



Equal Opportunity, Discrimination & Harassment Policy

Rationale

St Anthony's Primary School is committed to the principles of equal opportunity and providing a safe, respectful and inclusive workplace. In keeping with our values, we provide a positive and equitable environment in which all staff and students are treated fairly. St Anthony's is dedicated to providing a culture where students and staff can work effectively without fear of discrimination or harassment. It is the responsibility of all school community members to ensure policies and procedures are adhered to in order to prevent non-acceptable behaviours in relation to discrimination and harassment. We are committed to a diverse workforce and ensuring that we are an equal opportunity employer.

Scope

This policy applies to employees, volunteers, parents and carers, people visiting the school site and students with disabilities.

Legal Framework

St Anthony's Primary School ensures this policy is reflective of current legislation.

Equal opportunity is a requirement under both Victorian and Commonwealth legislation. In Victoria, the main piece of legislation which makes it unlawful to discriminate is the Equal Opportunity Act 2010 (Vic) (EO Act 2010).

Related laws in Victoria are the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the Racial and Religious Tolerance Act 2001 (Vic).

At the Commonwealth level, there is a range of equal opportunity legislation which includes the Racial Discrimination Act 1975 (Cth), the Sex Discrimination Act 1984 (Cth), the Disability Discrimination Act 1992 (Cth) and the Age Discrimination Act 2004 (Cth).

Aims

St Anthony's Primary School aims to:

- Treat people as individuals, respected for their unique attributes.
- Not exclude, harass or bully through unconscious bias, stereotypes or unlawful actions that may form the basis of discrimination, harassment, vilification or victimisation.
- Ensure everyone in the workplace has rights and responsibilities under equal opportunity and anti-discrimination legislation
- Ensure employees understand that they have a responsibility to comply with legislation.
- Foster an environment where all members of the school community are treated with dignity, courtesy and respect
- Implement training and awareness-raising strategies to ensure that everyone knows their rights and responsibilities;

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- Encourage reporting of inappropriate behaviour and provide an effective procedure for resolving complaints in a sensitive, fair and timely manner and as confidentially as possible;
- Comply with all reporting requirements for the Australian Government Workplace Gender Equality Agency;
- Provide equal opportunities in employment for all employees;
- Ensure position descriptions require staff to conduct themselves in a way that is compliant with equal opportunity legislation;
- Provide equality of opportunity between persons of different sex, age, marital status, race and other specified attributes;
- Prevent victimisation of employees and students who intend to make a complaint, or have complained about discrimination, or who are involved in the processing of a complaint in any way
- Prevent discrimination against employees and students;
- Act in accordance with the laws relating to discriminatory requests for information; and
- Promote appropriate standards of conduct at all times.

Definitions

Equal Opportunity refers to every person being able to participate freely and equally in areas of public life such as in the workplace, in education, or in accessing goods and services. Equal opportunity law aims to promote everyone's right to equal opportunities; eliminate, as far as possible, discrimination and sexual harassment; and provide redress for people whose rights have been breached.

Discrimination is unfavourable treatment of a person in an area of public life (such as in employment and education) due to one of the following protected attributes:

- age
- pregnancy & breastfeeding
- carer and parental status
- disability
- employment activity
- gender identity (which includes gender expression)
- industrial activity
- intersex status
- lawful sexual activity
- marital or relationship status
- physical features
- political belief or activity
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex & sexual orientation
- expunged homosexual conviction
- personal association with anyone who is identified by reference to any of the above protected attributes

Both State and Federal legislation prohibit direct and indirect discrimination.

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Direct discrimination is when a person or group of people treats, or proposes to treat, a person with a protected attribute unfavourably, because of that attribute. In determining whether a person directly discriminates, it is irrelevant whether or not the attribute is the only, or dominant reason for the unfavourable treatment, provided that it is a substantial reason.

Indirect discrimination occurs if a person imposes or proposes to impose, an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons or groups of people with a protected attribute. Whether a requirement, condition or practice (or proposed requirement, condition or practice) is reasonable depends on all relevant circumstances.

Sexual harassment is unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal, visual or written. Sexual harassment is an unacceptable form of behaviour that will not be tolerated under any circumstances.

Victimisation is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination or harassment on the basis of a protected attribute and/or asserted their rights under this Policy or other relevant legislation.

Vilification is when a person engages in conduct that incites hatred towards, serious contempt for, or revulsion or severe ridicule of, a person or group of people on the basis of race or religion. This can occur through a single act or a number of acts over a period of time.

Reasonable Adjustments - Both Commonwealth and Victorian legislation require employers to make reasonable adjustments for employees with a disability. A range of factors must be considered in determining whether an adjustment is reasonable, including:

- the person's circumstances, including the nature of their disability
- the nature of the employee's role or the role that is being offered
- the nature of the adjustment required to accommodate the employee's disability
- the financial circumstances of the employer
- the size and nature of the workplace
- the effect on the workplace of making the adjustment, including the financial impact, the number of persons who would benefit or be disadvantaged by doing so, and the impact on efficiency and productivity and, if applicable, on customer service of doing so;
- the consequences for the person or employee of not making the adjustment
- the consequences for the employer of making the adjustment.

All employees, students, parents, school council members, contractors and volunteers are required to act in accordance with equal opportunity, anti-discrimination, harassment and vilification legislation.

Managers and principals are required to ensure that equal opportunity and anti-harassment policy, legislation and supporting diversity principles and practices are integrated into appropriate workplace plans and activities.

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Implementation

What is acceptable behaviour?

It is an expectation that all members of the Glen Waverley Primary School Learning Community, be afforded equal and fair opportunities to access a high-quality educational environment. This includes but is not limited to the following people:

- staff
- students
- families
- visitors
- community members

Aspects protected by equal opportunity laws, both State and Federal, include but are not limited to:

- employment
- education
- goods and services

What is NOT acceptable behaviour?

Denying a person/s the opportunity to access a high-quality educational environment through unlawful vilification, discrimination harassment or victimisation, either direct or indirectly which encompasses but is not limited to:

- gender
- race or religion
- language
- age
- sexual preference
- political beliefs
- physical appearance
- disability

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What to do if you are aware of discrimination, harassment or victimisation?

This should be reported to the School Principal and/or Deputy Principals. External complaints can be made to any of the following- Regional Manager, the Merit Protection Boards, the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission. Instances of misconduct which are brought to the attention of the school will be fully investigated and appropriate actions taken as per the guidelines outlined through the school's Complaints and Grievances Policy. St Anthony's Primary School makes a clear commitment to investigate all complaints promptly with confidentiality and impartiality.

St Anthony's Primary School makes a clear commitment that complainants and witnesses will not be victimised in any way.

School Responsibilities

The school will:

- treat seriously and investigate promptly any reports of unlawful discrimination;
- investigate all reports impartially and, as far as is possible, confidentially;
- ensure that students are aware of their right to equitable treatment;
- ensure that people/students who make complaints, or witness an instance of unlawful discrimination, are not victimised in any way; and
- guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

Students and staff of the School will be informed of the processes and procedures relating to the handling of complaints of discrimination and discriminatory harassment.

St Anthony's Primary School has an established grievance process to deal with complaints according to the requirements of the Commonwealth and State Acts governing equal opportunity and discrimination.

Complaints occur from time to time and the School is committed to an effective resolution in a positive atmosphere. The following sets out the process by which serious complaints can be addressed in a confidential, expeditious and sensitive way.

Positive resolution arises out of a clear understanding of the School's policies and procedures, good communication, an agreed method of resolution and appropriate seriousness given to the complaint and towards the complainant. Positive resolution involves good record-keeping during the process of hearing a complaint and respect at all times for appropriate confidentiality.

It is in the common interest to manage resolution of any conflict by means which neither disrupt nor damage the School's optimum operation.

In addition to this process the School has a Child Safety Policy with a stated Code of Conduct and Reporting Process.

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The process provides for the resolution of complaints. A complaint can arise from any of the following:

- A behaviour, act or perceived intention by a member of the School community (staff, parent, volunteer or student) which has, or is likely to have a significant and serious negative impact on another member of the School community to undertake his or her duties, work or studies at St Anthony's.
- Conflict of interest.
- Serious discriminatory or unprofessional behaviour or conduct by school staff, parents or students.
- Breach of School policy.

Lodging a Complaint

The following principles will apply to the lodging of a complaint:

- The health, safety and wellbeing of all members of the School community remain the highest priority.
- People are entitled to lodge a complaint.
- Complaints should be lodged in good faith and without frivolous, malicious or vexatious intent.
- The complaint will be heard promptly and will be taken seriously.
- The right to complain will be affirmed and the complainant will not be pressured in any way.
- Allow staff to recognise and refer a complaint that needs to be dealt with by a more senior member of staff, such as a Deputy Principal or, if necessary, the School Principal.
- The School will make every reasonable effort to ensure a person lodging a complaint will not be treated unfairly or victimised because of the grievance.
- All resolution policies and processes acknowledge and value different perspectives and will operate under the principles of impartiality, promptness and protection from victimization.
- The complainant will be reminded that this policy does not remove the right of any person lodging a complaint to proceed to an external body or authority.

Internal Resolution

The School supports wherever possible an informal, amicable and equitable resolution of a serious complaint through discussions, mediation and/or conciliation to achieve an agreed course of conduct and behaviour aimed at enabling all parties to continue at the School free from harassment and retribution.

Complainants are encouraged to firstly, and where practicable, seek to resolve a complaint informally. Formal procedures for the resolution of a complaint will normally be invoked when a matter cannot be resolved by informal means.

A formal complaint should be made in writing to School Principal. It would normally be dealt with in the following manner:

- Discussing the complaint in a private location.
- Allowing the complainant to tell the whole story.

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- Affirming the right to complain.
- Acknowledging his or her concerns.
- Appropriate notes of each key point will be taken, repeating them to the complainant and asking whether they represent an accurate record of the allegations.
- Show empathy with the complainant's emotion, but reserve the right to request the complainant to be civil or terminate the interview.
- Avoiding immediate judgements or debate, or becoming defensive or angry in the early stages of discussion.
- The complainant will be asked what he or she wishes to achieve in terms of resolution.
- Options will be explored and a plan of action devised.
- The issue of confidentiality will be raised.
- Who should be informed about the complaint will be discussed.
- The student and staff member's interest will be uppermost.

Employment

Job Descriptions

St Anthony's Primary School keeps a handbook that clearly states the duties for all categories of employees in the School. This includes the position responsibilities and to whom the person is responsible.

Selection Criteria for Appointment and Promotion

The qualities sought in an employee for a specific position are reflected in all job descriptions and refer to (at least) qualifications, skills, abilities, knowledge and experience. Once an employee is engaged then the same criteria apply in relation to promotion.

Interviews

The position selection criteria form the basis upon which questions are asked during interviews, but are not the only basis.

Relevant Exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to St Anthony's Primary School:

- where there is a genuine occupational qualification required;
- in educational institutions with a religious purpose;
- where job capacity is restricted by impairment and special terms are imposed;
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the school; or
- where special circumstances or impairment would cause unjustifiable hardship.

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Enrolments

Prospective Students

The School does not discriminate in:

- failing to accept a person's application for admission as a student;
- the way in which a person's application is processed;
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
- the terms on which a person is admitted as a student.

Current Students

The School does not discriminate:

- in any variation of the terms of a student's enrolment;
- by denying or limiting access to any benefit arising from the enrolment that is supplied by the School; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

Relevant Exemptions

The Act provides an exemption in the following areas:

- in relation to sex or religion if a school operates wholly or mainly for students of a particular sex or religion;
- where selection criteria for an educational program are based on a minimum qualifying age;
- in relation to impairment where people with disabilities require special services or facilities that would impose unjustifiable hardship on the School.

Students with Disabilities

This statement should be read in conjunction with the Disabilities Policy.

When there are available places and a student with a disability seeks admission, particular care is taken to ensure that the application is properly considered.

In considering the application the following procedures are followed:

1. The application is discussed with the parents or care-givers and the student (depending on the age of the student).
2. Detailed notes are kept of this meeting and of all subsequent conversations and meetings.
3. The Principal speaking with the parents or caregivers will advise them in an open, honest and straightforward manner of the services and facilities available within the School and an inspection of the School's facilities will be offered at the earliest opportunity.
4. The parent's views on the additional services and facilities that the student needs will be obtained with verification of this information sought where necessary.

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5. The student seeking enrolment will be observed in his/her present setting and the teachers at the school presently attended will be consulted to ascertain the assistance the student is currently receiving. Advice will be sought about the services and facilities that may be required in the future.
6. The Learning Support teacher, and a child psychologist if appropriate, will be involved at an early stage of the process. Formal assessment of the student may be conducted.
7. Any additional services and facilities that may be required will be quantified and costed; such costs to be borne by the parent/guardian.
8. It may be necessary to engage an Occupational Therapist, building consultant or architect to obtain detailed costing of modifications that may be needed.
9. It may be appropriate to obtain reports from any Medical Practitioners or other professionals involved in treating or assisting the student.
10. Enquiries will be made to determine if additional funding might be available from the Commonwealth or State Governments. This additional funding may be in the nature of recurrent or capital funding.

If the student requires additional services and facilities because of the disability and the provision of these services and facilities by the school would cause unjustifiable hardship, the enrolment may be refused by the Principal on that basis. Before this step is taken, the family seeking enrolment will be given advice about the school's preliminary view and offered the opportunity to comment.

Legislation

Policy and Guidelines

- Equal Opportunity, Discrimination and Harassment Policy
- Sexual harassment Policy
- Equal Opportunity Guidelines for Victorian Government Schools

Procedures & Forms

- Equal Opportunity Policy Checklist
- Equal Opportunity Policy Template

Legislation

- Ministerial Orders
- Delegations
- Industrial Awards
- Industrial Agreements

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