

	Document Name	Fair treatment and equal opportunity (Equity) Policy and Procedures
	Document No.	FM-138
	Reviewed by	Systems Manager on 02/12/2025
	Authorised by	CEO on 02/12/2025
	Comment	It is the responsibility of the recipient to identify/control superseded documents

INTRODUCTION

Purpose

GEM College is committed to providing fair and equitable access to its services and maintaining working, training and learning environments that respect individual differences, support participation and are free from unlawful discrimination, harassment and victimisation. This policy establishes the principles that guide fair treatment, equal opportunity, inclusion and reasonable adjustment across GEM College's operations.

Scope

This policy applies to:

- Prospective, current and former students;
- Employees, contractors and governing persons;
- Third parties delivering services on behalf of GEM College;
- Applicants for employment or engagement;
- Visitors, employers, work-placement providers and other stakeholders; and
- Persons participating in activities conducted by or on behalf of GEM College.

It applies to recruitment, marketing, student selection, enrolment, training, assessment, student support, employment, work placement, access to facilities and services, complaints, appeals and other GEM College activities.

The policy applies to conduct occurring at GEM College premises, online, at work placements, during community-based learning and at other College-related activities.

Policy commitment

GEM College recognises that equal opportunity does not always require identical treatment. Equitable treatment may require reasonable and lawful measures that enable people with different circumstances and needs to access, participate in and benefit from training, assessment, employment and other services.

Decisions must be based on relevant and lawful considerations. A person must not be disadvantaged because of an irrelevant personal characteristic or because they seek an adjustment, exercise a right or raise a concern.

Legislative and regulatory framework

This policy supports GEM College's obligations under applicable Commonwealth, state and territory anti-discrimination, equal opportunity, human rights, work health and safety and employment legislation, including:

- The Age Discrimination Act 2004;
- The Australian Human Rights Commission Act 1986;
- The Disability Discrimination Act 1992;
- The Racial Discrimination Act 1975;
- The Sex Discrimination Act 1984;
- The Fair Work Act 2009; and
- The Disability Standards for Education 2005.

This policy also supports Standards 1.4 and 2.1 to 2.8 of the National Vocational Education and Training Regulator (Outcome Standards for Registered Training Organisations) Instrument 2025.

Operational requirements relating to enrolment, course suitability, student support, reasonable adjustment, assessment, recognition of prior learning, credit transfer, complaints and appeals are addressed in the applicable GEM College policies and processes.

DISCUSSION

Fair treatment and equal opportunity require GEM College to remove unlawful barriers while maintaining the integrity of its training products, assessment decisions and other legitimate requirements. The following principles apply across the organisation.

1. Equal opportunity and equitable treatment

GEM College will provide equitable access to training, assessment, employment and services.

People in comparable circumstances must be treated consistently. Differences in treatment must be based on relevant considerations, legitimate requirements or reasonable measures intended to address disadvantage or support participation.

GEM College may provide targeted assistance, reasonable adjustment or other lawful measures to enable equitable participation. Such measures do not constitute preferential or unfair treatment merely because they are not provided identically to every person.

Decisions must be transparent, capable of explanation and made by appropriately authorised persons.

2. Discrimination harassment and victimisation

GEM College prohibits unlawful discrimination, harassment and victimisation.

Unlawful discrimination may occur where a person is treated less favourably because of an attribute protected by law. It may also occur where an apparently neutral requirement or practice unreasonably disadvantages people with a protected attribute.

Protected attributes vary between jurisdictions and may include:

- Age;
- Disability;
- Race, colour, nationality or ethnic origin;
- Sex, sexual orientation, gender identity or intersex status;
- Pregnancy, potential pregnancy or breastfeeding;
- Marital or relationship status;
- Family or carer responsibilities;
- Religious belief or activity;
- Political belief or activity;
- Industrial activity;
- Employment status; or
- Another attribute protected by applicable law.

Harassment includes unwelcome conduct that intimidates, humiliates or offends a person and is unlawful under applicable legislation.

Sexual harassment, sex-based harassment, hostile environments on the ground of sex and related victimisation are addressed in GEM College's Sexual Harassment Prevention Policy.

Bullying and work health and safety matters are addressed under the applicable GEM College conduct, safety and risk-management arrangements.

A person must not be victimised or subjected to adverse treatment because they:

- Raised or proposed to raise a concern;
- Made or supported a complaint or appeal;
- Requested assistance or reasonable adjustment;
- Provided information or evidence;
- Participated in a review or investigation; or
- Exercised a workplace, education or legal right.

3. Inclusive and culturally safe environments

GEM College will foster working and learning environments in which diversity is respected and people can participate safely and meaningfully.

GEM College will take reasonable steps to:

- Identify and address barriers to participation;
- Promote respectful conduct;
- Use inclusive and accessible communication;
- Avoid stereotypes and discriminatory assumptions;
- Support culturally and linguistically diverse students;
- Consider relevant religious and cultural practices;
- Provide accessible facilities, resources and services where reasonably practicable; and
- Respond appropriately to conduct that undermines inclusion or safety.

GEM College will foster a culturally safe learning environment for First Nations people, as required by Standard 2.5 of the Outcome Standards. This includes listening to relevant First Nations perspectives, avoiding culturally unsafe practices and considering cultural safety when designing, delivering and reviewing services.

Cultural considerations do not remove the requirement to meet training-product, safety, licensing or legal requirements.

4. Access and student selection

Information about training products, entry requirements, fees, delivery arrangements and student obligations must be clear, accurate, current and accessible.

Student selection and enrolment decisions must:

- Apply published entry requirements consistently;
- Be based on the requirements of the relevant training product and the demands of the proposed training;
- Consider relevant evidence;
- Avoid irrelevant or discriminatory considerations;
- Take account of reasonable adjustment where applicable; and
- Be documented where an applicant is not offered enrolment.

Applying consistent entry requirements does not prevent GEM College from providing reasonable adjustment, support or lawful measures intended to address disadvantage.

GEM College is not required to enrol a person where they do not meet an essential and lawful entry requirement, where the training product is not suitable for them, or where their participation cannot be supported without compromising safety or imposing unjustifiable hardship. Any such decision must be based on the individual circumstances rather than assumptions about a personal attribute.

Course-suitability reviews and enrolment decisions must be conducted in accordance with GEM College's applicable enrolment process.

5. Identifying individual needs

GEM College will provide prospective and current students with appropriate opportunities to disclose information about individual needs that may affect their access to or participation in training and assessment.

Relevant needs may include:

- Language, literacy, numeracy or digital-literacy needs;
- Disability or medical circumstances;
- Cultural or religious considerations;
- Geographic or technological barriers;
- Family, work or caring responsibilities;
- Wellbeing needs; or
- Other circumstances affecting participation or progress.

Disclosure must be voluntary except where particular information is lawfully required to determine suitability, meet a safety obligation or administer the student's enrolment.

Information must be requested only where it has a legitimate purpose and must be handled in accordance with GEM College's Privacy and Personal Information Policy.

Staff must not diagnose a disability or make assumptions about a person's abilities, needs or likely success based on personal characteristics or group membership.

6. Disability disclosure and reasonable adjustment

GEM College supports students with disability to access and participate in training and assessment on an equal basis.

Students must be given a reasonable opportunity to disclose a disability if they wish to do so. GEM College will consult with the student about:

- The effect of the disability on participation;
- The adjustment sought or considered;
- Whether the adjustment will assist the student;
- Available alternatives; and
- Any effect on the student, other persons, safety or training-product requirements.

Reasonable adjustment may relate to communication, learning resources, facilities, equipment, scheduling, delivery methods, assessment methods or the provision of additional assistance.

An adjustment must not:

- Remove an essential requirement of the training product;
- Lower the standard of competency to be demonstrated;
- Compromise the validity, reliability or integrity of assessment;
- Create an unacceptable safety risk;
- Cause unlawful disadvantage to another person; or
- Impose unjustifiable hardship.

Where a requested adjustment is not reasonable, appropriate or possible, GEM College will consider suitable alternatives. The student must be informed of the reasons as soon as reasonably practicable.

Reasonable-adjustment decisions and agreed arrangements must be documented in accordance with the applicable process and privacy requirements.

7. Student support

GEM College will identify the training-support services required by each student and make appropriate support available within its role and capacity.

Support may include:

- Academic or learning assistance;
- Language, literacy, numeracy or digital-literacy support;
- Information about reasonable adjustment;
- Access to trainers, assessors and other responsible staff;
- Referral to external specialist services;
- Flexible administrative arrangements where appropriate; or
- Information about wellbeing support.

The nature and extent of support will depend on the student's needs, the training product, the mode of delivery and available services.

GEM College is not required to provide specialist services beyond its expertise or role. Where external assistance may be appropriate, GEM College may provide information or a referral, but cannot guarantee the availability, suitability or outcome of an external service.

Students must be informed about how and when they can access available support.

8. Training and assessment

Training and assessment must be accessible, fair and responsive to the student cohort while remaining consistent with the relevant training product.

Training must:

- Use methods and resources appropriate to the cohort and mode of delivery;
- Provide students with sufficient opportunities for instruction, practice, feedback and assessment;
- Avoid unnecessary cultural, linguistic, physical or technological barriers; and
- Incorporate reasonable adjustment where appropriate.

Assessment must be conducted in accordance with GEM College's Assessment Policy and must remain consistent with the Principles of Assessment and Rules of Evidence.

Fairness does not require every student to complete an assessment in an identical manner. An assessment method may be adjusted where the adjustment enables access without changing the competency standard or the evidence required to support a valid assessment judgement.

Recognition of prior learning and credit transfer are governed by the applicable GEM College policies and processes. Eligibility and decisions must be based on relevant evidence, not on a student's personal characteristics.

9. Information and communication

Information provided by or on behalf of GEM College must be clear, accurate, current and reasonably accessible.

Where appropriate, GEM College will consider:

- Plain-language information;
- Alternative formats;
- Accessible digital content;
- Interpreting or translation needs;
- Assistance to understand important requirements; and
- Communication methods suited to the circumstances.

Providing information in an alternative format does not require GEM College to alter the substance of a legal, regulatory, training-product or contractual requirement.

Students must be informed about:

- Applicable entry and participation requirements;
- Available support and reasonable-adjustment arrangements;
- Their rights and responsibilities;
- Relevant fees, costs and obligations;
- Assessment requirements; and
- How to provide feedback or make a complaint or appeal.

10. Complaints and appeals

A person may raise concerns about discrimination, harassment, exclusion, reasonable adjustment, access, student selection or another decision or practice affecting equitable participation.

Information about making a complaint or appeal must be publicly available and reasonably accessible.

Complaints and appeals must be managed in accordance with GEM College's Feedback, Complaints and Appeals Policy and associated process. This includes requirements for procedural fairness, reasonable timeframes, documented outcomes and access to independent review where applicable.

Making a complaint, requesting an adjustment or exercising an appeal right must not result in victimisation or improper disadvantage.

Where a concern involves sexual harassment or another immediate safety risk, the Sexual Harassment Prevention Policy or relevant safety and incident-response arrangements may also apply.

11. Responsibilities

Governing persons and management are responsible for promoting equal opportunity, overseeing material risks and ensuring that appropriate systems and resources support this policy.

Managers are responsible for:

- Applying requirements consistently and lawfully;
- Identifying and addressing barriers within their areas;
- Considering requests for assistance or adjustment;
- Escalating matters beyond their authority;
- Supporting staff to understand their responsibilities; and
- Monitoring agreed actions.

Staff, contractors and third parties must:

- Treat people fairly and respectfully;
- Avoid discriminatory assumptions and conduct;
- Apply approved requirements consistently;
- Protect confidential information;
- Implement authorised adjustments and support arrangements;
- Refer decisions outside their authority; and
- Report suspected discrimination, harassment, victimisation or systemic barriers through the appropriate channel.

Students and other service users are expected to treat staff and other participants respectfully, provide relevant and accurate information, and comply with reasonable and lawful requirements.

12. Monitoring and continuous improvement

GEM College will monitor the effectiveness of its equal opportunity and inclusion arrangements using information that may include:

- Student participation, progression and completion information;
- Requests for support or reasonable adjustment;
- Complaints, appeals and feedback;
- Student and staff surveys;
- Audit and review findings;
- Information from trainers, assessors, industry and third parties;
- Identified barriers or recurring issues; and
- Changes to legal, regulatory or community expectations.

Information must be collected, used and reported lawfully and in a manner that protects privacy. Monitoring must not involve unnecessary collection or categorisation of sensitive information.

Where monitoring identifies an unreasonable barrier, systemic disadvantage, culturally unsafe practice or ineffective control, GEM College will determine and implement appropriate corrective or improvement action.

SUMMARY

GEM College is committed to fair treatment, equal opportunity and inclusive working and learning environments. Equity requires consistent and lawful decision-making while recognising that individuals may require different forms of assistance or adjustment to participate on an equal basis.

In particular:

- Unlawful discrimination, harassment and victimisation are prohibited;
- Decisions must be based on relevant and lawful considerations;
- Learning environments must be safe, inclusive and culturally safe for First Nations people;
- Entry requirements must be applied fairly without preventing reasonable adjustment or lawful support;
- Students must have appropriate opportunities to disclose individual needs;
- Reasonable adjustments must support access without compromising competency, assessment integrity or safety;
- Student support must be identified and made available within GEM College's role and capacity;
- Training and assessment must be fair, accessible and consistent with the relevant training product;
- Information must be accurate, current and reasonably accessible;
- Complaints and appeals must be available without victimisation;
- Staff, contractors, students and managers have responsibilities under this policy; and
- Monitoring must inform corrective action and continuous improvement.



Chief Executive Officer - Monique McCloskey