

## Forkpro Australia – Standard Operating Procedure

<b>SOP Name:</b> Access and equity policy	<b>Written by:</b> Todd Brennan <b>Reviewed by:</b> Michelle Mitchell
<b>SOP Number:</b> SOP 12 <b>Revision number:</b> V1.1	<b>Date written:</b> 06/02/14 <b>Date of last review:</b> 13/03/2019 <b>Next review due by:</b> 13/03/2020

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### 1. 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, regardless of race, colour, religion, gender or physical disability allowing everyone to freely participate in training in a harassment free environment. This policy reflects our commitment to the Disability Discrimination Act 1992, Sex Discrimination Act 1984, Age Discrimination Act 2004 and Racial Discrimination Act 1975.

### 2. Scope

Forkpro Australia Proprietor and Managers are responsible for client equity.

The Proprietor and Managers are to ensure staff act according to this policy and all clients are made aware of their rights and responsibilities pursuant to this policy.

Information regarding the Access and Equity Policy is contained in the Forkpro Australia **Code of Practice** and is displayed throughout the organisation.

### 3. Forkpro Australia Responsibilities

It is Forkpro Australia legal responsibility to ensure that harassment does not occur in the workplace. 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.

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

#### 3.1 Proprietor Responsibilities

The Proprietor will not condone nor engage in harassing behaviour.

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The Proprietor is responsible for ensuring that all staff are aware of the harassment policy and that complaints will be dealt with in accordance with the terms of the Complaints and Appeals Policy (SOP 3).

The Proprietor will maintain the confidentiality of all complaints. If the Proprietor feels that he is not the appropriate person to deal with the complaint, he will refer the matter to a member of the management team for action.

### 3.2 Employee Responsibilities

Employees 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 supervisor or manager.

### 3.3 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.

## 4. Client Enrolment

Forkpro Australia is committed to the enrolment of clients where Forkpro Australia has the capacity to deliver the course for which the client is enrolling and where the client has:

- a) Applied in the prescribed manner
- b) Supplied accurate personal and previous qualification information
- c) Agreed to abide by Forkpro Australia policies, procedures and code of conduct whilst undertaking the training

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### 5. Guidelines

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

- a) 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
- b) All clients are to be given fair and reasonable opportunity to attend and complete training
- c) 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
- d) All perceived deficiencies in the Access and Equity Policy are to be documented, assessed and reviewed at the bi-annual annual review
- e) Ensure that those attending our training courses are treated fairly and without discrimination at all times
- f) Endeavour to be sensitive to the diverse backgrounds and needs of all of our learners
- g) Endeavour to ensure that no learner is unfairly disadvantaged. This includes making reasonable adjustments to the training environment, resources, and delivery and assessment strategies to accommodate learner needs (where possible).
- h) Engage in professionally responsible and ethical assessment practice

### 6. 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.

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### 7. Discrimination

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

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

Target Groups are defined as:

- a) Aboriginal and Torres Strait Islanders
- b) People with a disability
- c) People from non-English speaking backgrounds
- d) 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)
- e) Women
- f) People from regionally isolated communities

#### 7.1 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.

#### 7.2 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.

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### 8. 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.

Harassment will not be tolerated at Forkpro Australia. If harassment occurs, the person responsible will be subject to disciplinary procedures. Disciplinary action will be taken against any employee or client involved in such behaviour. This may include termination of employment and removal of the client from the training course.

Serious cases of harassment may constitute a criminal offence.

#### 8.1. How to Manage Harassment

If you feel that you are being harassed tell the person to stop, that their behaviour is unacceptable and that they must not do it again. It is important to say these things to the person harassing you as they may interpret silence as a form of acceptance or consent to their behaviour. If you are too frightened or embarrassed to say anything to the person, advise your trainer or supervisor who will deal with the matter promptly.

If the behaviour does not stop inform your trainer or supervisor. It is a good idea to make a written note of any harassment, including details of dates, times, witnesses, what happened and what was said or felt. Be honest with whoever is appointed to investigate your complaint as this will enable the appropriate action to be taken.

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### 8.2. 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.

### 8.3. Sexual Harassment

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

- a) Unwanted touching
- b) Sexual innuendo propositions
- c) Nude pin-ups and posters
- d) Obscene telephone calls
- e) Wolf whistles

### 8.4. Verbal Harassment

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

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

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### 8.5. Non-Verbal Harassment

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

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

### 8.6. Physical Harassment

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

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

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### 9. Disability

Forkpro Australia 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).

Forkpro Australia 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.