

# ACCESS AND EQUITY POLICY

## Master Builders Association of Victoria

### 1. Purpose

Master Builders Association of Victoria has developed this policy in accordance with Clauses 1.7, 1.8(a),(b), 8.5(b), 8.6 of the Standards for Registered Training Organisations 2015. Master Builders Association of Victoria RTO (hereinafter called “Master Builders”) is committed to promoting access and equity in its education and employment and does not accept any form of discrimination. We ensure that our vocational education and training is responsive to the individual needs of our 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. This ethos is promoted in its principles throughout the organisation.

### 2. Scope

This policy applies to all persons employed by or contracted to Master Builders and students enrolled (and prospective students) and workplace participants at Master Builders.

For the purposes of this policy, a *workplace participant* includes:

- a. All employees of Master Builders (including non-permanents);
- b. Contractors to Master Builders (Including Trainers);
- c. Students;
- d. Applicants for jobs with Master Builders and
- e. People who work in the same workplace but for a different employer.

### 3. Definitions

**Discrimination** is essentially any practice that makes distinctions between individuals or groups, so as to disadvantage some and advantage others. Federal, State and Territory legislation prohibits both direct and indirect discrimination on various grounds.

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**Harassment** is persecution or bullying based on issues such as impairment, gender, marital status, parental status, pregnancy, sex, sexual preference or religion.

**Victimisation** is the term used to describe any paybacks, retribution or intimidation associated with a discrimination or harassment complaint.

**Vilification** is a public act which incites, encourages or urges others to hate, have serious contempt for, or severely ridicule, a person, or group of people because they are (or thought to be) members of a particular group.

## 4. Policy Statement

Master Builders uses a systematic and continuous improvement approach to this policy and monitors and develops procedures to ensure access and equity practices are adopted in line with feedback from management, industry, staff and students.

Master Builders is committed to:

- a. Identify and eliminate any unlawful direct, indirect, and/or systematic discrimination from its organisation;
- b. Ensure a work/learning environment free from discrimination, harassment, victimisation and vilification for all workplace participants;
- c. Meet the requirements of the *Equal Opportunity Act 2010* and related laws, including the provision of materials encouraging individuals with disabilities to access training services and government subsidised training;
- d. Ensure that bullying does not occur;
- e. Provide information to all workplace participants in relation to their rights and responsibilities concerning discrimination, harassment, victimisation and vilification in the workplace.
- f. Ensure that employment is based on the principle of merit and that employees are not treated less favourably on the basis of an irrelevant characteristic during the course of employment;
- g. Take appropriate action to prevent the occurrence of unlawful discrimination, harassment, sexual harassment, victimisation, bullying by the provision of procedures including complaints, concerns and appeals policy and code of practice and via conducting educative programs for staff and students;
- h. Continue to develop our policies in line with feedback from management, industry, staff and students; and
- i. Provide support to employees, students and eligible individuals under the Skills First Contract.

## 5. Policy Principles

This policy aims to prevent discrimination, harassment, victimisation and vilification in the workplace. This can occur:

- a. During recruitment;
- b. In the course of study;
- c. In the course of employment at any location;
- d. At work related functions (e.g. Christmas party);
- e. In the termination of employment.

Furthermore, when using labour hire or temporary staff Master Builders requests that the agencies being used apply non-discriminatory screening and interviewing processes to ensure selection is from a diverse pool of candidates. This ensures Master Builders employs the best person for the position.

Master Builders is an Access and Equity employer. Master Builders has in place corporate policies, in accordance with government legislation, which ensure that employees, students and consultants (“workplace participants”) are not discriminated against. All employees, students and consultants are made aware of their obligations under the relevant Commonwealth and State Anti-Discrimination legislation.

Master Builders is committed to preventing unlawful discrimination, sexual harassment, victimisation and vilification in its workplaces. It is also committed to preventing bullying. Each of Master Builders’ workplace participants is required to ensure that they do not unlawfully discriminate, harass, victimise, vilify or bully any other workplace participant.

A failure to comply with this Access and Equity Policy may result in disciplinary action up to and including dismissal. It is the responsibility of all Master Builders’ management, staff and learners to treat all workplace participants and equipment with courtesy and respect and to behave in accordance with this policy.

Master Builders values and respects the diversity of its workforce. Master Builders believes that diversity creates a competitive advantage and enhances employee participation.

### a. Unlawful Discrimination

Discrimination can be either direct or indirect.

**Direct discrimination** is any action, which specifically excludes a person, or a group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it because a personal characteristic, irrelevant to

the situation, is applied as a barrier. That is, a person, (or group of people) is treated less favourably because they possess a characteristic listed as a reason for discrimination, e.g. age, sex, race, disability or marital status.

**Indirect discrimination** is the imposition of a condition on a person, or group of people, which, on face value appears not to be discriminatory, however it has an adverse effect on a particular group of people.

A person indirectly discriminates against another person or group when:

- a. They are required to comply with a particular condition to which a substantially higher proportion of people cannot comply
- b. The condition is not reasonable having regard to all circumstances.

Indirect discrimination occurs where there is a requirement, rule, policy, practice or procedure that is the same for everyone but has an unequal effect on particular groups. This type of requirement is likely to be indirect discrimination unless the requirement is reasonable in all the circumstances.

Master Builders adheres to Federal, State and Territory legislation, which prohibits discrimination on the following grounds:

- a. Sex;
- b. Religion and/or Political opinion;
- c. Medical record;
- d. Irrelevant criminal record;
- e. Creed;
- f. Mental, intellectual or psychiatric impairment;
- g. Family responsibilities and status as a parent or carer;
- h. Disability;
- i. Age;
- j. Sexuality/sexual orientation;
- k. Physical impairment, Disability Discrimination Act 1992 (D.D.A.);
- l. Pregnancy or potential pregnancy;
- m. Race, nationality or ethnic origin;
- n. Marital status;
- o. Transgender or gender identity;
- p. Trade union activity;
- q. Physical features;
- r. Breast feeding in the workplace;
- s. Lawful sexual activity or
- t. Association with a person who has such characteristics.

Discrimination on any of these grounds is prohibited in all areas of employment, including:

- a. Recruitment;

- b. Terms and conditions of employment;
- c. Access to promotion, transfer or training or other employment benefits;
- d. Unfavourable treatment;
- e. Appropriate workplace behavior;
- f. Termination of employment;
- g. Commission agents;
- h. Contract workers; and
- i. Casual and part-time workers.

### **b. Sexual Harassment**

Sexual Harassment is defined as any uninvited, unwelcome behaviour of a sexual nature involving written, visual or physical affront against another person. Sexual harassment may include:

- a. Requests for sexual favours;
- b. Leering, unwanted physical contact, wolf-whistles, obscene gestures or noises;
- c. Persistent requests for a social "date";
- d. Sending or displaying to other workplace participants pornographic pictures or jokes by email;
- e. Comments or questions about a person's sex life;
- f. Offensive posters, pictures or graffiti or
- g. Sexual jokes, sexually suggestive telephone calls.

Sexual harassment within the Master Builders is not tolerated.

Any staff members who sexually harass another person will be subject to disciplinary action which may include dismissal and further legal action.

Any student who sexually harasses another person will be subject to disciplinary action which may include cancellation of enrolment without any refund and may also include further legal action.

### **c. Victimization**

Victimization refers not only to intimidation of complainants or potential complainants, but also to the alleged harasser or discriminator, witnesses, supporters and those resolving or investigating any complaints.

Master Builders takes all reasonable steps to ensure victimisation does not occur.

Any staff (staff includes casuals and contractors) found guilty of victimisation will be subject to disciplinary action which may include dismissal and further legal action.

Any student found guilty of victimisation will be subject to disciplinary action which may include cancellation of enrolment without any refund and may also include further legal action.

### **d. Vilification**

Acceptable forms of lawful free speech do not include any form of vilification.

Any staff that vilifies another will be subject to disciplinary action which may include dismissal and further legal action.

Any student that vilifies another will be subject to disciplinary action which may include cancellation of enrolment without any refund and may also include further legal action.

## **e. Racism**

Master Builders is firmly committed to providing a working, teaching and learning environment that is free from racism. Racism not only denies a person's fundamental human right to respect, it reduces their opportunity to gain a fair share of society's valued resources such as education and employment.

Master Builders recognises that the achievement of equal employment opportunities and equal educational outcomes is dependent on the provision of a discrimination and harassment free environment.

Master Builders expresses unconditional rejection of racist behaviour and its commitment to eliminate racism in its organisational structure through the provision of training programs that are equitable, accessible and culturally inclusive.

Any staff members that commit a racist act against another workplace participant are subject to disciplinary action which may include dismissal and further legal action.

Any student that commits a racist act against another workplace participant is subject to disciplinary action which may include cancellation of enrolment without any refund and may also include further legal action.

## **f. Bullying**

Bullying is inappropriate behaviour by a person or a group of people who repeatedly behaves unreasonably towards a worker/student or a group of workers/students aimed to demean and humiliate the person or group of people.

Examples of bullying behaviour include:

- a. Manipulation;
- b. Intimidation;
- c. Belittling remarks;
- d. Persistent criticisms, nit picking or fault finding;
- e. Verbal and/or physical abuse;
- f. Isolation from colleagues;
- g. Withholding information or
- h. Setting unrealistic targets.

Workplace participants are expected to treat each other with dignity and respect. Master Builders values individual differences and expects that all workplace participants will work together.

As part of the Fair Work Act 2009, from 1 January 2014, any worker is constitutionally covered to apply to the Fair Work Commission for an order to stop instances of bullying.

Although bullying may not be specifically in breach of anti-discrimination laws, a workplace participant who bullies a fellow workplace participant may be subject to disciplinary action up to and including dismissal. Students who bully other students or staff are subject to disciplinary action, which may include cancellation of enrolment without any refund and may also include further legal action.

## **g. Disability Discrimination**

Master Builders and its workplace participants in Victoria, are subject to legislation applying to disability discrimination in the workplace.

### **The Disability Discrimination Act 1992**

The definition of a disability under the Disability Discrimination Act (DDA) is broad and includes physical, intellectual, psychiatric, sensory, learning, neurological, physical disfigurement and the presence in the body of disease-causing organisms.

The DDA aims to eliminate, as far as possible discrimination on the grounds of a disability in areas of education, access to public premises, and employment.

All staff employed by Master Builders have a responsibility to ensure that student members do not experience discrimination.

Under the DDA, training providers are obliged to:

- a. Ensure learners with disabilities are not unlawfully discriminated against when seeking to enrol in a course of study
- b. Negotiate and implement any adjustments necessary to enable learners with disabilities to participate in a course to the same extent as other learners, and
- c. Ensure assessment procedures and methods are adapted to enable learners with disabilities to demonstrate the knowledge, skills or competencies being assessed.

### **The Disability Standards for Education 2005**

The Disability Standards for Education 2005 were formulated under the DDA to clarify and elaborate on the legal obligation in relation to education in relation to enrolment and participation in education, training and educational services.

### **Reasonable Adjustment**

Master Builders will make reasonable adjustments to ensure access and equity for students with disabilities. These adjustments will not provide students with a competitive advantage, rather they will minimise any disadvantage experienced by students with a disability.

Please refer to the Learner Support Policy for further information relating to discrimination and Reasonable Adjustment.

## **h. Access and Equity Complaints**

Students have several options available to them and these are:

- a) Telling the person involved that they are making them uncomfortable and ask them to stop.
- b) Lodge a complaint by speaking to a Master Builders trainer or the Director – Master Builders Training Institute (MBTI); and/or

- c) Lodge a complaint in writing by completing a *Notice of Complaint, Concern and Appeal Form* (can be accessed on the Master Builders Training website at [www.mbavtraining.com.au](http://www.mbavtraining.com.au) or request from the Training department and submit to:

**Director – Master Builders Training Institute (MBTI)**

**Master Builders Association of Victoria**

**322 Albert Street, East Melbourne, Vic, 3002**

**Tel: 03 9411 4555 Fax: 03 9415 7084 or Email: [training@mbav.com.au](mailto:training@mbav.com.au)**

## **i. Counseling**

### **Incolink contributor**

Counseling is available for students who are Incolink contributors and is encouraged to call an Incolink Personal Counsellor on (03) 9668 3061 or 0419 568 605.

### **Others**

Students who are not Incolink contributors are provided with assistance from the Learner Support Coordinator. If further assistance is required, the student will be encouraged to contact a personal counselor. The Learning Support Consultant will assist the student/s in seeking a suitable professional.

## **6. Person(s) Responsible**

The Director – Master Builders Training Institute (MBTI) is responsible for the control and issue of this policy and procedure (this may be delegated).

All staff and trainers are responsible to ensure they are well educated in the relevant legislation and that Master Builders is free from any forms of discrimination as covered in this policy and that access and equity is promoted.

All staff and students are responsible for ensuring that access and equity principles are respected and adhered to.

## **7. Associated Documents**

- Management Review Report
- Continuous Improvement Register
- Complaints, Concerns and Appeals Policy
- Code of Conduct
- Learner Support Policy
- Student Handbook



# Access and Equity Policy

**Policy developed by:** Director Master Builders Training Institute and Compliance Coordinator

**Refer to:** Standard 8 – Clause 8.5 and 8.6 Comply with legal requirements, Standards for RTOs 2015

**Approved by:** Corrie Williams, Director Master Builders Training Institute  
Saeed Mirbagher, Executive Director Commercial and Corporate

**Policy endorsed by:** Rebecca Casson, Chief Executive Officer

Version Control	Date Released	Approved by	Amendment	Next Review Date
V1.0	Sep 2013	Viviana Hood, Training Manager		Jul 2014
V2.0	Jul 2014	Julie-Anne Sheppard, Manager - Training Viviana Hood, General Manager - Commercial Services		Feb 2015
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V6.0	25/7/19	Corrie Williams, Executive Manager – Master Builders Training Institute (MBTI)	Managerial titles updated from: Head of Training to <b>Executive Manager –</b>	Jun 2020

		Viviana Hood, Chief Operating Officer	<b>Master Builders Training Institute (MBTI)</b>  General Manager - Commercial Operations to <b>Chief Operating Officer</b>	
V6.1	23/03/2021	Corrie Williams, Director Master Builders Training Institute Saeed Mirbagher, Executive Director Commercial and Corporate	Managerial titles updated, Formatting adjusted.	Feb.2022