

Compliance with Legislation

Preamble:

Australian Institute of Business (AIB) is committed to compliance with:

- all legislation that governs the provision of Higher Education by providers situate in Australia;
- all general legislation that impact upon the advertising or provision of services by AIB including the Trade Practices Act and the Copyright Act;
- all legislation that affects the rights and obligations of staff and students as set out in the following Appendices:
 - Equal Opportunity
 - Equal Employment Opportunity
 - Sexual Harassment
 - Occupational Health Safety and Welfare Policy

Purpose:

To ensure that AIB practices and procedures comply with all applicable legislation and to further ensure that all staff and students are aware of their legal rights and obligations.

Scope:

All aspects of the academic, administrative and marketing activities of AIB are to be undertaken in a manner that is consistent with this Policy.

This Policy has immediate application and applies to all practices and procedures, both new, and existing at the date of this Policy. Current practices and policies shall be modified to the extent necessary to ensure consistency with this Policy.

Detail:

Prior to the creation or renewal of new contracts or arrangements with staff, teaching centres, research centres, consultants or students they are to be reviewed by the Director of Corporate Affairs to ensure compliance with all relevant legislation.

Staff and students are provided with information about relevant legislation in the Student Handbook, Staff Handbook and their respective contracts and arrangements with AIB.

Related Forms and Documents:

Contracts and Arrangements Compliance Checklist”

Student Handbook

Staff handbook

Responsibility:

Director of Corporate Affairs

Current Status

Approved By: Board of Directors

Date of Approval: 27 October 2008

EQUAL OPPORTUNITY POLICY AND PROCEDURES

1.0 Equal Opportunity

Equal opportunity is concerned with fair treatment and it is a positive way of describing the absence of discrimination and harassment. People are provided with equal opportunity if they are not discriminated against or harassed because of irrelevant characteristics such as age, sex, race, sexuality, disability, marital status or pregnancy.

Equal opportunity laws oblige people not to do certain acts, and provide a remedy for individuals when the unlawful acts are done.

Equal opportunity laws also allow special initiatives designed to overcome the results of long-term discrimination suffered by certain groups.

2.0 Statement of Commitment

The management of Australian Institute of Business (AIB) has a firm commitment to Equal Opportunity principles and will ensure that no staff, client or potential staff member or client is subjected to discriminatory policies or practices or procedures exist:

- when providing goods and services to our clients;
- when offering or providing education;
- when offering or providing accommodation;
- when offering membership of our club/association and providing the benefits of that membership; when advertising; and
- when giving approval to qualifications.

In addition, harassment (that is, annoying or pestering) of any type will not be tolerated.

3.0 The Law

The Equal Opportunity Act 1984 (South Australia) focuses on discrimination on the grounds of:

- **Sex** (that is, whether a person is male or female);
- **Sexuality** (that is, whether a person is homosexual, heterosexual, bisexual or transsexual);
- **Marital Status** (that is, whether a person is single, married, widowed, divorced, separated, or living in a de facto relationship);
- **Pregnancy**;
- **Race** (that is, a person's country of birth, ancestry, color of skin, or nationality);
- **Physical Disability** (that is, the loss or imperfect development of physical or mental faculties resulting in reduced physical or intellectual capacity);
- **Age** (which covers all ages).

Discrimination on any of the grounds listed is unlawful if it occurs in any of the following areas of public life which affect AIB clients:

- **Provision of Goods or Services** (which includes all dealings with businesses, trades, professions, and governments);
- **Education** (at all levels);
- **Accommodation** (of any sort, and while seeking it or being provided with it);
- **Clubs and Associations** (in the sorts of membership and the sorts of benefits offered);

- **Conferral of Qualifications** that are needed for employment; and
- **Advertising** that indicates an intention to break the law.

Also made unlawful by the Equal Opportunity Act are sexual harassment and victimisation and the subjecting of an employee to “a detriment”.

Sexual harassment is behaviour:

- that has a sexual element to it;
- is unwelcome to the person it is directed at;
- makes that person feel (with reason) humiliated or offended or intimidated.

Victimisation means treating someone unfairly because they have acted on the rights given them by equal opportunity law, or because they have supported someone else who acted on those rights.

a “**detriment**” is defined to include humiliation or denigration.

4.0 Discrimination

Unlawful discrimination means treating someone differently and less favourably because of one of the grounds spelled out in law. That is, in South Australia, on the grounds of sex, sexuality, marital status, pregnancy, race, disability or age.

Discrimination need not be DIRECT or open. It also can be INDIRECT, and harder to detect because it is built into the structure of an organisation, or into policies or practices or “the way things are done”.

INDIRECT DISCRIMINATION happens when there is a requirement that at first sight seems to treat everyone equally, but which in fact has an unfavourable effect on one group of people. For example, to say that only people over 180 cm. tall could apply for a job would have an unfavourable effect on women and on some ethnic groups, and would be unlawful Indirect Discrimination on the grounds of sex and race **unless** it could be proved that the job could only be done by someone over 180 cm. tall.

5.0 Rights And Responsibilities

The Equal Opportunity Act gives rights and responsibilities to employees, employers, and clients.

Employees have the right to work in an environment free of discrimination and harassment.

Employees have the responsibility not to discriminate against or harass other employees, or clients.

Employers have the responsibility to ensure that the workplace and the services given to clients are free of discrimination and harassment. Employers and managers and supervisors have a legal responsibility to take all reasonable steps to make sure this happens. This Policy is one of the steps taken by AIB.

All employees will be made aware of this Policy, and have a responsibility to adhere to it. All managers and supervisors will be expected to implement it.

6.0 What This Means In Practice

As an employer, AIB will ensure that there is no discrimination:

- when recruiting and selecting staff;
- in policies, practices and procedures (including unwritten ones);
- in terms and conditions of work;
- in training, promotion and transfer; and
- in the methods and reasons for dismissal or retrenchment.

In addition, sexual or other harassment will not be tolerated. As a service provider, AIB will ensure that there is no discrimination:

- when people are applying for the service; and
- in the way the service is delivered.

7.0 Complaints Of Discrimination

The Board of Directors has ultimate responsibility for Equal Opportunity.

Day-to-day responsibility has been delegated to the Registrar on 8212-8111.

Any complaints will be dealt with confidentially, quickly, seriously, and in an unbiased manner.

In addition, any person has the right at any time to contact the Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination. You can phone, write, or call in to:

30 Wakefield Street,
Adelaide. S.A. 5000.

Phone: 8226-5660. Country toll free line: 1800 188 163.

EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROCEDURES

1.0 Equal Employment Opportunity

Equal employment opportunity is concerned with people being given a fair go when they are at work, and when they are looking for work. Equal employment opportunity means treating people as individuals with different skills and abilities, without making judgements about them based on stereotypes, or on characteristics (such as sex, age, race, sexuality, disability, pregnancy or marital status) that are irrelevant to a person's capacity to do the job.

Equal employment opportunity means ensuring a work environment that allows all employees to work to their full potential, and that is free from all forms of discrimination and harassment, including sexual harassment.

Equal employment opportunity works on the merit principle, so that the applicant who best meets the needs of the job is the one selected, and the worker who best meets the needs of the job is the one retained. Equal employment opportunity is thus a matter of management "best practice".

2.0 Statement Of Commitment

Australian Institute of Business (AIB) has a firm commitment to the principles of Equal Employment Opportunity and will ensure that no staff member or potential staff member is subjected to discriminatory policies or practices in any aspect of employment. In addition, harassment (that is, annoying or pestering) of any type will not be tolerated.

3.0 The Law

The Equal Opportunity Act 1984 (South Australia) focuses on discrimination on the grounds of:

- **Sex** (that is, whether a person is male or female);
- **Sexuality** (that is, whether a person is homosexual, heterosexual, bisexual or transsexual);
- **Marital Status** (that is, whether a person is single, married, widowed, divorced, separated, or living in a de facto relationship);
- **Pregnancy**;
- **Race** (that is, a person's country of birth, ancestry, color of skin, or nationality);
- **Physical Disability** (that is, the loss or malfunctioning or malformation of any part of the body);
- **Intellectual Impairment** (that is, the loss or imperfect development of mental faculties resulting in reduced intellectual capacity);
- **Age** (which covers all ages).

Discrimination on any of the grounds listed is unlawful if it occurs in most areas of public life, including employment. All aspects of employment are covered. This includes:

- when recruiting and selecting staff;
- in policies, practices and procedures (including unwritten ones);
- in terms and conditions of work;
- in training, promotion and transfer;
- in the methods and reasons for ending employment.

All types of employees are covered. This includes:

- applicants for positions;
- current employees, whether full time, part time or casual;
- volunteers and unpaid workers;
- agents remunerated by commission;
- contract workers.

Also made unlawful by the Equal Opportunity Act are sexual harassment and victimisation and the subjecting of an employee to “a detriment”. Each of these terms is defined:

Sexual harassment is behaviour:

- . that has a sexual element to it;
- . is unwelcome to the person it is directed at;
- . makes the person feel (with reason) humiliated or offended or intimidated.

Victimisation means treating someone unfairly because they have acted on the rights given them by equal opportunity law, or because they have supported someone else who acted on those rights.

A “**detriment**” is defined to include humiliation or denigration. So, harassment on any of the grounds covered by the Act (that is, race, sex, sexuality, marital status, pregnancy, age, or disability) would amount to a “detriment”.

4.0 Discrimination

Unlawful discrimination means treating someone differently and less favourably because of one of the grounds spelled out in law. That is, in South Australia, on the grounds of sex, sexuality, marital status, pregnancy, race, disability or age.

Discrimination need not be DIRECT or open. It can be INDIRECT, and harder to detect because it is built into the structure of an organisation, or into policies or practices or “the way things are done”.

INDIRECT DISCRIMINATION happens when there is a requirement that at first sight seems to treat everyone equally, but which in fact has an unfavourable effect on one group of people. For example, to say that only people over 180 cm. tall could apply for a job would have an unfavourable effect on women and on some ethnic groups, and would be unlawful Indirect Discrimination on the grounds of sex and race **unless** it could be proved that the job could only be done by someone over 180 cm. tall.

Discrimination is also defined as failing to provide special assistance or equipment that is needed by a person with a disability, unless it is unreasonable to do so.

5.0 Rights And Responsibilities

The Equal Opportunity Act gives rights and responsibilities to employees (and potential employees) and employers.

- Potential employees have the right to have decisions about who should be offered a job made on merit.
- Employees have the right to work in an environment free of discrimination and harassment.
- Employees have the responsibility not to discriminate against or harass other employees.

- Employers have the responsibility to ensure that the workplace is free of discrimination and harassment.
- Employers and managers and supervisors have a legal responsibility to take all reasonable steps to make sure this happens.

6.0 What This Means In Practice

This Policy is one of the steps taken by AIB. The other steps are:

- The Registrar will be responsible for implementing this policy.
- Managers and supervisors will be trained in this policy and its implementation by means of regular workshops and meetings.
- Employees will know about this policy through regular workshops and meetings.

7. Complaints Of Discrimination

The Board of Directors has ultimate responsibility for Equal Employment Opportunity. Any complaints about breaches of this policy will be dealt with seriously, confidentially and quickly. The person to contact in the first instance is the Registrar on 8212-8111.

In addition, any person has the right at any time to contact the Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination. You can phone, write, or call in to:

30 Wakefield Street,
Adelaide. S.A. 5000.

Phone: 8226-5660. Country toll free line: 1800 188 163.

SEXUAL HARASSMENT POLICY AND PROCEDURES

1.0 Sexual Harassment

Sexual harassment is a general term covering many forms of unwelcome behaviour of a sexual nature or having sexual connotations. This can include:

- touching another person's body;
- offensive visual material (e.g. as posters, or via computers);
- spoken comments or jokes;
- requests for sexual favours;
- repeated requests for dates after having been refused;
- abusing a position of power to try to obtain sexual favours.

The key word is UNWELCOME. If any of the above behaviours is unwelcome and it is reasonable for the person to whom it is directed to feel offended, humiliated or intimidated, then it is sexual harassment - regardless of the intentions of the person doing the behaviour.

Sexual harassment can also encompass a general climate in a workplace. It can create an uneasy, intimidating, hostile environment which has a bad effect on health, work performance, job satisfaction and productivity. Sexual harassment very often has little to do with sex and a lot to do with one person exercising power over another. The second person often is not in a position to demand that the behaviour stop.

Humour, friendship and relationships based on mutual consent are NOT sexual harassment. However, consent is something actively given, as opposed to "just going along with" because of being too uncomfortable, embarrassed or scared to object openly.

Sexual harassment can involve employer and employee (or potential employee), employee and employee, or employer/employee and client. All categories of employee are covered (e.g. full-time, contract, casual, unpaid, agent, voluntary). Sexual harassment can involve male and female, male and male, or female and female.

2.0 Statement Of Commitment

The management of Australian Institute of Business (AIB) regards sexual harassment as a serious and important issue. We believe that anyone who works for us, or who applies for a job with us, and everyone with whom we deal in our daily work has a right to be treated with respect and dignity.

AIB has a firm commitment to ensuring the workplace is free from sexual harassment, and will take all necessary steps to make this happen. AIB will treat all complaints of sexual harassment seriously, and will ensure they are dealt with promptly, impartially, and confidentially. If sexual harassment is found to have taken place, appropriate disciplinary action will be taken.

3.0 The Law

The Acts which make sexual harassment unlawful in South Australia are:

- The Equal Opportunity Act 1984 (South Australia) (section 87); and
- The Sex Discrimination Act 1984 (Commonwealth) (section 28).

In relation to sexual harassment in the workplace, these Acts apply in all aspects of employment (including recruitment and selection) and while providing goods or services.

Both the person who does the harassing and that person's employer may be liable if the harassment is proven. If the employer does not take all reasonable steps to prevent sexual harassment, or is aware of an incident and does nothing, then the employer is held to authorize the behaviour and can be liable for their employee's conduct.

4.0 Victimization

Victimization is unlawful. Victimization means treating someone unfairly because they acted on rights given them by equal opportunity laws (such as to seek advice, or to complain), or supported someone else acting on their rights. A person who is victimised (e.g. by being sacked or demoted, or by having hours lessened, or by being subjected to taunts by other workers) could lodge a complaint with the Commission. Victimization is treated very seriously and may attract severe financial penalties.

5.0 Rights And Responsibilities.

In relation to sexual harassment, equal opportunity laws give rights and responsibilities to employees (and potential employees), to employers, and to people who are being provided with goods or services:

- Potential and current employees have the right not to be sexually harassed by other employees or by the employer.
- Potential and current employees have the responsibility not to sexually harass other employees or people to whom they are providing goods or services.
- Employees have the right to be protected by their employers from sexual harassment by the people to whom they provide goods and services.
- People who are being offered or provided with goods or services have the right not to be sexually harassed by the providers of those goods or services.
- Employers have the responsibility to ensure that the workplace is free of sexual harassment, and that clients are not sexually harassed while being provided with goods or services. Employers and managers and supervisors have a legal responsibility to take all reasonable steps to make sure this happens.

6.0 What This Means In Practice

AIB will take whatever steps are necessary to ensure that everyone in the workplace knows:

- what sexual harassment means;
- that it is against the law; and
- that it will not be tolerated.

The issuing of this Policy is one step. The other steps are:

- the Board of Directors has ultimate responsibility for ensuring the workplace is free of sexual harassment, the Registrar is responsible for implementing this policy.
- managers and supervisors have a direct responsibility to make sure that employees know about this policy and adhere to it. Managers and supervisors are trained in this policy and its implementation and employees will know about this policy through regular workshops and meetings.

7.0 Complaints Of Discrimination

Any complaints about breaches of this policy will be dealt with seriously, confidentially and quickly. In the first instance, advice and assistance can be provided by the Registrar on: 8212 8111.

The decision about what further action to take (if any) lies with the person with the complaint. If sexual harassment is found to have taken place, disciplinary action will be taken. Apart from these internal ways of complaining, any person has the right at any time to contact the Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination. You can phone, write, or call in to:

30 Wakefield Street,
Adelaide. S.A. 5000.

Phone: 8226-5660. Country toll free line: 1800 188 163.

The Board of Directors accepts that the absence of sexual harassment leads to a more stable, more contented and therefore more productive workforce, in which people are treated fairly and with respect.

Occupational Health Safety And Welfare Policy

Australian Institute of Business (AIB) is committed to ensuring that all employees are safe from injury and risks to health at work. The Registrar is the responsible officer of AIB.

AIB recognises that the Occupational Health, Safety and Welfare of employees is of primary importance and is ranked above other operational considerations.

AIB is not only committed to ensuring that all legislative requirements are met but to maintaining a position of excellence in its handling of the occupational health, safety and welfare issues affecting its workforce.

This policy is to be read in conjunction with the Schedule of OHS&W Roles and Responsibilities.

2.0 Policy Objectives

AIB aims to excel in its management of Occupational Health, Safety & Welfare. It will set the highest standards in meeting its obligations to provide the following:

- A safe workplace and a safe and healthy working environment.
- Safe systems of work.
- Plant and substances in a safe condition.
- Information, instruction, training and supervision as are necessary to ensure that each employee and student is safe from injury and risks to health.
- Effective means of consultation with employees on all occupational health, safety and welfare issues.
- Effective procedures for the identification, assessment and control of occupational hazards.
- Effective injury and illness reporting, recording and investigation.
- Adequate facilities, including access to medical and health services.
- Effective systems for monitoring the health, safety and welfare of employees' working condition.
- Effective rehabilitation measures for employees who suffer work-related injuries and illness.

3.0 Consultation

AIB is committed to encouraging consultation and co-operation between management and employees on health and safety issues. The arrangements in place for this consultation are:

- The establishment of an Occupational Health Safety and Welfare sub-committee of the Management Committee.
- The election of a health and safety representative.
- The requirements for managers to consult with the workplace health and safety representative on matters affecting the health safety and welfare of staff under their control.
- The expectation that employees will bring to the attention of managers or the elected health and safety representative any hazards in their workplace or matters that adversely affect their health, safety or welfare.
- The requirements that the health and safety committee assists in the formation and dissemination of information that assists employees to identify and resolve workplace hazards and thereby encourages them to consult with their supervisors or elected committee representatives.

4.0 Preventative Strategies

AIB recognises that a preventative approach is the most effective means of managing an Occupational Health, Safety and Welfare programme. This approach is dependent upon the following strategies:

- Supervisors and managers being responsible and accountable for the Occupational Health, Safety and Welfare of staff and students under their control.
- Management effectively consulting with the health and safety representative, occupational health and safety committee representatives and employees on matters affecting the occupational health, safety and welfare of employees.
- All occupational health, safety and welfare policies must document the responsibilities and procedures for achieving the aims and objectives. They are to be integrated with and complementary to all other operating policies and procedures.
- Adequate training and instruction must be given to all managers, supervisors, health and safety representatives, committee representatives and employees to allow them to meet their responsibilities.

5.0 Rehabilitation

Through successful management of Occupational Health, Safety and Welfare, AIB aims to minimise the risk of work-related injuries and illness.

Where work-related injuries and illness do occur, high quality effective rehabilitation programmes will be developed and implemented for each injured or ill employee. The aim of these programmes will be the early and safe return to work of the injured or ill employees, in suitable employment.

The Registrar has the responsibility for co-ordinating rehabilitation of employees suffering work-related injuries or illness.

6.0 Policy Implementation

This policy is to be implemented by all staff according to the stated schedule of OHS&W Roles and Responsibilities to ensure that the objectives of this policy are achieved.

7.0 Dissemination Of Policy

AIB will provide each employee with a copy of the Occupational Health, Safety and Welfare policy.

DISABILITY POLICY

AIB has a firm commitment to the principles of disability access.

The training premises of the Adelaide Campus are accessible to disabled people by means of a ramp leading into the building from the street as well as a lift to all upper floors.

Blind participants will be permitted to have a companion to help with transport, note taking etc.

This Policy is one of the steps taken by AIB. The other steps are:

- The Registrar has day-to day responsibility for implementing this policy.
- Managers and supervisors will be trained in this policy and its implementation by means of regular workshops and meetings.
- Employees will know about this policy through regular workshops and meetings.

The AIB management has ultimate responsibility for Disability Access. Any complaints about breaches of this policy will be dealt with seriously, confidentially and quickly. The person to contact in the first instance is the Registrar on 8212-8111.

In addition, any person has the right at any time to contact the Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination. You can phone, write, or call in to:

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