



# GROUP TRAINING POLICY & PROCEDURE

## ACCESS, EQUITY AND FAIRNESS

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PRIMARY ROLE : All Employees  
Apprentices/Trainees  
Contractors  
Board Members

SPECIAL NOTE :

SPECIAL REQUIREMENTS :

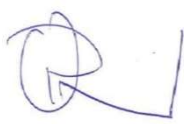
ATTACHMENT :

REFERENCES : [Appeals Policy](#)  
[Complaints Policy](#)  
Legislation as listed  
[GTS Privacy Procedure](#)  
[Motor Trade Association of SA Inc. Privacy Statement](#)  
[Privacy Act 1988](#)

DOCUMENTS : [Complaint Appeal Report Form](#)

EQUIPMENT & RESOURCES :

QUALIFICATIONS, TRAINING OR  
SPECIALIST KNOWLEDGE :

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CHIEF EXECUTIVE OFFICER



# GROUP TRAINING POLICY & PROCEDURE

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## GROUP TRAINING POLICY & PROCEDURE

### PURPOSE

It is the purpose of this policy to clarify Motor Trade Association Group Training Scheme's (MTA GTS):

- commitment to and;
- ethical and legal obligations in regards to the provision of open access, equitability and fairness

for all of its apprentice/trainees and candidates for apprentice/traineeships.

### RESPONSIBILITIES

#### Stakeholders

- It is the responsibility of all MTA GTS stakeholders to;
  - ensure their personal wellbeing;
  - and
  - the wellbeing and development of all other MTA GTS stakeholders;through immediate intervention and reporting of any situation which potentially or actually vilifies, demeans or harms an individual.
- All stakeholders are required to be aware of and be compliant with the relevant legislations in regards to access, equity and antidiscrimination including:

[Training & Skills Development Act 2008 \(SA\)](#)

[Australian Human Rights Commission](#)

[Australian Human Rights Commission Act 1986](#)

[Sex Discrimination Act 1984](#)

[Racial Discrimination Act 1975](#)

[Age Discrimination Act 2004](#)

[Disability Discrimination Act 1992](#)

**(Australian Government)** <http://www.comlaw.gov.au>.

[Fair Work Act 2009](#)

[Fair Work Regulations 2009](#)

[Freedom of Information Act 1982](#)

[Privacy Act 1988](#)

[Fair Work Act 2009](#)

[Equal Opportunity for Women in the Workplace 2012](#)

[Family Law \(Child Protection Convention\) Regulations 2003](#)

### **(South Australian Government)**

<http://www.legislation.sa.gov.au>

[Children and Young People \(Safety\) Act 2017](#)

[Children and Young People \(Safety\) Regulations 2017](#)

[Fair Work Act 1994](#)

[Fair Work \(Commonwealth Powers\) Act 2009](#)

[Freedom of Information Act 1991](#)

[Professional Standards Act 2004](#)

[Racial Vilification Act 1996](#)

[Return to Work Corporation Act 1994](#)

[Return to Work Act 2014](#)

### **Managers, Supervisors and Board Members**

It is the responsibility of all MTA GTS managers, supervisors and Board Members to ensure:

- the wellbeing and development of MTA GTS apprentice/trainees, engaged by MTA GTS ;
- that all stakeholders are aware of and comply with this policy and related legislation.

All managers and supervisors of apprentice/trainees are responsible for:

- Setting an example by displaying appropriate behaviour at all times;
- Establishing open lines of communication with apprentice/trainees to ensure reporting of incidents;
- Treating any report of unacceptable behaviour in a reasonably confidential sensitive, and serious manner;
- Treating an alleged perpetrator impartially pending a fair and open investigation;
- Acting on any complaints swiftly and following MTA GTS's procedures as outlined in the Complaints Policy;
- Continuously monitoring, educating, informing and supporting all stakeholders to reinforce a safe and equitable workplace and learning environment.



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### **Employees & Contractors**

All employees and contractors, including supervisors and managers, have a responsibility for ensuring the workplace and learning environments are a safe and equitable environment through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification.

Each employee has the responsibility to ensure that MTA GTS's culture is one of respect for others and both employees and contractors are to:

- Ensure that they do not commit any form of harassment, bullying, discrimination and/or racial vilification;
- Offer support to anyone affected by any form of harassment, bullying, discrimination and/or racial vilification;
- Immediately report any instance of harassment, bullying, discrimination and/or racial vilification to the relevant Field Officer or the GM, Apprentice Employment Services, as may be appropriate;
- Treat alleged perpetrators fairly.

### **Apprentices / Trainees**

All apprentice/trainees have the responsibility to:

- Ensure that they do not commit any form of harassment, bullying, discrimination and/or racial vilification;
- If harassed, take action to stop it, not only for self-protection, but to prevent others suffering the same form of treatment; They can choose to take no action.
- Ensure they are aware of and act within the confines of relevant legislation and this policy;
- Enhance the learning experience by allowing others to learn without compromise of the learning environment through poor or distracting behaviours;
- Exhibit positive behaviour at all times;
- Follow instructions at all times;
- Request the assistance of another person in raising the complaint and in any subsequent resultant interviews



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- Immediately report any instance of harassment, bullying, discrimination and/or racial vilification to the relevant Field Officer or the GM, Apprentice Employment Services, as may be appropriate.



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### **SCOPE**

The scope of this policy encompasses all:

- candidates for apprenticeship/traineeship;
- current and past apprentice/trainees.

All forms of physical or psychological discrimination, harassment, vilification and harmful or demeaning behaviours including Anti-Discrimination, Human Rights, Equal Opportunity & Disability Discrimination are covered by this policy.

### **POLICY**

MTA GTS commits to providing a safe and equitable environment through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification.

It is the policy of MTA GTS to ensure an environment that is, as a minimum, aligned with State and Federal legislation.

MTA GTS's access, equity and fairness are based in the following principles:

- all apprentice/trainees will be treated with respect in a workplace and learning environment free of harassment and intimidation;
- all decisions will be transparent, fair, reasonable, non-discriminatory and based on merit;
- no individual or group will be treated less favourably than another;
- all communications and interactions will be free of bias, prejudice and discriminatory language.



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### **DEFINITIONS**

- Apprentices : Individuals directly employed by MTA GTS under a Contract of Training whether undertaking work for MTA GTS or being hosted by an alternate employer.
- Apprentice Support : Staff who are trained to provide GTS apprentice/trainees with confidential information and support to address discrimination, harassment and/or bullying in the workplace.
- Contractor: : A person or entity subcontracted by MTA GTS to provide services.
- Employee : For the purposes of this policy 'employee' will mean an individual employed or engaged in any capacity by MTA GTS including contractors and Board Members.
- Frivolous or Malicious Complaint : A fictitious complaint or one made intentionally without foundation or to cause detriment or mischief. MTA GTS maintains Zero Tolerance of this type of complaint.
- Host Employer : An individual or entity qualified and if applicable licensed in the trade specific to the engagement of an MTA GTS Apprentice or Trainee and provides appropriate on-job-training and release the Apprentice or Trainee for off-job-training as per the Apprentice/Trainee's Training Plan.
- Merit : Worthiness of the application or situation.
- Stakeholder : General term inclusive of any individual or entity with whom MTA GTS has a relationship including but not limited to employees, apprentice/trainees, contractors and host employers.
- Trainees : Individuals directly employed by MTA GTS under a Contract of Training whether undertaking work for MTA GTS or being hosted by an alternate employer.
- Zero Tolerance : MTA GTS will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. MTA GTS will take action to the extent of termination of employment or contract, or removal of apprentice/trainees from





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hosting against any individual or group of individuals proven to have breached these principles.

### **APPLICATION OF MERIT**

MTA GTS is an equal opportunity employer that values the diversity of its workforce and apprentice/trainee community. This means that without discrimination of any type:

- the most capable person for a position will be selected;
- all candidates will have equitable opportunities for employment;
- MTA GTS will not show favouritism or grant special favours to any stakeholder.

When making decisions in regards to apprentice/traineeships, applications are considered on a case by case merit basis without the intent to preclude any eligible applicants from consideration.

MTA GTS's application processes do not disadvantage any applicant. All eligible candidates are guaranteed processes which do not discriminate on any basis.

All processes include flexibility for working with candidates who have special needs.

The characteristics of potential candidates are individually identified to enable flexibility of assessment and appropriate support mechanisms.

All candidates will be afforded the confidential opportunity to disclose any situation they believe may require additional or different support or assistance to ensure their success. Support plans will be developed and documented clearly identifying those services that are financially covered by MTA GTS. Those that may be provided freely through other avenues and those that the apprentice/trainee will bear costs for.

Appropriate and effective complaints and appeal resolution mechanisms linked to a pro active continuous improvement process are in place to review and remediate any issues that may be identified.

Apprentice/Traineeship candidates have access to the Access Equity & Fairness Policy, Appeals Policy and Complaint Policy via the MTA GTS website, application pack and induction process.

Current Apprentice/Trainees have access to the Access Equity & Fairness Policy, Appeals Policy and Complaint Policy via the MTA GTS website and their Apprentice/Trainee Handbook.



### ZERO TOLERANCE

For the purposes of this document 'zero tolerance' means the high potential for disciplinary action or termination of contract or removal of apprentice/trainee from hosting if allegations of misconduct in relation to this policy are proven to be true.

Note: MTA GTS will enforce zero tolerance, which includes disciplinary action or termination of contract or removal of apprentice/trainee from hosting, in regards to complaints of a false, frivolous or malicious nature.

All stakeholders are strongly encouraged to discuss any issues and/or request further information regarding access and equity.

### Zero Tolerance Classified Behaviours

\*\*Many forms of harassment and all forms of bullying are prosecutable offences under Australian law. MTA GTS may be required to notify Police in the event of such incidences occurring.

A stakeholder will be deemed to have committed a breach of the following behaviours, intentionally or unintentionally, in circumstances where a person would reasonably be able to anticipate that the person being harassed, bullied or discriminated against would be offended, humiliated, intimidated or otherwise negatively affected.

The boundaries of what constitutes harassment, victimisation and bullying may vary from person to person and these may vary dependent upon the relationships.

All stakeholders should be conscious that every individual's perception of improper behaviour may be different to another and therefore should err on the side of caution. In regards to bullying, unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

MTA GTS zero tolerance applies to the breach of any individual or a number of the following standards:

#### ***Equal Opportunity (EEO)***

***BULLYING*** is defined as 'repeated, unreasonable behavior directed towards a worker or a group of workers that creates a risk to health and safety'. Bullying is behaviour of a physical, written, verbal or non-verbal nature, directed toward an individual or group of individuals and which is considered unreasonable or anti-social behaviour that is offensive, degrading, intimidating or humiliating. This behaviour can include but is not limited to public reprimand or behaviour intended to punish, ridicule, insult, or may be based in unsubstantiated allegations and cruelty.

***HARASSMENT** is an unwelcome and unwarranted behaviour that offends, intimidates, humiliates or embarrasses another person. This behaviour can be written, physical, verbal or visual in nature. Harassment is not necessarily deliberate or intentional and can be one incident or several incidents occurring over a period of time. Harassment may be accompanied by an expressed or implied threat. Unlawful harassment occurs when someone is made to feel intimidated, offended or humiliated because of their race, colour, nationality, ethnic origin, sex, disability, sexual preference or some other characteristic specified under antidiscrimination or human rights legislation.*

*Harassment and bullying are unwelcome, unsolicited and non-reciprocated behaviours. They may be intentional or unintentional and may take many forms, such as verbal, written or physical. Regardless of the intent or the form it takes, the distress caused to the victim is the same.*

Harassment should not be confused with legitimate comment and constructive advice given appropriately by MTA GTS employees, contractors or Host Employers.

### ***Discrimination***

***DISCRIMINATION** is behaviour that results in a person, or a group of people, being treated less favorably than another or others due to certain personal attributes. These attributes may include, but are not limited to race, colour, nationality or ethnic origin, sex, pregnancy or marital status, age,, disability, religion, sexual preference, trade union activity, or some other characteristic specified under anti discrimination or human rights legislation.*

Discrimination is broadly defined as treating one person unfairly over another based on factors that are unrelated to their ability or potential. State and Federal legislation also protects people from discrimination and from being treated unfairly because they have complained about discrimination.

Direct or indirect discrimination on the basis of one or more of the following attributes is unlawful:

- Age
- Sex
- Physical, psychiatric or intellectual illness or impairment
- Breastfeeding
- Gender identity



- Lawful sexual activity/ sexual orientation
- Marital status
- Physical features
- Political affiliation
- Pregnancy
- Nationality and/or cultural background
- Religious affiliation
- Status as a parent or carer

Additionally, MTA GTS does not permit discrimination based on Residential address.

### ***Sexual Harassment***

*SEXUAL HARASSMENT may include but not be limited to sexual propositions or advances, verbal or written requests of a sexual nature, sexually explicit conversations, sexual suggestions or innuendos, gender-based insults and taunting, invasive questioning, physical contact and the display of offensive material (e.g. posters, cartoons, jokes, graffiti, magazines, screensavers, email).*

### **AWARENESS & RIGHTS**

- MTA GTS stakeholders are expected to be conscious of actual and potential differences and to actively recognise and respect the boundaries directly or indirectly set by others.
- All people associated with MTA GTS may expect the following rights to;
  - be treated with respect and fairly;
  - be emotionally and physically safe in the environment;
  - have all reports of harassment treated respectfully, seriously, impartially, sensitively, with reasonable confidentiality and for those issues to be addressed immediately and appropriately;
  - have complaints resolved by a process of discussion, cooperation and conciliation; and
  - receive information, support and assistance for all parties involved in the complaint and in resolving the issue.



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- No person lodging a complaint, or assisting in the investigation of a complaint, will be victimised or treated unfairly.
- All stakeholders are expected to participate in the complaint resolution process in good faith.

### Harassment/bullying of another MTA employee

Harassment (including sexual harassment) and bullying and social media has the same potential consequences as other harassment/bullying in the workplace. Cyber-bullying is an extremely serious matter, and will not be tolerated by the MTA.

An employee must not make any contribution to social media that harasses or bullies another employee of MTA.

If an employee of MTA is harassed or bullied on social media by another employee of MTA, they are able to make a complaint under the Discrimination, Bullying and Harassment Complaint Procedure; the Apprentice Complaint Procedure and as detailed below.

### PROCEDURE

#### Reporting

Apprentice/Trainees who have concerns regarding any form of harassment, bullying, discrimination and/or racial vilification or other inappropriate conduct should report these **immediately** to their Field Officer.

Where the Field Officer is not available the initial report should be made to the GTO Manager.

If an apprentice or student is traumatised and does not feel able to speak with either their Field Officer or the GTO Manager they may report the situation to a member of staff with whom they feel most comfortable. That staff member must notify the Field Officer and/or the GTO Manager immediately.

Both the Field Officers and GTO Manager are located in the Administration Building at the MTA GTS Training and Employment Centre, 3 Frederick Road, Royal Park, phone 8241 0522.

Initially, the report may be made verbally; however, all complaints or identified issues must be documented in the Complaints & Appeal Report Form by the Field Officer or GTO Manager.

*\*\*Please refer to Complaint Process and associated documentation for detailed information on the handling of all complaints.*



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### **Record Keeping**

The process must be:

- documented at each step using the Complaint/Appeal Report Form;
- registered in the Complaint/Appeal Register; and
- a copy is filed in line with Australian Privacy Principles.

Once the process has been completed all documentation must be scanned and uploaded into the Apprentice's Job Ready electronic file.

Where the allegations are proven documentation is to be uploaded into their Apprentice Job Ready electronic file, employee file, Host Employer as may be relevant.

### **AUTHORITY & DELEGATION**

MTA GTS employees, contractors, Board Members and Host Employers are authorised to remove an apprentice/trainee from a harmful situation without prior consultation with MTA GTS senior management.

All actual or suspected harmful situations **must** be reported **immediately** to the GTO Manager.

The GTO Manager, will investigate and where deemed appropriate remove either the complainant or the alleged perpetrator from the situation if they have not already been removed by another stakeholder. The GTO Manager will keep the General Manager Services & Recruitment and/or the CEO updated as may be appropriate.

### **FRIVOLOUS OR MALICIOUS COMPLAINTS**

A 'Frivolous' or 'Malicious' Complaint is a fictitious complaint, one made intentionally without foundation or to cause detriment or mischief or made anonymously with or without cause.

MTA GTS maintains Zero Tolerance policy in regards to this type of complaint.

Any complainant found to have made a 'Frivolous' or 'Malicious' Complaint, either directly or anonymously, will face disciplinary action that may lead to termination of employment or contract or in the case of an apprentice/trainee removal from hosting.



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### **PRIVACY**

All discussions related to apprentice/trainees must be kept confidential and records and information must be recorded and filed in line with this policy and procedure, the Motor Trade Association of SA Inc. Privacy Statement, MTA GTS Record Management Policy and the Australian Privacy Principles of the Privacy Act 1988. Where there is a difference between any of these the greater level of privacy will be implemented.

Breaches of privacy will be subject to disciplinary action for MTA employees, termination of contract for contractors, cancellation of training contract for RTOs and potential discontinuance of Hosting arrangements for Host Employers.