

ACCESS, EQUITY & FAIRNESS

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CONTENTS

PURPOSE2

SCOPE2

POLICY2

DEFINITIONS2

APPLICATION OF MERIT3

 Apprentices / Trainees **Error! Bookmark not defined.**

 Employees3

 Host Employers..... **Error! Bookmark not defined.**

SPECIALIST RELATIONSHIPS4

ZERO TOLERANCE4

 Zero Tolerance Classified Behaviours4

 Anti-Discrimination, Human Rights, Equal Opportunity & Disability Discrimination4

 Discrimination5

 Sexual Harassment6

AWARENESS & RIGHTS.....6

PROCEDURE FOR REPORTING6

AUTHORITY & DELEGATION.....6

FRIVOLOUS OR MALICIOUS COMPLAINTS7

RESPONSIBILITIES7

 General.....7

 Managers, Supervisors and Board Members8

Employees & Contractors.....8
Apprentices / Trainees99

PURPOSE

It is the purpose of this policy to clarify MT’s commitment to and ethical and legal obligations in regards to the provision of open access, equitability and fairness to all stakeholders of the organisation.

SCOPE

The scope of this policy encompasses all:

1. learners;
2. candidates for employment;
3. current employees, apprentice/trainees, contractors and ;
4. other stakeholders.

All forms of physical or psychological discrimination, harassment, vilification and harmful or demeaning behaviours including Anti-Discrimination, Human Rights, Equal Opportunity & Disability Discrimination are covered by this policy.

POLICY

It is the policy of MT to ensure an environment that is, as a minimum, aligned with State and Federal legislation:

MT commits to providing a safe and equitable environment through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification.

MT’s access, equity and fairness 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 decisions will be transparent, 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.

DEFINITIONS

Apprentices : Individuals directly employed by MT under a Contract of Training whether undertaking work for MT or being hosted by an alternate employer.

Contractor	: Individual or entity engaged by MT under contract to deliver specified work on its behalf e.g. Sessional trainer/assessor, OHS Specialist, Field Officer.
Employee	: Individual employed by MT who is not employed under a Contract of Training and who works directly for MT.
Frivolous or Malicious Complaint	: A fictitious complaint or one made intentionally without foundation or to cause detriment or mischief. MT maintains Zero Tolerance of this type of complaint.
Learner	: An individual enrolled in a program of training with Municipal Training
Merit	: Worthiness of the application or situation.
Stakeholder	: General term inclusive of any individual or entity with whom MT has a relationship including but not limited to employees, apprentice/trainees, contractors and host employers.
Trainees	: Individuals directly employed by MT under a Contract of Training whether undertaking work for MT or being hosted by an alternate employer.
Zero Tolerance	: MT will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. MT will take action against any individual or group of individuals proven to have breached these principles to the extent of termination of employment or contract or removal of apprentice/trainees from hosting.

APPLICATION OF MERIT

MT is an equal opportunity employer that values the diversity of its workforce and apprentice/trainee community. This means that without discrimination of any type:

1. the most capable person for placement in a position will be selected;
2. all candidates will have equitable opportunities for employment;
3. MT will not show favouritism or grant of special favours to any stakeholder.

Employees

The most capable person for the job will be selected every time.

Performance Development focuses on development of the individual.

Fair, reasonable and equitable targets will be negotiated for all employees.

Employment Candidates have access to the Access Equity & Fairness Policy, Appeals Policy and Complaint Policy via the MT website, application pack and induction process.

Current Employees have access to the Access Equity & Fairness Policy, Appeals Policy and Complaint Policy via the MT website, intranet and HR Manual.

SPECIALIST RELATIONSHIPS

MT has and will continue to establish strategic relationships with organisations and relevant specialists who provide support and advice in the implementation, conduct and review of this policy and associated activities and issues.

ZERO TOLERANCE

For the purposes of this document 'zero tolerance' means the high potential for termination of employment or contract or removal of apprentice/trainee from hosting if allegations of misconduct in relation to this policy are proven to be true.

Note: MT 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

**Many forms of harassment and all forms of bullying are prosecutable offences under Australian law. MT will notify Police in the event of such incidences occurring.

A stakeholder will be deemed to have committed a breach of the following behaviours, intentionally or unintentionally, in circumstances where a person would reasonably be able to anticipate that the person being harassed, bullied or discriminated against would be offended, humiliated, intimidated or otherwise negatively affected.

The boundaries of what constitutes harassment, victimisation and bullying may vary from person to person and these may vary dependent upon the relationships.

All stakeholders should be conscious that every individual's perception of improper behaviour may be different to another and therefore should err on the side of caution

MT zero tolerance applies to breach any individual or number of the following standards:

Anti-Discrimination, Human Rights, Equal Opportunity & Disability Discrimination

***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.

Harassment should not be confused with legitimate comment and advice (including positive feedback) given appropriately by MT employees, contractors or host employers.

Discrimination

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

SEXUAL HARASSMENT may include but not be limited to 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).

AWARENESS & RIGHTS

1. MT stakeholders are expected to be conscious of actual and potential differences and to actively recognise and respect the boundaries directly or indirectly set by others.
2. All people associated with MT 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, 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 for all parties involved in the complaint and in resolving the issue.
3. No person lodging a complaint, or assisting in the investigation of a complaint, will be victimised or treated unfairly.
4. Timely access to their employee, apprentice/trainee and Host Employer records/files.
5. All stakeholders are expected to participate in the complaint resolution process in good faith.

PROCEDURE FOR REPORTING

Concerns regarding Equal Opportunity, Harassment, Discrimination or other inappropriate conduct should be reported **immediately** to the MT CEO. Where the CEO is not available or the complainant prefers they may report to another MT senior member of staff with whom they feel most comfortable. Initially the report may be made verbally.

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

AUTHORITY & DELEGATION

MT employees, contractors and Host Employers are delegated with the authority to determine whether an individual should be immediately removed from a harmful situation.

Employees, contractors and Host Employers are authorised to remove an apprentice/trainee, employee or other stakeholder from a harmful situation without prior consultation with MT senior management.

All actual or suspected harmful situations **must** be reported **immediately** to the MT CEO.

FRIVOLOUS OR MALICIOUS COMPLAINTS

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

MT maintains Zero Tolerance policy in regards to this type of complaint.

Complainants found to have made a 'Frivolous' or 'Malicious' Complaint will face disciplinary action that may lead to termination of employment or contract or apprentice/trainee removal from hosting.

RESPONSIBILITIES

General

1. It is the responsibility of all MT stakeholders to;
 - ensure their personal well being;
 - and
 - the well being and development of all other MT stakeholders;through immediate intervention and reporting of any situation which potentially or actually vilifies or demeans or harms an individual.
2. All stakeholders are required to be aware of and be compliant with the relevant legislations in regards to access, equity and antidiscrimination including:
 - **<http://www.comlaw.gov.au>**
Equal Opportunity for Women in the Workplace 1999
Equal Opportunity Act 1984 (SA)
Whistleblowers Protection Act 1993
 - **<http://www.legislation.sa.gov.au>**
Racial Vilification Act 1996
 - **www.humanrights.gov.au/**
Human Rights & Equal Opportunities Act 2004
Sexual Discrimination Act 1984
Racial Discrimination Act 1975
Racial Hatred Act 1995
Disability Discrimination Act 1992

Managers, Supervisors and Board Members

It is the responsibility of all MT managers, supervisors and Board Members to ensure:

- the well being and development of MT employees, apprentice/trainees, contractors and all other stakeholders whilst engaged with or in MT activities;
- that all stakeholders are aware of and comply with this policy and related legislation.

All managers and supervisors are responsible for:

- Setting an example by appropriate behaviour at all times.
- Establishing open lines of communication with all stakeholders to ensure reporting of incidents.
- Treating any report of unacceptable behaviour in a confidential, sensitive, and serious manner.
- Treating an alleged perpetrator impartially pending a fair and open investigation.
- Acting on any complaints swiftly and following MT's procedures as outlined in the Complaints Policy.
- Continuously monitoring, educating, informing and supporting all stakeholders to reinforce a safe and equitable workplace and learning environment.

Employees & Contractors

All employees and contractors, including supervisors and managers, have a responsibility for ensuring the workplace and learning environments are free of discrimination and harassment. Each employee has the responsibility to ensure that MT'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 instance of harassment or discrimination to the MT CEO.
- 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 MT CEO.

- Request the assistance of another person in raising the complaint and in any subsequent resultant interviews.

Apprentices / Trainees

All apprentice/trainees 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.
- Ensure they are 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.