**Equity in Summary**

**What is equity?**

The AQTF *Standards for Registered Training Organisations* provide the following nationally agreed definition of access and equity.

Access and equity means the policies and approaches that ensure that vocational education and training is responsive to the diverse needs of all clients.  Through the implementation of these policies and approaches, the benefits of participating in vocational education and training are available to everyone on an equitable basis…..

While States and Territories may use a range of terms and definitions regarding equity, the goals of all VET policies on equity are the same nationally: to improve access to and outcomes from VET for all clients and potential clients.

**Anti-discrimination legislation**

RTOs must comply with the following Commonwealth anti-discrimination legislation:

* *Commonwealth Disability Discrimination Act 1992*
* *Commonwealth Human Rights and Equal Opportunity Act 1986*
* *Commonwealth Racial Discrimination Act 1975*
* *Commonwealth Sex Discrimination Act 1984*.

RTOs must also comply with the anti-discrimination legislation that applies within their State or Territory of registration and operation.  See www.hreoc.gov.au for more details.

**Is equity the same as equal treatment?**

No.  Equity is not treating everyone the same.  It is about ensuring that all people and all groups of people participate, have the opportunity to reach their potential, make choices and receive responsive and appropriate products and services.

In other words, the destination for all learners is the same but the journey may be different.  For example, some learners may gain qualifications through a Recognition of Prior Learning (RPL) process; others may complete training before being assessed; and some learners may need more time than others, because of family responsibilities or because they are returning to learning after a long interval.

RTOs can enhance equity by being flexible and responsive, avoiding a 'one size fits all' solution to training and assessment.

The AQTF *Standards for Registered Training Organisations* do not require evidence that you treat your learners the same; you are however required to show evidence how you identify and respond to individual learning needs.

**The terms access and equity**

**Access** generally refers to the ability to enter training.  Improving access might involve strategies such as improving physical access to a training venue; ensuring that selection criteria do not discriminate against learners; adapting marketing activities to encourage all learners.  Access issues form a sub-set within equity issues.

**Equity** is a term used to cover issues relating to access to VET, participation in VET, and achievement of outcomes in VET.  Equity issues cover a wide range of matters.  Examples of equity strategies include providing a supportive learning environment; adjusting assessments to meet individual circumstances; implementing policies on fee reduction; developing and using inclusive training materials.  Essentially, equity refers to the capacity for all learners to achieve results in training and to receive training in an inclusive environment with inclusive materials.

Inclusive environments and materials acknowledge and value the differences between people and cultures; they include rather than exclude.

**1.Disability Discrimination**   
  
A Human Rights and Equal Opportunity Commission (**HREOC**) report [(1)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#1) found physical barriers, affordability and equipment access barriers are preventing people with disabilities from having effective access to e-commerce and new information technology services.   
  
**2. Right of access to information**   
  
Human rights commitments made by Australian governments under various international agreements require:   
  
\* people have access to information, government services and opportunities in areas such as education and employment;  
\* people have access to commercial services necessary to secure an adequate standard of living without unnecessary restrictions and without discrimination on grounds such as age or disability;  
\* signatories ensure equal access and treatment in public services and programs and ensure these rights without any discrimination.[(2)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#2)   
  
Ensuring people with disabilities have access to appropriate internet and information technology resources falls within these obligations.   
  
Commonwealth, State and Territory legislation make these obligations legally binding. The Commonwealth government’s Best Practice Model for Business[(3)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#3) requires business (in accordance with the legislation) to make reasonable adjustment in the provision of goods and services to ensure they are accessible to people with a disability.

**Disability Discrimination Act 1992 (Cth)**[(6)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#6)   
  
As well as separate legislation in each State and Territory, the Disability Discrimination Act (**Act**) makes disability discrimination against the law in the areas of:   
  
\* employment and work related areas; and   
\* goods, services and facilities.   
  
The Act applies to commercial and government websites.

**(b) Employment and work related areas**   
  
Discrimination is only allowed if a disabled person cannot do the "inherent requirements" of the work or the person needs "adjustments" to equipment which would be an "unjustifiable hardship" for the employer.   
  
The "inherent requirements" of a job are not defined in the legislation but generally refer to what is necessary to get the basic job done.   
  
Adjustments are alterations or changes designed to assist a person with a disability. For example, installing ramps for wheelchair access or in the case of sensory impairments, modified telephones or internet with voice enabled software. An employer may also be required to provide services or facilities to an employee with a disability.   
  
Unjustifiable hardship for the discriminator involves identifying:   
  
1. what adjustments the person needs; and   
2. likely effects on anyone concerned.   
  
How the adjustments will affect the employer, the business, other employees, customers and the person with the disability should be taken into consideration. For example, the costs of installing special software may be too expensive for a small employer or small business.   
  
The legislation allows anyone who provides goods or services to develop Action Plans[(7)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#7). If an Action Plan has been lodged with the Commission, it will be taken into account when deciding whether there is unjustifiable hardship.

**(d) Who is affected by the legislation?**   
  
Discrimination legislation may apply to any person who uses the internet or online services and to any person or organisation that provides access to the internet or online services. Research has shown that people access online services in the following places[(8)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#8):   
  
\* Work and home;  
\* Friend or neighbour’s house;  
\* TAFE or other tertiary institution;  
\* Public library;  
\* Shops, store or telecafes;  
\* School; and  
\* Government agencies or departments.   
  
Organisations and service providers involved in providing the above may need to comply with discrimination legislation.   
  
In some cases the technologies such as email, may be used for discriminatory purposes, for example sending sexually discriminating emails.

**4. Legal barriers to reproduction of material**   
  
Recent changes to copyright legislation ensures the reproduction of material for the purpose of making it accessible to people with disabilities does not infringe copyright.   
  
If copyright holders retain an absolute right of control over digitisation of their works[(12)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#12) the failure or refusal to make the copyright material available on reasonable terms may expose copyright holders to liability under the Act.

**6. W3 Web Content Accessibility Guidelines**[(14)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#14)   
  
The World Wide Web Consortium ("W3C") (<http://www.w3.org>) was created in October 1994 "to lead the World Wide Web to its full potential by developing common protocols that promote its evolution and ensure its interoperability." W3C has more than 400 Member organisations from around the world.   
  
In May 1999, the W3C launched the Web Access Initiative which is a set of content guidelines for web authors. The Guidelines explain how to make web content accessible to people with disabilities and is intended for all web content developers.   
  
\* Provide equivalent alternatives to auditory and visual content.[(15)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#15)   
\* Don’t rely on colour alone.[(16)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#16)  
\* Use markup and style sheets and do so properly.[(17)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#17)  
\* Clarify natural language usage.[(18)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#18)  
\* Create tables that transform gracefully.[(19)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#19)  
\* Ensure that pages featuring new technologies transform gracefully.[(20)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#20)  
\* Ensure user control of time-sensitive content changes.[(21)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#21)  
\* Ensure direct accessibility of embedded user interfaces.[(22)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#22)  
\* Design for device independence.[(23)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#23)  
\* Use interim solutions.[(24)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#24)  
\* Use W3C technologies and guidelines.[(25)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#25)  
\* Provide content and orientation information.[(26)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#26)  
\* Provide clear navigation mechanisms.[(27)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#27)  
\* Ensure that documents are clear and simple.[(28)](http://www.oznetlaw.net/FactSheets/DisabilityDiscrimination/tabid/932/Default.aspx#28)