

ACCESS, EQUITY AND FAIRNESS POLICY

1. Preliminary Information

Purpose

CCF SA is committed to providing a clear and transparent ethical and legal position in regards to the provision of open access and equity to all stakeholders of the organisation.

Scope

This document provides information regarding the way CCF SA will ensure that its services are provided so that all stakeholders feel they have, and have been, treated equitably and fairly.

CCF SA (RTO 45621) represents the trading names of:

- CCF South Australia
- CCF NT
- CCF Western Australia
- Mining Train
- TrainSA

2. Policy

It is the policy of CCF SA 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.

CCF SA's Access and Equity policy 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.

3. 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: CCF SA 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

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

- **Abuse of Children**

CCF SA is committed to a child safe environment for all of our minor learners.

All employees, contractors, learners and other stakeholders should note that children accessing CCF SA'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:

- 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 Learner 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. CCF SA 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.

CCF SA recognises that ignoring harassment and bullying can have serious consequences for all parties. Given that CCF SA seeks to attract and retain talented personnel and learners 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 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 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.

4. Fairness and equity

Learners

CCF SA'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 learners who have special needs.

CCF SA'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 learners;
- 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

- Where potential disadvantages are identified, remedial actions are taken as a matter of priority to ensure there is no repetition of the situation.

Candidates applying for course entry will be informed of and provided with the Access and Equity Policy via the CCF SA website, included in 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

CCF SA 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 CCF SA'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.

5. Awareness and rights

Employees, learners and other stakeholders of CCF SA 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 CCF SA 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 learner or personnel records/files.
- All employees and learners are expected to participate in the complaint resolution process in good faith.

6. Procedure for reporting

Children

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

The employee will report the issue to the Director – Global Learning and Future Directions who will commence investigations immediately.

Where the report indicates that the safety of the child is in any way at risk, then mandatory reporting procedures will be enacted.

The employee will, concurrently with the Director's investigation, assist the learner and their parent(s) to access and complete the Complaints Process.

The Children's Protection Policy should be followed and mandatory reporting enacted.

Adults

Concerns regarding Equal Opportunity, Harassment, Discrimination or other inappropriate conduct should be reported **immediately** to the Accountable Officer(s) or the Director – Global Learning and Future Directions.

Where the Director and/or Accountable Officer(s) are not available or the complainant prefers, they may report to the Trainer/Assessor, supervisor, trainer or other CCF SA personnel with whom they feel most comfortable.

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

CCF SA 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 learner, 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 Director – Global Learning and Future Directions and/or CEO of CCF.

7. Responsibilities

CEO

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

- Corporate e.g. ASIC;
- Occupational Health Safety & Welfare;
- Industrial Relations
- Training & Skills Commission SA;
- VET Quality Framework including Australian Qualifications Framework;
- Discrimination & Human Rights.

Director – Global Learning and Future Directions

It is the Director – Global Learning and Future Directions' responsibility to ensure that learners of the RTO and all of its stakeholders are afforded and provide open access to this policy and related legislation.

The Director 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 CCF SA website, is including in application packs and the induction process for both Learners and employees;

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

Accountable Officer

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 & Skills Commission;
- Occupational Health & Safety;
- Discrimination & Human Rights.

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

Accountable Officers are 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 CCF SA'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 CCF SA'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 Director - Training and/or Accountable Officer(s).
- 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 Director – Global Learning and Future Directions and/or Accountable Officer(s).
- 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.

Learners

All learners 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.

General

It is the responsibility of all CCF SA personnel, and stakeholders to:

- set an example through appropriate behaviour at all times;
- ensure their personal well-being;
- ensure the well-being and development of all other CCF SA stakeholders;
- immediately intervene and report any situation which vilifies or demeans or harms an individual.

Employees, Contractors and Learners are required to be aware of and be compliant with the relevant legislations in regards to access, equity and anti-discrimination including:

[Training & Skills Development Act 2008 \(SA\)](#)

[National Vocational Education & Training Regulator Act 2011](#)

[Standards for National VET Regulator \(NVR\) Registered Training Organisations](#)

[Fit & Proper Persons Requirements 2011](#)

[Australian Human Rights Commission](#)

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

Freedom of Information Act 1982

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 Act 1994

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

Trans Border

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

Vocational & Industry Sectors

Legislation unique to the vocational sector.

Additional Legislative Information and Updates

Can also be accessed at

- <http://www.austlii.edu.au>
- www.legislation.sa.gov.au
- <http://www.comlaw.gov.au>

8. Responsibilities

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

CCF SA maintains a Zero Tolerance policy in regards to frivolous or malicious complaint.

Complainants found to have made a 'Frivolous or Malicious Complaint' will face disciplinary action and dependent upon the complaint the consequences may include termination of employment or contract or expulsion from further studies.