

## P.05.07 EQUAL OPPORTUNITY POLICY

This policy has been designed to ensure that AVETA is compliant with its legal responsibility to make sure that everyone who works for AVETA and its students are treated fairly and with respect in relation to the provision of educational services. This includes positive duty and making reasonable adjustments.

**Positive Duty** - The *Equal Opportunity Act 2010* introduces a positive duty requiring AVETA to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible. The positive duty is aimed at making sure AVETA prevent discrimination happening in the first place, rather than responding after a complaint has been made. Accordingly AVETA will ensure that all staff is aware of positive duty and understands their responsibilities; in this way it will assist AVETA's aim of preventing discrimination before it happens.

**Reasonable adjustments** - Under the Equal Opportunity Act 2010 AVETA is required to make changes so that a person with a disability can safely and productively participate in an education program provided by AVETA. This is known as reasonable adjustments. Making reasonable adjustments requires AVETA to balance the need for change with the expense or effort involved in making this change. If an adjustment requires a disproportionately high expenditure or disruption it is not likely to be reasonable. The reasonable adjustments obligations directly address systemic discrimination experienced by people with disability in education.

### 1.0 ACCESS AND EQUITY

AVETA is dedicated to achieving equitable outcomes in the Vocational Education and Training (VET) that it provides to its students.

AVETA recognises that groups who face particular disadvantage are:

- people with a disability
- Indigenous people
- women
- people from non-English speaking backgrounds
- people in rural and remote areas

### 2.0 DISCRIMINATION

In this policy, discrimination is defined as: treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by law. This includes **bullying** someone because of a protected characteristic, and includes the following:

- age
- carer status, family responsibilities, parental status
- disability (including physical, sensory and intellectual disability, work related injury, medical conditions, mental, psychological and learning disabilities)
- employment activity
- gender identity, lawful sexual activity, sexual orientation
- industrial activity
- marital status
- physical features
- political belief or activity
- pregnancy, breastfeeding
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

AVETA recognises that discrimination can be either direct or indirect, and definitions relating to these two attributes are as follows:

Direct discrimination is when a person treats, or proposes to treat, someone with a protected personal characteristic unfavourably because of that personal characteristic. Direct discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do.

Indirect discrimination occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up either actually, or potentially, disadvantaging someone with a personal characteristic protected by the law.

For example, AVETA will not discriminate when:

- deciding who will be admitted as a student
- refusing to accept a student's application
- denying or limiting access to the full range of educational services offered by AVETA
- expelling a student

### **3.0 VICTIMISATION**

AVETA recognises that victimisation is unlawful.

In this policy, victimisation is subjecting, or threatening to subject, someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

AVETA, in its dealing with its students, employees and contractors, will not victimise any individual or group(s) of individuals.

### **4.0 RACIAL AND RELIGIOUS VILIFICATION**

AVETA recognises that racial and religious vilification is unlawful.

In this policy, racial and religious vilification is as outlined in the *Racial and Religious Tolerance Act 2001*, which makes it unlawful to vilify a person or group of people because of their race or religion. Vilification is behaviour that incites or encourages hatred of, serious contempt for, revulsion or severe ridicule of another person or group of people because of their race or religion.

AVETA, in its dealing with its students, employees and contractors, will not vilify any individual or group(s) of individuals

### **5.0 SEXUAL HARASSMENT**

AVETA recognises that sexual harassment is against the law.

In this policy, sexual harassment is defined as unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes

- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites.

In addition, AVETA understands that just because someone does not object to inappropriate behaviour in AVETA's workplaces at the time, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require AVETA managers and supervisor to respond quickly and appropriately.

## **6.0 MAKE A COMPLAINT TO THE COMMISSION**

Any AVETA student, employee or contractor who feels that they have been discriminated against, sexually harassed, victimised or vilified will be encouraged to make a complaint to the Victorian Equal Opportunity and Human Rights Commission in their endeavour to have their complaint resolved in a free, fair and timely dispute resolution manner.

## **7.0 REFERENCES**

- Equal Opportunity Act 2010 - <https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/020>
- Racial and Religious Tolerance Act 2001- <https://www.legislation.vic.gov.au/in-force/acts/racial-and-religious-tolerance-act-2001/011>
- Charter of Human Rights and Responsibilities Act 2006.- <https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/014>