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1. Purpose

The purpose of this Policy is to provide a frame of reference in providing and maintaining training services that reflect fair and reasonable opportunity for all clients, regardless of their diversity; allowing everyone to freely participate in the learning environment free from discrimination, harassment, bullying and vilification.

The objective of MARS's Access and Equity Policy is to improve business success by:

- attracting and retaining the best possible employees
- providing a safe, respectful, and flexible work environment
- delivering our services in a safe, respectful, and reasonably flexible way

2. Policy Statement

MARS INSTITUTE (MARS) is committed to providing quality training and assessment products and services in compliance with the Standards for Registered Training Organisations (RTOs) 2015.

MARS INSTITUTE promotes, encourages and values equity and diversity with regard to clients. MARS INSTITUTE will ensure services offered are provided in a fair and equitable manner to all clients, free from bias.

MARS INSTITUTE is committed to providing flexible learning and assessment options, allowing clients alternatives which recognize the diversity of their individual needs and circumstances aiding them in their learning goals.

MARS INSTITUTE will ensure:

- 1) all training and assessment policies and procedures incorporate access and equity principles.
- 2) all learners have equitable access to the benefits of training and assessment irrespective of their gender, age, race, religion, culture, linguistic background, marital status, geographic location, socio-economic background, disability, sexual preference, family responsibility or political conviction.
- 3) all nominations and enrolments into training courses and programs will be conducted at all times in an ethical and responsible manner, ensuring fairness and compliance with Equal Opportunity legislation; and
- 4) all learners/clients have equitable access to training resources, facilities, equipment, support services, information, training and assessment personnel, materials, assessment opportunities, training opportunities.

3. Definitions

3.1 The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.

Access and equity mean policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment, or remote location may present a barrier to access, participation and the achievement of suitable outcomes.



3.2 Discrimination

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

1) 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.

2) 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.

3.3 Workplace Harassment

Harassment is any behaviour which is unwelcome, offends, humiliates or intimidates a person and causes the work environment to become unpleasant. If a person is being harassed, then their ability to do their work is affected as they often become stressed and suffer health problems.

Harassment may result from behaviour which is not intended to offend or harm, such as jokes or unwanted attention; however, this does not mean that it is lawful.

3.4 Sexual Harassment

Includes unwelcome conduct of a sexual nature in circumstances in which it could reasonably be expected to make a person feel offended, humiliated or intimidated a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.

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

- 1) Unwanted touching
- 2) Sexual innuendo propositions
- 3) Nude pin-ups and posters
- 4) Obscene telephone calls
- 5) Wolf whistles

Sexual harassment can occur among peers or co-workers, and in subordinate-supervisor, supervisor-subordinate or staff-student, student- staff, student-student situations.

3.5 Verbal Harassment

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

- 1) Sexual comments, advances or propositions
- 2) Lewd jokes or innuendos
- 3) Racist comments or jokes
- 4) Spreading rumours
- 5) Comments or jokes about a person's disability, pregnancy, sexuality, age or religion
- 6) Repeated questions about one's personal life
- 7) Belittling someone's work or contribution in a meeting
- 8) Threats, insults or abuse
- 9) Offensive obscene language



10) Obscene telephone calls, unsolicited letters, faxes and emails

3.6 Non-Verbal Harassment

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

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

3.7 Physical Harassment

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

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

3.8 Workplace Bullying

May include behaviour that is directed toward an employee, or group of employees, that creates a risk to health and safety e.g., physical and/or verbal abuse, excluding or isolating individuals; or giving impossible tasks.

MARS provides equal opportunity in employment to people without discrimination based on a personal characteristic protected under state and federal equal opportunity legislation.

Under State legislation they include:

- age
- breastfeeding
- carer status
- disability
- employment activity
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parental status
- personal association with someone having any of these characteristics



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- physical features
- political activity/belief
- pregnancy
- race
- religious activity/belief
- sex
- sexual orientation

Any employee found to have contravened this policy will be subject to disciplinary action, which may include dismissal as outlined in the complaint procedure below.

Employees must report any behaviour that constitutes sexual harassment, bullying or discrimination to their manager.

Employees will not be victimised or treated unfairly for raising an issue or making a complaint.



4. Policy Principles

MARS INSTITUTE will not accept any form of discrimination and we will apply the following principles in support of access and equity:

4.1 Access and Equity Principles

- 1) MARS INSTITUTE abides by access and equity principles.
- 2) MARS INSTITUTE will respect a client's right to privacy, confidentiality and be sensitive to client needs.
- 3) MARS INSTITUTE provides equal opportunity for all learners and is responsive to the individual needs of clients whose gender, pregnancy, race, marital status, sexuality, age, family/carer responsibilities, disability, transgender, political conviction, cultural or ethnic background, linguistic background, religious belief, geographic location, socio-economic background, employment/unemployment, imprisonment may present a barrier to access, participation and achievement of suitable outcomes.
- 4) At enrolment, clients will be asked to identify personal needs or circumstances that may exist and for which they may require additional support (See Enrolment Policy).
- 5) Real Property Learning (RPL) will ensure that all staff, employees, and contractors have access to the information and support needed to prevent discrimination, sexual harassment, bullying and violence, victimization, and vilification or to deal with it appropriately if it occurs.
- 6) MARS INSTITUTE seeks to create a learning environment where all students are respected and can develop their full potential.
- 7) All clients are given fair and reasonable opportunities to attend and complete training.
- 8) All staff are 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.
- 9) Deficiencies will be investigated to determine whether a breach or policy deficiency exists. Should a discrepancy be proven, the impact of that breach or deficiency will be identified along with how the policy should be amended to eliminate the breach or deficiency in the future.
- 10) All perceived deficiencies in the Access and Equity Policy are to be documented, assessed, and reviewed by the Director MARS INSTITUTE.
- 11) MARS INSTITUTE will demonstrate its commitment by:
 - a) Selecting students according to a fair and non-discriminatory process
 - b) Making its training relevant for a diverse student population
 - c) Providing suitable access to facilities and resources
 - d) Providing appropriate support services
 - e) Providing appropriate complaints procedures
 - f) Consulting with relevant industry groups
 - g) Raising staff, contractor, and student awareness of equity issues.

4.2 Equal Opportunity

MARS INSTITUTE is an equal opportunity company and does not discriminate against or favour target groups in either recruiting or training, unless prescribed by funding contracts.

Target Groups are defined as:

- Aboriginal and Torres Strait Islanders.
- People with a disability.
- People from non-English speaking backgrounds.



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- People in transition and other special groups (i.e., people re-entering the workforce, long term unemployed, sole parents, people with literacy problems, and those who have been institutionalised);
- Women.
- People from regionally isolated communities.

4.3 Special Needs/Considerations

- 1) Clients intending to enrol for training with MARS INSTITUTE are requested prior to enrolment to advise MARS INSTITUTE if they have any disability, physical or other impairment which may adversely affect their ability to successfully undertake training and assessment.
- 2) Clients are encouraged to discuss with MARS INSTITUTE any 'special needs' and/or 'reasonable adjustments' to the study environment which they consider are necessary or would assist them in the performance of their studies.
- 3) MARS INSTITUTE, in collaboration with the Client, will assess the potential for the Client to successfully complete the training which may include flexible delivery options to optimise the ease and benefit of the Clients' learning. However, no compromise to the integrity of the assessment against competency will be allowed.
- 4) 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.

4.4 Reasonable adjustments

Reasonable adjustments are changes that allow people with a disability to work safely and productively. MARS will make reasonable adjustments for a person with a disability who:

- applies for a job, is offered employment, or is an employee, and
- requires the adjustments in order to participate in the recruitment process or perform the genuine and reasonable requirements of the job.

Examples of reasonable adjustments can include:

- reviewing and, if necessary, adjusting the performance requirements of the job
- arranging flexibility in work hours (see 'flexible work arrangements')
- purchasing screen reading software for employees with a vision impairment
- approving more regular breaks for people with chronic pain or fatigue
- buying desks with adjustable heights for people using a wheelchair.

When thinking about reasonable adjustments MARS will weigh up the need for change with the expense or effort involved in making it. If making the adjustment means a very high cost or great disruption to the workplace, it is not likely to be reasonable.

In some cases, MARS can discriminate on the basis of disability, if:

- the adjustments needed are not reasonable, or
- the person with the disability could not perform the genuine and reasonable requirements of the job even if the adjustments were made.

4.5 Language, Literacy and Numeracy

- 1) Each Training Package sets a minimum requirement in language, literacy and numeracy skills of learners, with which MARS INSTITUTE must abide.
- 2) MARS INSTITUTE makes appropriate concessions for language, literacy and numeracy issues of clients where these concessions do not compromise the requirements of the relevant Training Package and the integrity, equity and fairness of assessment.



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- 3) Where a Client is deemed, either prior to enrolment or throughout the training program, to possess a lower level of language, literacy or numeracy than is the minimum requirement for the requirements of the Training Package, MARS INSTITUTE will provide appropriate advice and support to the Client regarding further learning options. At times, further language or literacy development or remedial assistance may be required to be completed prior to the continuation or completion of the Client's course of study.

4.6 Harassment

- 1) Harassment will not be tolerated at MARS INSTITUTE. If harassment occurs, the person responsible will be subject to disciplinary procedures. Disciplinary action will be taken against any staff or client involved in such behaviour. This may include termination of employment and removal of the client from the training course.
- 2) Serious cases of harassment may constitute a criminal offence.
- 3) MARS INSTITUTE will not tolerate behaviour which is considered to be sexual harassment and expects all staff, contractors and clients to treat each other with dignity and respect.

4.7 Violence

- 1) MARS INSTITUTE will not tolerate violent behaviour and expects all staff, contractors and clients to treat each other with dignity and respect.
- 2) MARS INSTITUTE recognises violence demeans and infringes the rights of individuals and groups, damaging the work and learning environment.

4.8 Vilification

MARS INSTITUTE will not tolerate behaviour which vilifies another person and expects all staff, contractors, and clients to treat each other with dignity and respect.

4.9 Complaints

- 1) MARS INSTITUTE encourages informal resolutions of discrimination, sexual harassment, bullying and violence, victimization, and vilification grievances in the first instance, as close to the source as possible, with the option of conciliation or investigation of the complaint if necessary.
- 2) Complaints will be investigated in a confidential manner and action will be taken to ensure that the discrimination/harassment stops. Appropriate warning or disciplinary action will be taken where harassment is found to have occurred.
- 3) Those responsible for advising, conciliating, or investigating a complaint must act fairly and impartially, they must act without bias and avoid any conflict of interest the respondent must be given a fair opportunity to know the case against him or her and to be given the opportunity to make a considered response.
- 4) All staff, clients and contractors involved with the MARS INSTITUTE complaint procedures will be treated with respect and courtesy. Enquiries and complaints will be dealt with in a sensitive, equitable, fair, and confidential manner. All attempts will be made to deal with matters expeditiously while ensuring all parties are provided with sufficient time to prepare and or respond.
- 5) MARS INSTITUTE acknowledges that it is of paramount importance and in the best interests of all parties that confidentiality is maintained during these procedures.
- 6) MARS INSTITUTE encourages the reporting of behaviour that breaches equal opportunity policy but will not tolerate vexatious or frivolous complaints.

4.10 Making a complaint:

If you believe you are being, or have been, discriminated against, sexually harassed, or bullied, you should follow this procedure.



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- 1) Tell the offender the behaviour is offensive, unwelcome, and against business policy and should stop (only if you feel comfortable enough to approach them directly, otherwise speak to your manager). Keep a written record of the incident(s).
- 2) If the unwelcome behaviour continues complete a complaint form through the HR complaints/appeal ticketing system mars.edu.au
- 3) If this is inappropriate, you feel uncomfortable, or the behaviour persists, contact another relevant senior manager. Employees may also lodge a complaint with the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, or take action under the Fair Work Act 2009.

Employees should feel confident that any complaint they make is to be treated as confidential as far as possible.

4.11 To receive a complaint:

When a manager receives a complaint or becomes aware of an incident that may contravene MARS Access and Equity Policy, they should follow this procedure.

- 1) Listen to the complaint seriously and treat the complaint confidentially. Allow the complainant to bring another person to the interview if they choose to.
- 2) Ask the complainant for the full story, including what happened, step by step.
- 3) Take notes, using the complainant's own words.
- 4) Ask the complainant to check your notes to ensure your record of the conversation is accurate.
- 5) Explain and agree on the next action with the complainant.
- 6) If investigation is not requested (and the manager is satisfied that the conduct complained is not in breach of MARS Access and Equity Policy) then the manager should:
 - act promptly
 - maintain confidentiality
 - pass any notes on to the manager's manager

If an investigation is requested or is appropriate, follow the next procedure.

4.12 To investigate a complaint

When a manager investigates a complaint, they should follow this procedure.

- 1) Do not assume guilt
- 2) Advise on the potential outcomes of the investigation if the allegations are substantiated
- 3) Interview all directly concerned, separately
- 4) Interview witnesses, separately
- 5) Keep records of interviews and the investigation
- 6) Interview the alleged harasser, separately and confidentially and let the alleged harasser know exactly of what they are being accused. Give them a chance to respond to the accusation. Make it clear they do not have to answer any questions, however, the manager will still make a decision regardless.
- 7) Listen carefully and record details
- 8) Ensure confidentiality, minimise disclosure
- 9) Decide on appropriate action based on investigation and evidence collected
- 10) Check to ensure the action meets the needs of the complainant and {Business Name}



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- 11) If resolution is not immediately possible, refer the complainant to more senior management. If the resolution needs a more senior manager's authority, refer the complainant to this manager.
- 12) Discuss any outcomes affecting the complainant with them to make sure where appropriate you meet their needs.

4.13 Possible complaint outcomes

If after investigation management finds the complaint is justified, management will discuss with the complainant the appropriate outcomes which may include:

- disciplinary action to be taken against the perpetrator (counselling, warning or dismissal)
- staff training
- additional training for the perpetrator or all staff, as appropriate
- counselling for the complainant
- an apology (the particulars of such an apology to be agreed between all involved)

4.14 Victimization

- 1) In order for complaints to be brought forward, complainants must feel secure in the knowledge that the MARS INSTITUTE procedures will be followed without fear of reprisal.
- 2) MARS INSTITUTE will not victimise or treat any person unfairly for making a harassment complaint.
- 3) MARS INSTITUTE will not tolerate behaviour of victimisation of another person and expects all staff, contractors and clients to treat each other with dignity and respect.
- 4) Any complaint of victimisation will be treated in the same manner as a complaint of discrimination, sexual harassment or vilification.

5. MARS INSTITUTE Responsibilities

MARS INSTITUTE has a legal and moral obligation to provide equal opportunity in an environment free from discrimination for staff, contractors, and clients to ensure that discrimination/harassment does not occur in the workplace.

MARS INSTITUTE will:

- Maintain policies and procedures for equal opportunities for all staff, contractors, and clients.
- Disseminate policies and procedures to staff, contractors, and clients.
- Examine all policies and practices, as they affect staff, contractors and clients to ensure the elimination of discrimination and harassment.
- Ensure that there is no discrimination against any individual client or group of clients or staff, in access to facilities, products and services.
- Educate staff and contractors on the general goals and philosophy of equal opportunity together with the rationale for policies and practices which are adopted.
- Eliminate sexist and other discriminator language from all publications and discourage the use of such language in all printed material and in the speech of its staff, contractors and clients.
- Establish and maintain mechanisms to deal with complaints.

5.1 Director Responsibilities

- MARS INSTITUTE Director and Managers are responsible for client equity.
- The Director will not condone nor engage in discriminatory/harassing behaviour.



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- The Director is responsible for ensuring that all staff are aware of this policy and that complaints will be dealt with in accordance with the terms of the Complaints and Appeals Policy.
- The Director(s) and Manager(s) are to ensure staff act according to this policy and all clients are made aware of their rights and responsibilities pursuant to this policy.
- The Director will maintain the confidentiality of all complaints. If the Director feels that they are not the appropriate person to deal with the complaint, they will refer the matter to either a member of the management team or an external independent party for review and/or action.

5.2 Staff, Contractors, and Clients Responsibilities

MARS INSTITUTE staff, contractors and clients have the responsibility to:

- Act to prevent harassment, discrimination, and victimization against others.
- Respect differences among other staff, clients, and contractors, such as cultural and social diversity.
- Treat people fairly, without discrimination, harassment, or victimization.
- Respect the rights of others.
- Respect people's rights to privacy and confidentiality.
- Refuse to join in with these behaviours.
- Supporting the person in saying no to these behaviours.
- Acting as a witness if the person being harassed decides to lodge a complaint.
- Observe site rules or behaviour guidelines set by MARS INSTITUTE Trainers/Assessors.
- Behave in a manner that does not interfere with the learning of others; and
- Conduct themselves in a responsible manner while in training.
- Ensure the rights of all clients to have their say, balanced with the responsibility to listen to others and allow others to have their say.

If a MARS INSTITUTE staff, contractor or client feels harassed, bullied or otherwise a victim of unwelcome behaviour, the staff, contractor or client is encouraged to inform the person where the behaviour is unwanted, unacceptable and/or offensive. If the staff, contractor, or client feels unable to approach the person, or if the behaviour continues following their request that the behaviour cease, the Director MARS INSTITUTE should be contacted.

6. Legislation

This policy reflects our commitment to the following legislation: (But not limited to)

- National Vocational Education and Training Regulator Act 2011 (NVR Act) - Commonwealth
- Vocational Education and Training Accreditation Act 1990 (New South Wales)
- Education and the Education and Training Reform Act 2006 (Victoria)
- Vocational Education and Training Act 1996 (Western Australia)
- Vocational Education, Training and Employment Act 2000 (Queensland)
- Training and Skills Development Act 2008 (South Australia)
- Training and Workforce Development Act 2013 (Tasmania)
- Age Discrimination Act 2004 (Commonwealth)
- Disability Discrimination Act 2009 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Discrimination Act 1991 (Australian Capital Territory)
- Disability Services Act 1991 (Australian Capital Territory)
- Anti-Discrimination Act 1977 (New South Wales)



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- Anti-Discrimination Act (Northern Territory)
- Anti-Discrimination Act 1991 (Queensland)
- Equal Opportunity Act 1994 (South Australia)
- Sex Discrimination Act 1994 (Tasmania)
- Anti-Discrimination Act 1998 (Tasmania)
- Equal Opportunity Act 2010 (Victoria)
- Disability Act 2006 (Victoria)
- Equal Opportunity Act 1984 (Western Australia)
- ESOS Act 2010
- National Code 2007

7. Records Management

All documentation regarding complaints concerning Access and Equity matters are maintained in accordance with Records Management Policy. (See Records Management Policy)

8. Monitoring and Improvement

All Access and Equity practices are monitored by the Director MARS INSTITUTE and areas for improvement identified and acted upon. (See Continuous Improvement Policy)