

Purpose

This Access and Equity Policy is based on providing and maintaining training services that reflect fair and reasonable opportunity for all clients and staff of The Quality Training and Hospitality College, trading as Quality College of Australia (QCA) regardless of race, colour, religion, gender or physical disability allowing everyone to freely participate in training in a harassment free environment.

Scope

The scope of this policy encompasses all:

- candidates for and students of QCA whether domestic or international
- employees of QCA
- sub-contractors of QCA
- other stakeholders

Anti-Discrimination, Human Rights, Equal Opportunity & Disability Discrimination are all covered by this policy.

Policy

It is the policy of QCA to ensure an environment that is safe and equitable through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification and is in line with State and Federal legislation.

QCA's Access, Equity and Fairness Policy is based in the following principles:

- All student candidates will be assessed and selected on merit; fairly and transparently, ensuring that they meet qualification entry requirements
- All students are provided with reasonable support mechanisms throughout the progress of their study
- All QCA policies, procedures are open, fair and transparent and developed to ensure best practice and equitability for all stakeholders
- All stakeholders will be treated with respect in an environment free of harassment and intimidation
- All decisions will be fair, reasonable, non-discriminatory and based on merit
- No individual or group will be treated less favourably than another
- All communications will be free of bias, prejudice and discriminatory language

QCA Responsibilities

It is QCA's legal responsibility to ensure that harassment does not occur in our workplace and training environments. Complaints will be investigated in a confidential manner and action will be taken to ensure that the harassment stops. Appropriate warning or disciplinary action will be taken where harassment is found to have occurred.

QCA will not victimise or treat any person unfairly for making a harassment complaint.

Client responsibilities

Clients are to ensure that they do not engage or encourage any form of harassment and must immediately report any form of harassment towards themselves, or other people in the workplace, to their trainer.

Guidelines

QCA will not accept any form of discrimination and we will apply the following rules in support of access and equity:

- All staff are to be given fair and reasonable opportunity to participate in relevant decision-making processes and the allocation of resources and services as required to fulfil their duties and responsibilities
- All clients are to be given fair and reasonable opportunity to attend and complete training
- Deficiencies are to be investigated to determine whether a breach or policy discrepancy exists, and if so, the impact of that breach or deficiency and how the policy should be amended to eliminate the breach or deficiency

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Equal Opportunity Legislation

Equal Opportunity Legislation protects those in the training system. This legislation makes discrimination and harassment in the provision of education; employment and the provision of goods and services unlawful.

Discrimination

Discrimination occurs when a person is treated less favourably than others due to the person's circumstances, characteristics or beliefs.

QCA is an equal opportunity company and does not discriminate against or favour target groups in either recruiting or training.

Target Groups are defined as:

- 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

Direct Discrimination

Direct discrimination takes place when a person, organisation or group of persons is treated less fairly than others on the basis of stereotyped beliefs or views.

Indirect Discrimination

Indirect discrimination includes rules, practices or policies which appear to be non-discriminatory and equally applicable, but operate in such a way that certain groups of people are excluded without just cause.

Workplace Harassment

Harassment

Is an unwelcome and unwarranted behaviour that offends, intimidates, humiliates or embarrasses another person. This behaviour can be 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 employment threat or benefit.

Sexual Harassment

May include sexual propositions, 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 (eg. posters, cartoons, jokes, graffiti, magazines, screensavers, email).

Bullying

Behaviour of a physical, 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.

Types of Harassment

There are many types of harassment. These can range from direct harassment such as abuse, threats, name calling and sexual advances; to less direct forms such as the creation of a hostile work environment, but where no direct attacks are made on an individual.

Sexual Harassment

The most common form of harassment is sexual harassment. Examples of sexual harassment include, but are not limited to:

- Unwanted touching
- Sexual innuendo propositions
- Nude pin-ups and posters
- Obscene telephone calls
- Wolf whistles

Verbal Harassment

Examples of verbal harassment include, but are not limited to:

- Sexual comments, advances or propositions
- Lewd jokes or innuendos
- Racist comments or jokes
- Spreading rumours
- Comments or jokes about a person's disability, pregnancy, sexuality, age or religion
- Repeated questions about one's personal life
- Belittling someone's work or contribution in a meeting
- Threats, insults or abuse
- Offensive obscene language
- Obscene telephone calls, unsolicited letters, faxes and emails

Non-Verbal Harassment

Examples of non-verbal harassment include, but are not limited to:

- Leering (e.g. staring at a woman's breasts)
- Putting offensive material on notice boards, computer screen savers and emails
- Wolf whistling
- Nude or pornographic posters
- Displaying sexist or racist cartoons or literature
- Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours
- Following someone home from work
- Standing very close to someone or unnecessarily leaning over them
- Mimicking someone with a disability
- Practical jokes that are unwelcome
- Ignoring someone or being cold and distant to them
- Crude hand or body gestures

Physical Harassment

Examples of physical harassment include, but are not limited to:

- Unwelcome physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person
- Indecent or sexual assault or attempted assault
- Hitting, pushing, shoving, spitting, or throwing objects at a person
- Unfastening a person's attire

Disability

QCA is committed to providing support services and equal access opportunities for clients with a disability, in accordance with the provisions of the Disability Discrimination Act (1992).

QCA will respect a client's right to privacy, confidentiality and be sensitive to their needs.

Clients with a disability are required to have the ability to fulfil the core requirements of the units of Competence to attain the relevant award. However, it is recognised that flexibility in arrangements may need to be implemented. Such arrangements may be negotiated with the Trainer or management.

AWARENESS & RIGHTS

- Employees, students and other stakeholders of QCA 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 QCA may expect the following rights to
 - be treated with respect and fairness
 - 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 student or personnel records/files
- All employees and students are expected to participate in the complaint resolution process in good faith

REPORTING

Concerns regarding Equal Opportunity, Harassment, Discrimination or other inappropriate conduct should be reported immediately:

- Students to – your Trainer or other member of QCA staff that you are most comfortable doing so
- Employees to – your Workplace Supervisor or other member of QCA staff you are most comfortable doing so
- Other Stakeholders – to the QCA Managing Director

Please refer to the Complaints Policy and Appeal Policy for information regarding process for these actions.

QCA employees and contractors are delegated with the authority to determine whether an individual should be immediately removed from a harmful situation. They are authorised to remove any stakeholder from a situation that they reasonably deem to be harmful without prior consultation with senior management.

All actual or suspected harmful situations or breaches of this policy are to be reported immediately to the Managing Director or Operations Director.

For further information please also refer to the following websites:

<https://www.legislation.gov.au/Home>

www.legislation.sa.gov.au

<https://www.legislation.nsw.gov.au>

www.humanrights.gov.au

RESPONSIBILITIES

Students

All students 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

Employees

All employees, including supervisors and management, have a responsibility for ensuring the work and learning environment is free of discrimination and harassment. Each employee has the responsibility to ensure that QCA'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 next level of management
- 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
- Any employee who feels that they have been harassed or denied equality in employment should initially contact their immediate supervisor
- Request assistance of another person in raising a complaint and in any subsequent interviews

Managers and Supervisors Responsibilities

All managers and supervisors are responsible for:

- Ensuring that staff 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 staff to ensure reporting of incidents
- Treating any report of unacceptable behaviour confidentially, sensitively, and seriously
- Treating the alleged person impartially pending fair investigation
- Acting on any complaints swiftly following procedures outlined in Complaints and Appeals Policies
- Continuously monitoring, educating, informing and supporting the workforce reinforce a safe and equitable workplace

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