

The logo for CITC (Construction Industry Training Centre) features the letters 'CITC' in a bold, orange, sans-serif font.

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CITC 3.2 - Access and Equity Policy

CITC's Access and Equity Policy

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General Statement of Policy

The CITC is committed to ensuring that all staff, trainers, contractors, subcontractors, students and the general public have access to non-discriminatory services and comparable educational outcomes by all groups in society to enable all to develop knowledge and skills to enhance life and work opportunities.

The CITC recognises that access and equity means giving everyone a fair go in public life and that everyone has responsibilities under the Act.

The CITC is not only committed to ensuring that all legislative requirements are met but to maintaining a position of excellence in its handling of the equal opportunity matters by endeavouring to respond quickly, seriously and effectively to any complaints that may arise and to take all reasonable steps to prevent discrimination and harassment from occurring in the first place.

The CITC operates under the Standards for RTOs 2015 and Commonwealth, State/Territory legislation and regulatory requirements, as recognition of its legal obligations as an educational institution to provide a high level of Vocational Education Training in a fair, efficient and effective manner. See CITC 10.12 - External Documents, Legislation, Regulations and Policies for details.

KEY DEFINITIONS

FAIR TREATMENT/EQUAL OPPORTUNITY

Fair treatment means making sure people are given a "fair go" or equal opportunity when they are at work or undertaking training.

Fair treatment means:

- Treating people as individuals with different skills and abilities, without making judgements based on stereotypes, or on characteristics (such as sex, age, race, sexuality, disability, pregnancy or marital status) that are irrelevant to a person's capacity to do the job or undertake the training.
- Ensuring a work or training environment that allows all employees and/or students to work to their full potential, and that is free from all forms of discrimination and harassment including sexual harassment and racial vilification.
- Making sure that in a work environment, decisions are based on the merit principle. That is, the applicant who best meets the needs of the job is the one selected, and the worker who best meets the needs of the job is the one retained.

Equal opportunity laws also allow special initiatives designed to overcome the results of long-term discrimination suffered by certain groups.

DIRECT & INDIRECT DISCRIMINATION

Not all unfair treatment is unlawful discrimination. The combined effect of the South Australian and Commonwealth legislation is that, in South Australia, it is unlawful to discriminate on the following grounds:

- age
- disability
- marital or domestic partner status
- identity of spouse or partner
- pregnancy (or potential pregnancy)
- family responsibilities
- association with a child (in provision of goods, services or accommodation)
- breastfeeding
- race
- sex
- sexuality or chosen gender
- religious appearance or dress
- political opinion
- social origin
- irrelevant criminal record
- on the basis of having disclosed public interest information to a relevant authority (i.e. whistleblowers) or of having made a complaint of discrimination

Discrimination can be direct or indirect. Both kinds are unlawful.

Direct discrimination is what most people think of as discrimination, for example, an employer refusing to consider job applications from people of African origin or a landlord refusing to rent to tenants who have children.

Indirect discrimination happens when there is a requirement that at first sight seems to treat everyone equally, but which in fact has an unfavourable effect on a certain group of people.

SEXUAL HARRASSMENT

Sexual harassment covers unwelcome behaviours of a sexual nature which cause a person to feel intimidated, humiliated or offended when it is reasonable for them to feel that way. With sexual harassment, what is important is how the behaviour was perceived, not necessarily how it was intended.

Sexual harassment is not always obvious, repeated or continuous. Unlike bullying, which is characterised by repeated behaviour, sexual harassment can be a one-off incident.

Sexual harassment can be physical, electronic or verbal.

- Physical can be unwelcome touching, stroking, hugging, kissing, staring or leering, sexual gestures, stalking, inappropriate contact, standing too close, requests or pressure for dates or sex of any kind, rape or attempted rape, sexual pictures or gifts.
- Electronic can be sexually explicit comments, posts, texts, emails or on social media, electronic stalking, sharing or threatening to share images without your consent, sending pornographic material.
- Verbal can be repeated requests to go out (or date), intrusive questions about your private life, making personal comments about your physical appearance, indecent phone calls, voice messages, suggestive comments, jokes or innuendo that you find offensive or requests for sex or sexual favours.

Acts such as indecent exposure, stalking, sexual assault and obscene or threatening communications (e.g. phone calls, letters, emails, text messages and posts on social media) should be referred to the police as well as managed under WHS laws. You may also need to report it to SafeWork SA as a notifiable incident.

Sexual harassment can also include the general climate of a workplace training environment. A poor atmosphere can create an uneasy, intimidating, hostile environment. This can have a bad effect on health, the ability to study, work performance, job satisfaction and productivity.

Sexual harassment can occur between:

- Employer and employee (or potential employee).
- Employee and employee.
- Or employer/employee and client (student).
- Contractor/subcontractor and employee.
- Contractor/subcontractor and client (student).
- All categories of employee—full/part time, contract, casual, unpaid, agent and voluntary, trainers, contractors and subcontractors —are covered by the Equal Opportunity laws and by CITC's policy.

While it is more common for sexual harassment to be perpetrated by the person in a higher position of power, this is not always the case. It can also be perpetrated by a student against a trainer or other employee and from an employee to a Manager or the CEO.

Sexual harassment occurs mostly by men against women. However, it can also occur by women against men, by men against men, or by women against women. All of these forms of sexual harassment are unlawful.

What is not sexual harassment

Sexual harassment should not be confused with sexual attraction. It has nothing to do with mutual attraction or friendship. Humour, friendship and relationships based on mutual consent are not sexual harassment and will be tolerated by CITC.

RACIAL HARASSMENT

Racial harassment can take the form of negative behaviour towards another person on the basis of that person's race, colour and/or culture which leaves that person to feel threatened, intimidated, humiliated or offended.

Racial harassment can occur between:

- employer and employee (or potential employee)
- employee and employee
- or employer/employee and client (student)
- contractor/subcontractor and employee
- contractor/subcontractor and client (student)
- All categories of employee—full/part time, contract, casual, unpaid, agent and voluntary, trainers, contractors and subcontractors —are covered by the Equal Opportunity laws and by CITC's policy.

Additionally, humour at the expense of someone because of their race, colour and/or culture will not be tolerated by the CITC

BULLYING

Bullying usually refers to the persistent ill treatment of an individual at work or in an educational institution by one or more other persons that causes risk to the health, safety and welfare of employee/s and/or student/s.

If an employee/contractor/subcontractor/student is intimidated, put down or humiliated (sometimes in front of others, but this does not have to be the case) on a regular basis, may constitute bullying. It need not involve physical ill treatment. Most cases of bullying involve such treatment as verbal abuse, 'nit-picking', threats, sarcasm, ostracism, or sabotage of a person's work.

It is important to separate a manager or employer's genuine right to control and monitor work from abuse or bullying. All employers have a right to direct and control how work is done, and managers have a responsibility to monitor workflow and comment on performance.

Similarly, all trainers have the right to control and monitor the work to be undertaken in the classroom. This does not constitute abuse or bullying.

Where the bullying does not relate to grounds covered by equal opportunity legislation, it still constitutes a serious workplace problem and can be considered as a breach of the Work Health and Safety Act (2011), Workers Rehabilitation and Compensation Act (1986) or other criminal laws relating to assault or threatening behaviour.

For additional information / definitions refer to CITC 2.47

STATEMENT OF COMMITMENT

The management of CITC has a firm commitment to fair treatment principles, and will ensure that no discriminatory policies, practices or procedures exist in any aspect of its operations, and when:

- Providing goods and services to our clients.
- Offering or providing education.
- Giving approval to qualifications.

In addition, harassment of any type will not be tolerated.

THE LAW

Discrimination

The Equal Opportunity Act 1984 (South Australia) makes unlawful discrimination on the grounds of:

- **Age** (people of all ages).
- **Sex** (whether a person is female or male).
- **Race** (This includes colour, descent, ethnic origin or nationality. It also applies if you are treated unfairly because of the race of the people you live with or associate with).
- **Physical Disability** (This includes the total or partial loss of any function of the body, or the loss of a limb, or the malfunctioning of a part of a person's body, or any malformation or disfigurement— whether temporary or permanent. Thus, a wide range of disabilities is covered, such as partial or total blindness, deafness, epilepsy, AIDS, amputation, diabetes, asthma, heart conditions, paraplegia, skin conditions, cerebral palsy and so on).

- **Intellectual Impairment** (This includes permanent or temporary loss or imperfect development of mental faculties, resulting in reduced intellectual capacity. However, it excludes mental illness, which may be covered by Federal law but is not covered by the SA Equal Opportunity Act).
- **Sexuality** (This refers to whether a person is heterosexual, homosexual, bisexual or transgender).
- **Marital Status** (This refers to whether a person is single, married, divorced, separated, widowed, or living in a de-facto relationship).
- **Pregnancy** (This includes whether a woman is pregnant, is suspected of being pregnant, or is expected to become pregnant in the future).

Discrimination on any of the grounds listed is unlawful if it occurs in most areas of public life, including employment and the delivery of training.

All aspects of employment and training delivery are covered and include:

- Selection of students for training.
- Recruiting and selecting staff.
- Policies, practices and procedures (including unwritten ones).
- Terms and conditions of work.
- Training, promotion and transfer.
- The methods and reasons for ending employment.

In the workplace, all types of employees or potential employees are covered and include:

- Applicants for positions.
- Current employees, whether full time, part time or casual.
- Volunteers and unpaid workers.
- Agents remunerated by commission.
- Contract workers.

Victimisation

Victimisation is also unlawful.

Victimisation means treating someone unfairly because they have acted on the rights given them by Equal Opportunity law; or because they have supported someone else who acted upon those rights.

Rights and Responsibilities

The Equal Opportunity Act gives rights and responsibilities to students, potential employees, current employees and employers.

Potential and current employees have:

- the right for decisions about who should be offered a job to be made on merit
- the right not to be sexually harassed by other employees or by the employer
- the right to be protected by their employers from sexual harassment by the people to whom they provide goods and services

- the right to work in an environment free of discrimination, vilification and harassment
- the responsibility not to discriminate against, vilify or harass, other employees or clients
- the responsibility not to sexually harass other employees or people to whom they are providing goods or services.

People who are being offered or provided with goods or services (students) have:

- the right not to be sexually harassed by the providers of those goods or services
- the right to work in an environment free of discrimination, vilification and harassment

Employers (and managers and supervisors) have:

- the responsibility to ensure that the workplace and the services given to clients are free of discrimination, vilification and harassment; employers—and managers and supervisors—have a legal responsibility to take all reasonable steps to make sure that this happens
- the responsibility to ensure that the workplace is free of sexual harassment, and that clients are not sexually harassed while being provided with goods or services
- a legal responsibility to take all reasonable steps to make sure this happens

The Construction Industry Training Centre is bound by law Under Section 37 of the Equal Opportunity Act (1984) to ensure equal opportunity in education and training

What This Means in Practice

This Policy is one of the steps taken by the Construction Industry Training Centre to ensure a work/training site free of any form of harassment.

The CITC's CEO accepts day to day responsibility for implementing this policy.

Managers have a direct responsibility to make sure that employees know about this policy and adhere to it.

Managers and Trainers are trained in this policy and its implementation by means of:

- Reading the Policy
- Discussing the Policy at regular management meetings under "*Quality Assurance, Compliance, General Management*"
- Attend any external training as requested

Employees will know about this policy through:

- Being given the policy as part of the CITC Induction Package
- Reading the Policy
- Discussing the policy as required at regular department meetings under "*Quality Management System and SNR Review*"
- Attending any training as requested
- One on one with the Scheduling/Office Manager (for non-training staff), the Operations Manager (training staff/contractors) or the CEO if required

Complaints of Discrimination or Harassment

Whilst the Managers are also responsible for implementing this policy on a day to day basis, the CEO has ultimate responsibility.

Any complaints about breaches of this policy will be dealt with seriously, confidentially and quickly in accordance with the CITC 3.4 Grievance Policy. The people to contact in the first instance are:

- The CEO
- CITC Managers

A Contact Person will be able to help you in the following ways:

- Listen to your complaint.
- Provide information on existing policies and procedures.
- Discuss options available to resolve the problem.
- Refer you to other places where you can get help.
- Names and contact points for the Contact People are

In most cases the decision about what further action to take (if any) lies with the person who has made the complaint. However, in cases where there is a risk to the employee's (or other employees') or student's health, safety or welfare at work or in the classroom, managers or trainers will take action to prevent a problem from escalating.

If further assistance is required:

You may also approach your union or the Office of the Training Advocate.

Students are encouraged to contact South Australian Training Advocate on **1800 006 488**

In addition, any person has the right at any time to contact the Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination.

You can phone or write to:

The Office of the Commissioner for Equal Opportunity

GPO Box 464
ADELAIDE SA 5001

Website: www.eoc.sa.gov.au

Phone: 8207 1977

Freecall: 1800 188 163