

1. Purpose

Assured Learning Australia recognises the right of all staff and learners to an RTO environment free from harassment, bullying and discrimination and is committed to providing safe and inclusive campus communities.

Assured Learning Australia has zero tolerance for harassment, bullying and discrimination and expects that all staff will behave professionally, with respect for others in accordance with the Code of Conduct and relevant legislation.

Assured Learning Australia acknowledges the oversight role of the Australian Human Rights Commission in monitoring positive duty obligations under the Sex Discrimination Act 1984 and commits to ongoing compliance and cooperation.

2. Policy Statement

Assured Learning Australia (RTO# 52765) is committed to providing quality training and assessment products and services in compliance with the 2025 Standards for Registered Training Organisations (RTOs).

This policy applies to all employees and any other workers such as contractors engaged by Assured Learning Australia. It applies in the workplace, when you are working off-site and during any activity undertaken in the course of employment, including work-related events such as business trips, meetings, social events and training programs.

This policy reflects our leadership's commitment to upholding a culture of fairness, integrity and transparency, as outlined in Outcome Standard 4.1 of the 2025 Standards for RTOs. Governing persons at Assured Learning Australia are responsible for leading and modelling respectful and professional behaviour, and for ensuring systems are in place to prevent, respond to and learn from incidents of bullying and harassment.

Any grievances raised under this policy will be treated seriously and as confidentially as possible. You will not be penalised or disadvantaged as a result of raising any genuine concern or complaint.

Relevant and appropriate disciplinary action will be taken against anyone found to have breached this policy, which may include, but is not limited to summary dismissal.

This policy should be read in conjunction with:

- Learner Support Policy and Procedure - support for learners affected by bullying or harassment is guided by our Learner Support Policy, which outlines referral procedures and wellbeing support services in line with Outcome Standard 2.6.
- Privacy Policy and Procedure
- Access and Equity Policy and Procedure - this policy reflects our obligations under Outcome Standard 2.5 to foster a safe and culturally inclusive learning environment for all learners, including First Nations learners.

3. Definitions

Discrimination

Discrimination occurs when a person treats, or proposes to treat, another person less favourably than another person because of a protected attribute (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because they would be unable to participate or comply due to a protected attribute (indirect discrimination). The grounds under which discrimination is unlawful and on which discrimination in this policy is based are stated in the Equal Opportunity Act 1984 (Western Australia).

Unlawful workplace discrimination, as defined in the Fair Work Act 2009 (Commonwealth), occurs when an employer takes adverse action against a person who is an employee or prospective employee because of the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Examples of direct discrimination include where an employer refuses a promotion to a staff member after they have disclosed that they are gay (discrimination based on sexual orientation); and not hiring a young woman who has recently gotten engaged for fear she may get pregnant (sex discrimination).

It could be indirect sex discrimination if a policy says that managers must work full-time, as this might disadvantage women because they are more likely to work part-time because of family responsibilities. The Australian Human Rights Commission Act 1986 and other supporting federal legislation also prohibits discrimination in employment and includes a broad range of attributes and grounds for discrimination in addition to those in State discrimination laws.

Harassment

Harassment is repeated behaviour that is directed at an individual or group of learners or staff and is offensive, humiliating, intimidating or threatening. The behaviour is often unwelcome and makes it difficult for effective work or study to be conducted.

Harassment occurs in circumstances where a reasonable person would have expected that the behaviour was going to be offensive, humiliating or intimidating and may be sexual in nature or based on sex, gender, gender identity, race, disability, sexual orientation or a range of other attributes.

Examples of harassment include telling insulting jokes about racial groups; sending offensive emails or messages; sexist jokes or anecdotes including gender-derogatory nicknames; or asking repeated intrusive questions about someone's personal life, for example asking about their family plans or commitments or their sexual orientation.

Sexual Harassment is a form of harassment and includes any unwelcome or unsolicited conduct of a sexual nature that is offensive, humiliating, intimidating or threatening. The behaviour does not have to be repeated for it to constitute sexual harassment. Sexual harassment is unlawful under the Sex Discrimination Act 1984 (Commonwealth) and constitutes misconduct.

Sexual Assault

Sexual assault is unlawful and constitutes serious misconduct. Sexual assault is any unwanted or forced sexual act or behaviour that occurs without consent. Sexual assault occurs when a person indecently assaults another person or procures another person, without their consent, to commit a sexual act.

Consent

Consent must be freely and voluntarily given by a person with the cognitive capacity to do so and can be revoked at any time. Consent cannot be given by an individual who is unconscious or asleep or under the influence of drugs or alcohol.

Further, and in accordance with state criminal codes a person's consent to an act is not freely and voluntarily given if it is obtained:

- by force; or
- by threat or intimidation; or
- by fear of bodily harm; or
- by exercise of authority; or
- by false and fraudulent representations about the nature or purpose of the act; or
- by a mistaken belief induced by the accused person that the accused person was the person's sexual partner.

Workplace Bullying

As outlined in the Fair Work Act 2009, a worker is bullied at work when an individual, or group of individuals repeatedly behaves unreasonably towards the worker, or a group of workers and the behaviour creates a risk to health and safety.

Examples of bullying are excluding a person from work related events; behaving aggressively towards others; and placing unreasonable work demands on a staff member or group of staff. Workplace bullying can be carried out in a variety of ways including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging or other social media channels.

In some cases, workplace bullying can continue outside of the workplace. Workplace bullying can also be directed at or perpetrated by other people at the workplace such as clients, patients, learners, customers and members of the public (Safe Work Australia, Guide for Preventing and Responding to Workplace Bullying, 2016).

Bullying and harassment are recognised as psychosocial hazards under the Work Health and Safety Act 2020 (WA) and are managed in accordance with the Code of Practice for Managing Psychosocial Hazards at Work.

Harassment and bullying conducted via online learning platforms, social media, or messaging systems are treated with the same seriousness as in-person incidents.

Vilification

Unlawful vilification is a public act which is capable of inciting hatred, serious content for, or severe ridicule of a person or group of persons on the grounds of race, religion, sexuality or gender identity. Examples of vilification are racist or antireligious artworks or expressions painted on buildings; and calling out or broadcasting racist, homophobic or transphobic remarks and inviting others to do the same.

As outlined in the state Anti-Discrimination legislation there are some exceptions which ensure the right of freedom of speech is not unduly restricted, including, but not limited to, a public act done reasonably and in good faith for purposes in the public interest, including discussion and debate or for academic, artistic, scientific, or research purposes.

Consensual Personal Relationship

Consensual personal relationships include consensual sexual, intimate and/or romantic relationships between adults of any sex or gender identity. Relationships of this kind may be on a casual, periodic or regular basis and may or may not constitute a primary relationship.

A familial relationship of spouse or de facto partner also constitutes a consensual personal relationship.

4. Prevention

Assured Learning Australia is committed to promoting and supporting equity, diversity and inclusion and aims to eliminate all forms of workplace harassment, bullying and discrimination from its campuses. Understanding that trainer & assessors hold a position of authority over learners, the importance of clear communication is of utmost importance.

Assured Learning Australia will ensure that staff are informed of this policy and their responsibilities in ensuring that it is upheld. Further, Assured Learning Australia will ensure that managers and other supervisory staff are aware of and act on their responsibilities in the prevention, as far as possible, of harassment, bullying and discrimination and in responding to and resolving complaints in accordance with the procedures.

All staff, including those with supervisory and/or management roles, have a responsibility to prevent, as far as possible, and if necessary, respond to behaviour such as bullying, harassment and discrimination. As such, all staff are recommended to complete harassment and discrimination training online, both on commencement at Assured Learning Australia and then at least every two years to ensure that their knowledge is up to date.

Positive Duty to Eliminate Sexual Harassment and Hostile Work Environments

In accordance with the *Sex Discrimination Act 1984* (Cth), as amended under the Respect@Work reforms, Assured Learning Australia recognises that it has a positive duty to take reasonable and proportionate measures to eliminate, as far as possible, sexual harassment, sex-based harassment, hostile work environments, and victimisation. This obligation applies to all work and training settings, including on-campus, online, at work placements, and during off-site activities.

To meet this duty, Assured Learning Australia implements the following proactive measures:

- **Leadership and Culture:** Our leadership team sets a clear tone of zero tolerance for harassment. Senior staff model respectful behaviour, uphold accountability, and ensure that integrity and fairness are embedded in all decision-making.
- **Policy and Procedure Framework:** Our Bullying and Harassment Policy is reviewed annually to reflect current legislation. It outlines definitions, expectations, reporting processes, and consequences for breaches, and is supported by related policies such as the Access and Equity Policy, Learner Support Policy, and Code of Conduct.

- **Staff Induction and Ongoing Training:** All staff, including contractors and trainers, must complete anti-discrimination and harassment training on induction and every two years thereafter. This includes modules on sexual harassment, trauma-informed practices, and managing disclosures.
- **Learner Awareness and Prevention Education:** Learners are informed of their rights and responsibilities at enrolment, during orientation, and through learner handbooks and accessible platforms. Campaigns and reminders reinforce safe conduct in learning environments.
- **Accessible Complaints System:** We provide multiple avenues for informal disclosures and formal complaints, with options to report anonymously or seek third-party support. All complaints are managed fairly, confidentially, and in accordance with natural justice.
- **Support for Affected Persons:** Individuals who disclose or report sexual harassment are supported through referral to internal wellbeing contacts or external agencies, such as sexual assault services or counselling support. Immediate protective measures (e.g., separation from alleged perpetrators) are implemented as required.
- **Monitoring and Continuous Improvement:** Assured Learning Australia tracks incidents and complaints to identify systemic risks or trends. This data informs policy updates, risk management reviews, and staff training priorities. Any patterns of concerning behaviour are addressed at the governance level.

By taking these actions, Assured Learning Australia strives to create a learning and working environment that is safe, inclusive, and free from sexual harassment or discrimination.

Disclosures and Complaints

Assured Learning Australia has zero tolerance and provides options for informal disclosure and formal complaints. Complaints will be treated seriously and investigated promptly. All documentation related to the resolution process will be confidential with the principles of natural justice applied.

Assured Learning Australia expects that all complaints made under this policy will be made in good faith.

Disciplinary procedures may be initiated if a complaint is found to be frivolous or vexatious.

Assured Learning Australia does not tolerate victimisation of individuals who have acted under this policy and will take reasonable steps to ensure that affected individuals are not victimised.

In the event that complaints provide evidence of unlawful activity, this information will be provided to the police for full investigation. Assured Learning Australia will cooperate with any legal investigation fully and in good faith.

For disclosures of abuse, self-harm, or wellbeing-related concerns, refer to the Learner Support Policy which outlines support mechanisms and referral services.

Reports of Sexual Harassment

On receipt of a report of sexual harassment or sexual assault, and where the complainant has requested intervention, appropriate measures may be put in place to support the health and wellbeing of affected individuals, as well as enable continuity to the work or learning environment during the process of an investigation. Appropriate measures will be at the discretion of the Directors for staff or learners affected by sexual assault or sexual harassment.

Disclosure and Confidentiality

Assured Learning Australia will support individuals who have been affected by sexual assault and sexual harassment to manage their response on their own terms and when they feel safe and confident to do so. Assured Learning Australia will always prioritise the health and safety of the affected individual however will not use or disclose personal information unless that individual is aware of or has consented to that use of disclosure for the purposes of referral to support or reporting services. In accordance with Assured Learning Australia Privacy Policy, Assured Learning Australia may use or disclose personal information where required by law (for example, instances of child sexual abuse/assault), or where it is necessary for certain types of law enforcement, or where it is necessary to protect against a serious and imminent threat to a person's life or health.

5. Referral to external agencies

If an individual is unsatisfied with the outcome of a complaint and/or investigation, the following bodies can be contacted:

- Australian Skills Quality Authority (ASQA - VET Regulator)
- Australian Human Rights Commission
- Fair Work Commission

6. Disclosure of pre-existing relationships

Understanding that the assessor-learner relationship is not an equal power relationship, Assured Learning Australia does not condone trainers or assessors actively seeking relationships with learners. Where a learner presents that has a pre-existing relationship with a trainer and assessor, the assessor is required to disclose this to RTO management so that a conflict-of-interest procedure can be put in place to ensure fairness and validity within the assessment process.

Where learners are under the age of 18, Assured Learning Australia has a strict policy that no sexual relationships or advances will be tolerated and will result in immediate dismissal due to serious misconduct and the matter may be referred to the police for further investigation.

Pre-existing relationships include but are not limited to:

- There is a direct familial connection (father, daughter, aunts, cousins, etc.)
- There is a familial connection (father, daughter, aunts, cousins, etc.) through a spouse or de facto
- There is or has been a current or previous consensual personal relationship
- There is or has been a current or previous consensual personal relationship through a spouse or de factor

7. Intersection of Policies

Staff must be aware of how diversity, disability, and other access considerations intersect with the experience and reporting of harassment or bullying, as outlined in the Access and Equity Policy.

8. Monitoring and Improvement

All Bullying and Harassment practices are monitored by the Directors of Assured Learning Australia and areas for improvement identified and acted upon (see Continuous Improvement & Quality Management Policy).

Policy Review

This policy will be reviewed each year and as a standing item, include details of the date it was reviewed and any changes.

- November 2022 - initial creation
- Jan 2024 - Minor updates to align to new standards
- April 2025 - Minor updates in line with the 2025 RTO Standards
- September 2025 – removal of references to the 2015 RTO Standards

Policy Additions or Amendments

Separate to the mandated annual review, the policy may be varied at any time due to legislative changes or to fall in line with widely accepted best practices in the workplace. In the event of any changes, the policy will be updated, and relevant stakeholders advised.

Lyle Barrett - CEO