

## ACCESS AND EQUITY POLICY

### 1. PURPOSE/SCOPE:

The purpose of this policy is to ensure that all managers, staff, independent consultants, contractors, visitors and participants are treated with integrity and respect, recognising that all members of the AIM WA community have the right to work and learn in a safe environment free from any form of unfair treatment including, discrimination, harassment, victimisation and bullying.

### 2. PRINCIPLES:

AIM WA complies with the Standards for Registered Training Organisations (RTOs) 2015 including the clauses related to informing and protecting students (clauses 5.1 – 5.3) and student support and progression (clauses 1.7, and 6.1 to 6.6).

Equity principles are implemented through the fair and reasonable allocation of resources and the right to equality of opportunity without discrimination or harassment.

### 3. DEFINITIONS:

The following definitions apply to this procedure:

#### 1. Discrimination: Discrimination can present in a number of forms:

- a. Direct Discrimination takes place when a person is treated less favourably than another person, in the same or similar circumstances, on one or more of the attributes covered by the Equal Employment Opportunity Act 1987.

#### Attributes include:

- Parental status
- Pregnancy
- Breastfeeding
- Religious belief or activity
- Political belief or activity
- Relationship status
- Sex
- Lawful sexual activity
- Gender identity
- Sexuality
- Age
- Race, nationality or ethnic origin
- Disability or impairment
- Physical appearance (body shape and size)
- Trade union activity
- Family responsibilities
- Association with, or relation to, a person identified on the basis of any of the above attributes

Indirect discrimination happens when an apparently neutral rule has a negative effect on a substantially higher proportion of people with a particular ground, or protected attribute or characteristic, e.g. race, compared to people without that attribute or characteristic, and the rule is unreasonable in the circumstances.

**2. Harassment: Harassment can occur when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex including sexual harassment; disability; sexuality; or any characteristic specified under human rights legislation. It can also happen if someone is working in a 'hostile' - or intimidating - environment. The behaviours can be overt or subtle, verbal, non-verbal or physical.**

Detailed below are examples of behaviours that may be regarded as workplace harassment, if the behaviour is repeated or occurs as part of a pattern of behaviour. This is not an exhaustive list – however common examples include:

- Abusing a person loudly, usually when others are present
- Repeated threats of dismissal or other severe punishment for no reason
- Constant ridicule and being put down
- Leaving offensive messages on email or the telephone
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways
- Maliciously excluding and isolating a person from workplace activities
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of students, management or other workers
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm
- Sexual harassment is any unsolicited, unwelcome and unreciprocated behaviour act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault and including but not limited to the following examples:
  - a) Inappropriate jokes or comments with sexual connotations
  - b) The display of offensive material
  - c) Stares and leers or offensive hand or body gestures
  - d) Comments and questions about another person's sexual conduct and/or private relationships
  - e) Persistent unwelcome invitations
  - f) Requests for sexual favours
  - g) Offensive written, telephone or electronic mail or other computer system communications



- h) Unnecessary close physical proximity including persistently following a person
  - i) Unwelcome physical contact such as brushing against or touching a person
  - j) Denigrating comments regarding a person's gender or sexual preference
  - k) Negative behaviours, e.g. Intimidation or exclusions related to sex of the recipient.
  - l) Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. Where interactions are consensual, welcome and reciprocated it is not sexual harassment.
- Vilification: is the public act of a person that incites hatred toward, serious contempt for, or severe ridicule of a person or group of persons on the grounds of race, Tran sexuality, sexuality and HIV/AIDS. Vilification is considered within the harassment requirements of this policy.
3. **Victimisation:** is the treatment of a person unfairly, including threats or intimidation, and causing detriment when the person has acted within AIM WA's grievance policy or because they have supported someone else who acted within AIM WA's grievance policy. This may include such things as adverse changes to a work environment, denial of access to resources, work opportunities or training, or ostracism.
4. **Bullying:** Repeated unreasonable and inappropriate workplace behaviour that intimidates, offends, degrades, insults or humiliates. This can be physical or psychological behaviour.
5. **Criminal offences:** Some forms of discrimination, harassment and bullying may also constitute criminal offences. These include:
- physically assaulting a person, including sexual assault;
  - stalking; and
  - Obscene communications including through emails, phone calls etc.

AIM WA will act immediately on reports of possible criminal offences and in these situations the police will be notified.

## 4. REFERENCES:

Applicable Legislation:

- AIM WA Grievance Handling Procedure
- Equal Opportunity Act 1984 (WA)
- Occupational Safety and Health Act 1984 (WA)
- Age Discrimination Act 2004 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- Spent Convictions Act
- Fair Work Act 2009

## 5. POLICY:

This policy applies to all AIM WA managers, staff, independent consultants, contractors, visitors and participants in any work-related context including off-site functions and conferences. AIM WA continues to implement strategies to eliminate discrimination, harassment, victimisation and bullying. These strategies include:

- Training and awareness-raising activities to ensure that all managers, staff, consultants, contractors, visitors and participants are aware of this policy and other related AIM WA policies;
- Implementing grievance management procedures which are based on the principles of procedural fairness;
- Treating all grievances in a sensitive, fair, timely and confidential manner;
- Acting decisively against victimisation; and encouraging the prompt reporting of behaviour which breaches this policy.
- AIM WA will not tolerate these behaviours under any circumstances and breaches of this policy will be dealt with immediately.
- Should a complaint of alleged harassment or discrimination arise, AIM WA will investigate the matter fully and will sensitively facilitate timely and appropriate action through appropriate conciliatory procedural options.

## 6. PROCEDURE:

### 6.1 Reporting Discrimination, Harassment or Bullying

AIM WA has a grievance procedure and experienced staff have been appointed and trained to appropriately manage the resolution of grievances. All individuals are encouraged to immediately report to their manager, Human Resources or a Contact Officer if they consider that they are experiencing discrimination, harassment or bullying.

### 6.2 Responsibilities:

Managers and supervisors have a responsibility to:

- Establish safe working environments in which personnel are not exposed to hazards, including psychological hazards;
- Monitor the work or learning environment to ensure that acceptable standards of conduct are observed at all times;
- Promote this policy and the relevant AIM WA grievance policy within their area of responsibility; and;
- Treat all complaints seriously and confidentially and take immediate action to refer the person to the relevant policy and personnel.

All staff have a responsibility to:

- Take all reasonable care to ensure their own health, safety and wellbeing at work and avoid adversely affecting the health, safety and wellbeing of others;
- Comply with this policy;
- Offer support to anyone who claims that they are experiencing discrimination, harassment or bullying and let them know where they can get help and advice; and
- Consult with relevant managers on reports of discrimination, harassment and bullying.