document Retention Schedule  
Staff Discipline Procedure  
Termination of Staff Procedure

**Related Guidelines**

Staff Code of Conduct  
Learner/ Client Code of Conduct