

Equal Opportunity Policy

Zero Harm Safety & Training is an Equal Opportunity employer.

Zero Harm Safety & Training has in place corporate policies, in accordance with government legislation, which ensure that employees and consultants are not discriminated against.

All employees and consultants are made aware of their obligations under the relevant Commonwealth and State Anti-Discrimination legislation.

Zero Harm Safety & Training is committed to preventing unlawful discrimination, sexual harassment, victimisation and vilification in its workplaces. It is also committed to preventing bullying.

Each of Zero Harm Safety & Training's workplace participants is required to ensure that they do not unlawfully discriminate, harass, victimise, vilify or bully any other workplace participant.

For the purposes of this policy, a workplace participant is:

- All employees of Zero Harm Safety & Training (including non-permanents);
- Contractors to Zero Harm Safety & Training;
- Applicants for jobs with Zero Harm Safety & Training; and
- People who work in the same workplace but for a different employer.

A failure to comply with this Equal Opportunity Policy may result in disciplinary action up to and including dismissal.

It is the responsibility of all Zero Harm Safety & Training management and staff to treat all workplace participants and equipment with courtesy and respect and to behave in accordance with this policy.

Zero Harm Safety & Training supports the concept of equal opportunity in employment and is committed to a program, which will ensure compliance with both the letter and the spirit of the relevant legislation.

Zero Harm Safety & Training believes all workplace participants should be treated with respect and fairness and that everyone will be afforded natural justice.

Zero Harm Safety & Training values and respects the diversity of its workforce. The Company believes that diversity creates a competitive advantage and enhances employee participation.

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POLICY OBJECTIVES

The objectives of this Equal Opportunity Policy are to:

- Ensure a work environment free from discrimination, harassment, victimisation and vilification for all workplace participants;
- Ensure that bullying does not occur;
- Provide a procedure for dealing with complaints of discrimination, harassment, victimisation, vilification or bullying if they occur;
- Provide information to all workplace participants in relation to their rights and responsibilities concerning discrimination, harassment, victimisation and vilification in the workplace; and
- 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.

WHAT SITUATIONS ARE COVERED BY THIS POLICY?

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

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

Further, when using labour hire or temporary staff, Zero Harm Safety & Training will request that the agencies being used apply non-discriminatory screening and interviewing processes to ensure selection is from a diverse pool of candidates. This ensures Zero Harm Safety & Training employs the best person for the position.

WHAT IS UNLAWFUL DISCRIMINATION?

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.

Direct discrimination is when a person, or group of people, receives less favourable treatment than others on the basis of:

- Personal attributes
 - Age
 - Race
 - Sex
- Personal characteristics, particular to people with one of the above mentioned attributes

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:

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

Zero Harm Safety & Training adheres to Federal, State and Territory legislation, which prohibits discrimination in employment on the following grounds:

- Sex
- Creed
- Mental, intellectual or psychiatric impairment
- Physical impairment, Disability Discrimination Act 1992 (D.D.A.)
- Pregnancy or potential pregnancy
- Race, nationality or ethnic origin
- Marital status
- Family responsibilities and status as a parent or carer
- Disability
- Age
- Sexuality/sexual orientation
- Transgender or gender identity
- Trade union activity
- Religion and/or Political opinion
- Medical record
- Irrelevant criminal record
- Physical features
- Breast feeding in the work place
- Lawful sexual activity
- Association with a person who has such characteristics

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

- Recruitment
- Terms and conditions of employment
- Access to promotion, transfer or training or other employment benefits
- Unfavourable treatment
- Appropriate workplace behaviour
- Termination of employment
- Commission agents
- Contract workers; and
- Casual and part-time workers

Zero Harm Safety & Training aims to provide equal opportunity for all workplace participants and to comply with all anti-discrimination laws.

Discrimination by one workplace participant against another will not be tolerated. A workplace participant who discriminates against another may be subject to disciplinary action up to and including dismissal.

Discrimination can occur either directly or indirectly.

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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 occurs when an action, policy or practice appears to treat people equally, but actually disadvantages a person or group of people, and those people are disadvantaged because of their sex or their race or one of the other prohibited grounds of discrimination.

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.

WHAT IS 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:

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

Sexual harassment within the Company will not be tolerated and any workplace participant who sexually harasses another will be subject to disciplinary act including dismissal.

WHAT IS VICTIMISATION?

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

ZHST will take all reasonable steps to ensure victimisation does not occur. Workplace participants found guilty of victimisation will be subject to disciplinary action up to and including dismissal.

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WHAT IS VILIFICATION?

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

Any workplace participant that vilifies another workplace participant will be subject to disciplinary action up to and including dismissal.

RACISM

Zero Harm Safety & Training 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.

Zero Harm Safety & Training recognises that the achievement of equal employment opportunities and equal educational outcomes is dependent on the provision of a discrimination and harassment free environment.

Zero Harm Safety & Training recognises the community's racial and ethnic diversity.

Zero Harm Safety & Training 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.

BULLYING

Workplace participants are expected to treat each other with dignity and respect. Zero Harm Safety & Training values individual differences and expects that all workplace participants will work together.

Bullying is inappropriate behaviour aimed to demean and humiliate workplace participants, either as individuals or as a group. Examples of bullying behaviour include:

- Manipulation;
- Intimidation;
- Belittling remarks;
- Persistent criticisms, nit picking or fault finding;
- Verbal and/or physical abuse;
- Isolation from colleagues;
- Withholding information; or
- Setting unrealistic targets.

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.

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WHY IS ZERO HARM SAFETY AND TRAINING INVOLVED?

Anti-discrimination laws and vilification laws place obligations on Zero Harm Safety & Training to ensure that it prevents:

- Discrimination
- Harassment
- Victimisation; and
- Vilification

Primarily, the person who discriminates, harasses, victimises or vilifies is liable for their actions. However, ZHST may be held vicariously liable for the actions of its employees unless it has taken “all reasonable steps” to prevent the discrimination, harassment, victimisation or vilification.

RELEVANT LEGISLATION

Zero Harm Safety & Training and its workplace participants are subject in Queensland, to the following pieces of legislation applying to harassment, discrimination and equal opportunity in the workplace.

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- The Workplace Gender Equality Act 2012
- Anti-Discrimination Act 1997
- Workplace Relations Act 1996

COMPLAINT RESOLUTION

The Complaints and Appeals Policy and Procedure (ZHST-RTO-0048) sets out the procedure to be followed if a workplace participant wants to make a formal or informal complaint of discrimination, harassment, victimisation, vilification or bullying.

The following procedure will be followed:

1. Should a student have a complaint relating to training delivery and assessment, the quality of the learning, student amenities, discrimination, sexual harassment or any other issues that may arise, they should first bring this to the attention of their trainer.
2. If the issue is not dealt with to the student's satisfaction by the trainer, the next step is for the student to complete and lodge a Notice of Complaint Form (ZHST-RTO-0069).
3. Once the student has completed the Notice of complaint form, it can be:
 - a. emailed to: Jason.Hartwell@Zeroharm.com.au
 - OR
 - b. mailed to: The Principle Consultant, Zero Harm Safety and Training, PO Box 882, Emerald Queensland 4720.

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4. This form is to be lodged in writing with the Principle Consultant who will contact the student within 24 hours of receiving the complaint and attempt to resolve the identified issues.
5. Where the complaint cannot be resolved internally, Zero Harm Safety & Training will provide an outside independent person to hear the case. The current independent person is Jason Schneider of Renegade Engineering.

A written statement of the complaint outcome will be provided to the student along with a closed out copy of the student's original notice of complaint form. Copies of both the written statement and closed out notice of complaint form will be recorded in the Complaints register (ZHST-RTO-0067).

A Corrective Action Record (ZHST-RTO-0028) will be raised for each complaint received and will be filed in the Quality Compliance Folder for future reference.

WHAT IS ZERO HARM SAFETY & TRAINING'S POLICY ON CONFIDENTIALITY IN ITS COMPLAINT HANDLING SYSTEM?

A conflict often arises when people want to make complaints but do not want the people about whom they are complaining to know. On the other hand, it is difficult for an employer to take action against an alleged discriminator/harasser unless it can put full details of the complaint to them.

Zero Harm Safety & Training wants to prevent any discrimination, harassment, victimisation, vilification or bullying occurring and to stop any discriminatory, harassing, victimising, vilifying or bullying conduct. It also wants to give workplace participants an opportunity to discuss any issues impartially and confidentially, otherwise workplace participants may not feel free to seek assistance or obtain information.

Zero Harm Safety & Training also has legal obligations outside anti-discrimination laws to ensure a safe workplace and a safe system of work.

In balancing these competing considerations, Zero Harm Safety & Training will so far as is possible respect a wish for confidentiality. For example, Zero Harm Safety & Training may not take specific action against the alleged discriminator/harasser because the substance of the allegations cannot be established and procedural fairness cannot be afforded. In these types of situations, Zero Harm Safety & Training would only be able to take general preventative action and monitor the situation.

However, there will be times when this may not be possible and due to the nature of the complaint ZHST may be required to act on the information provided.

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