**University Educators and Age Discrimination**

**Legislation**

All registered training organisations (RTOs), have an obligation to comply with relevant Commonwealth, state or territory legislation and regulatory requirements.

RTOs must ensure that their staff and clients are fully informed of legislative and regulatory requirements that affect their duties or participation in vocational education and training (see Clauses 8.5 and 8.6 of the *Standards for Registered Training Organisations 2015*).

Legislation that trainers/facilitators need to become familiar with include:

 Standards for Registered Training Organisations (RTOs) 2015

 Anti-discrimination legislation

 Ethical principles

 Codes of Practice

 Privacy Legislation

 Environment Legislation

 Duty of Care

 OHS

**Standards for Registered Training Organisations (RTOs) 2015**

On 26 September 2014, the Council of Australian Governments (COAG) Industry and Skills Council agreed to new regulatory standards for training providers and regulators—the *Standards for Registered Training Organisations (RTOs) 2015*. These replace the *Standards for NVR RTOs 2012*.

Australian Skills Quality Authority (ASQA) uses the Standards to ensure nationally consistent, high-quality training and assessment across Australia's vocational education and training (VET) system. Compliance with the Standards is a requirement for:

 all ASQA registered training organisations, and

 for applicants seeking registration

ASQA uses the Standards to protect the interests of all students in Australia's VET system. The Standards guide nationally consistent, high-quality training and assessment services in the vocational education and training system.

**Anti-discrimination legislation**

Trainers and assessor must be mindful of the needs of our learners when delivering training and making assessment judgements to ensure they do not infringe any anti-discrimination legislation.

Over the past 30 years the Commonwealth Government and the state and territory governments have introduced laws to help protect people from discrimination and harassment.

The following laws operate at a federal level and the Australian Human Rights Commission has statutory responsibilities under them:

• *Age Discrimination Act 2004*

• *Australian Human Rights Commission Act 1986*

• *Disability Discrimination Act 1992*

• *Racial Discrimination Act 1975*

• *Sex Discrimination Act 1984*.

The following laws operate at a state and territory level, with state and territory equal opportunity and anti-discrimination agencies having statutory responsibilities under them:

• Australian Capital Territory – *Discrimination Act 1991*

• New South Wales – *Anti-Discrimination Act 1977*

• Northern Territory – *Anti-Discrimination Act 1996*

• Queensland – *Anti-Discrimination Act 1991*

• South Australia – *Equal Opportunity Act 1984*

• Tasmania – *Anti-Discrimination Act 1998*

• Victoria – *Equal Opportunity Act 2010*

• Western Australia – *Equal Opportunity Act 1984*.

[Source: Australian Human Rights Commission. Downloaded from: <https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/quick-guide-australian-discrimination-laws>]

A trainer must act ethically in all matters connected to training and learning facilitation. Although it is not legally enforceable, failure to act ethically may cause irreparable damage to the reputation of both the trainer/facilitator and their organisation.

[Source: Hill, D., Hill, T., and Perlitz, P., (2011). Vocational Training and Assessment: A complete course for TAE10 Certificate IV in Training and Assessment, p.180]

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| ***Age Discrimination Act 2004***Discrimination on the basis of age – protects both younger and older Australians.Also includes discrimination on the basis of age-specific characteristics or characteristics that are generally imputed to a person of a particular age. | Discrimination in employment, education, access to premises, provision of goods, services and facilities, accommodation, disposal of land, administration of Commonwealth laws and programs, and requests for information. |

Source: <https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/quick-guide-australian-discrimination-laws>

***Australian Human Rights Commission Act 1986***

Discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or relationship status, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, and trade union activity.

Also covers discrimination on the basis of the imputation of one of the above grounds.

**What are Human Rights?**

Every person has dignity and value. One of the ways that we recognise the fundamental worth of every person is by acknowledging and respecting their human rights.

Human rights are a set of principles concerned with equality and fairness. They recognise our freedom to make choices about our lives and to develop our potential as human beings. They are about living a life free from fear, harassment or discrimination.

Human rights can broadly be defined as a number of basic rights that people from around the world have agreed are essential. These include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living.

These human rights are the same for all people everywhere – men and women, young and old, rich and poor, regardless of our background, where we live, what we think or what we believe. This is what makes human rights ‘universal’.

###  **Who has a responsibility to protect human rights?**

Human rights connect us to each other through a shared set of rights and responsibilities.

A person’s ability to enjoy their human rights depends on other people respecting those rights. This means that human rights involve responsibility and duties towards other people and the community.
Individuals have a responsibility to ensure that they exercise their rights with consideration for the rights of others. For example, when someone uses their right to freedom of speech, they should do so without interfering with someone else’s right to privacy.

Governments have a particular responsibility to ensure that people are able to enjoy their rights. They are required to establish and maintain laws and services that enable people to enjoy a life in which their rights are respected and protected.

For example, the right to education says that everyone is entitled to a good education. This means that governments have an obligation to provide good quality education facilities and services to their people.
Whether or not governments actually do this, it is generally accepted that this is the government's responsibility and people can call them to account if they fail to respect or protect their basic human rights.

What do human rights cover?

They also include **economic, social and cultural rights**, which relate to a person’s rights to prosper and grow and to take part in social and cultural activities. This group includes rights such as the right to health, the right to education and the right to work.

The right to education is an example of an economic, social and cultural right.

One of the main differences between these two groups of rights is that, in the case of civil and political rights, governments must make sure that they, or any other group, are **not** **denying** people access to their rights, whereas in relation to economic, social and cultural rights, governments must **take active steps** to ensure rights are being fulfilled.

As well as belonging to every individual, there are some rights that also belong to groups of people. This is often in recognition of the fact that these groups have been disadvantaged and marginalised throughout history and consequently need greater protection of their rights. These rights are called **collective rights**. For example, Aboriginal and Torres Strait Islander peoples possess collective rights to their ancestral lands, which are known as native title rights.

Rights that can only apply to individuals, for example the right to a fair trial, are called **individual rights**.

How are human rights protected in Australia?

State and territory governments also have a responsibility to fulfil Australia’s human rights responsibilities. The state-level governments have the power to make and administer many of the laws that are relevant to human rights, such as laws relating to justice, health and education issues.

There are also a number of federal laws that exist to protect people from discrimination and breaches of human rights. They include:

**About Age Discrimination**

Finding a job, renting a place, enrolling to study – there are a number of areas where people can face unfair treatment because of their age.

Stereotypes about young people and older Australians are a major factor behind age discrimination.

This is especially true for mature workers, who often have to counter negative attitudes held by employers and assumptions about a ‘use by’ date for their skills.

The [*Age Discrimination Act 2004*](https://www.humanrights.gov.au/our-work/legal/legislation#Age) protects individuals across Australia from discrimination on the basis of age in many areas of public life, including employment, education, accommodation and the provision of goods and services.

People who experience direct or indirect discrimination can complain to the Commission.

We undertake a wide range of activities to help individuals and organisations around the country understand their rights and meet their legal responsibilities, especially in the workplace.

Our work includes research, policy advice and education initiatives that tackle the attitudes and stereotypes that can lead to age discrimination.

The [Age Discrimination Commissioner, the Hon Kay Patterson AO](https://www.humanrights.gov.au/about/commissioners/age-discrimination-commissioner-hon-dr-kay-patterson-ao), leads this work.

Her focus is addressing the barriers to equality and participation faced by mature workers, older Australians and young people.

**Get involved**

Find out how you can [get involved in the Commission’s work](https://www.humanrights.gov.au/get-involved-page) and help make human rights a reality for **everyone, everywhere, everyday**.

**Age Discrimination Commissioner**



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**The Hon Dr Kay Patterson AO**

Dr Patterson began her role as the Age Discrimination Commissioner on 29th July, 2016. She has demonstrated a strong interest in issues affecting older people throughout her professional life.  Leaving school at 15 and then managing a small business, she returned to school and gained a BA (Hons) at the University of Sydney and a PhD in Psychology and Dip Ed at Monash University.  She taught allied health science students for 11 years.  She studied gerontology at two universities in the USA and used the knowledge gained during those visits to co-develop the first Victorian post-graduate diploma in gerontology and to introduce gerontology into the undergraduate behavioural science courses.

Following her election to the Senate in 1987 she served on a number of Senate committees and held various shadow portfolios.  In 1988 she was appointed a Parliamentary Secretary and in 2001 was appointed to Cabinet and served in the Health and Social Security portfolios.  During her time in the Senate one of her major areas of interest were issues affecting older Australians.   She retired from Cabinet in 2006 and from the Senate in 2008.

Initially, in her new role, her focus will be on the rights of older workers, the blight of elder abuse and the need to encourage innovative solutions to homelessness and risk of homelessness amongst older Australians.

Kay has served on a number of not-for-profit Boards and voluntary positions and currently she is a Director of the Brockhoff Foundation and honorary Professorial Fellow at Monash University

She has been a Director and Vice President of Interplast Australian New Zealand, a leader and Council and Executive Member of Girl Guides Victoria and was a member of Monash University Council for 20 years.  She was appointed as an Officer of the Order of Australia in 2016,

**Sources:**

<https://www.humanrights.gov.au/about/commissioners/age-discrimination-commissioner-hon-dr-kay-patterson-ao>

Resource Booklet-Cluster 1-Certificate IV in Training and Assessment-South Metropolitan TAFE