



# ST. PATRICK'S PRIMARY SCHOOL

## WORKPLACE EQUAL OPPORTUNITY POLICY

### Rationale

St. Patrick's Primary School, (**the School**) recognises the importance of demonstrating 'respect for the dignity of each person' and of creating an environment where 'a sense of belonging for all' is experienced. These aspirations are central to the wellbeing of individual staff and to a workplace where all staff feel safe and respected.

The School is therefore committed to building and nurturing a workplace that is free from discrimination, sexual harassment and victimisation.

This policy and its accompanying procedures are compliant with the legislative framework under which the School operates. The School is guided by the applicable legislation (outlined below) in determining its prevention and intervention measures.

It is important that all staff share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where discrimination, sexual harassment and victimisation do not occur. It is therefore expected that staff will desist from engaging in or condoning such behaviours and practices. It is also expected that staff who make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, will participate fully and confidentially in investigation and resolution procedures.

### Principles

- The School is committed to building and nurturing a workplace that is free from discrimination, sexual harassment and victimisation.
- The School is committed to implementing awareness-raising programs and strategies that:
  - heighten staff members' understanding of the impact of their behaviours on others; and
  - ensure all staff know their rights and responsibilities [**Please note: It is important that Schools regularly provide EEO training to their staff (recommended annually). It is also important that employers ensure that all employees, new and current are aware of the EEO policy of the School**].
- The School is committed to the prompt resolution of grievances pertaining to perceived or actual incidents of discrimination, sexual harassment and/or victimisation. The School will endeavour to ensure that the offending behaviour stops.
- The School aims to respond to complaints or reports of discrimination, sexual harassment and/or victimisation in a sensitive, fair, timely and confidential manner.
- The School encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

## Definitions

**Contact Officers** – The School has staff who are trained in and responsible for providing staff with information on discrimination, sexual harassment and/or victimisation; clarifying any questions or concerns a person may have and providing confidential advice on the options that are available for dealing with discrimination, sexual harassment and/or victimisation.

**Workplace discrimination** – can take the form of either direct or indirect discrimination.

Direct discrimination is when someone is treated less favourably because they have a characteristic protected by law (see full list below). Examples include insulting jokes about a particular racial group or making derogatory comments or taunts about people's age, sexual preference, race or religion.

Indirect discrimination is when a condition, requirement or practice has the effect of disadvantaging people with a particular characteristic (see full list below) and that condition, practice or requirement is not reasonable. An example is the practice of holding a meeting in an upstairs classroom when it could easily be held downstairs and that practice disadvantages a staff member who is mobility impaired and is not able to attend the meeting.

The characteristics protected by State and Commonwealth anti-discrimination laws are as follows:

- Age;
- Breastfeeding;
- Disability (mental or physical);
- Employment activity;
- Gender identity;
- Industrial activity;
- Lawful sexual activity;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race or national extraction;
- Religious belief/activity;
- Sex; and
- Sexual orientation and social origin.

It is also unlawful to discriminate against someone on the basis that they are an associate of a person with one of the above characteristics (for example, treating someone unfavourably because their brother has a disability).

Staff should be mindful of workplace discrimination not only in relation to current employees but also in relation to potential employees in recruitment and selection processes and independent contractors.

**Sexual harassment** – any unwanted, unwelcome or uninvited behaviour of a sexual nature in relation to another person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

**Victimisation** – is subjecting or threatening to subject another person to any detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment.

## **Procedures**

### **Role of Contact Officers**

Contact Officers are appointed by the Principal and are supported in their role by regular training and professional learning. They provide information and support for staff regarding discrimination, harassment or victimisation issues, including options for resolving the matter. Contact Officers do not conciliate cases but may assist a complainant or respondent in an informal resolution of a complaint.

A staff member may seek information and support from a Contact Officer without necessarily making a complaint.

### **Personal and Informal Complaint**

In the first instance, a staff member feeling discriminated against, sexually harassed or victimised should attempt to resolve the dispute directly with the perpetrator/accused person. The complainant should ensure that the accused is verbally informed that the behaviour is unacceptable. This needs to be in unambiguous terms and in plain language. The approach should be polite but firm and clear, indicating that the behaviour should stop.

In some circumstances the staff member may not be able to approach the perpetrator unaided, especially if the perpetrator is in a position of authority. In such cases the staff member can choose to seek the assistance of a peer, a colleague or a School Contact Officer. Another option is to make the complaint to the perpetrator in writing, rather than face to face.

If this approach is not successful and the behaviour does not stop, a formal complaint should be made in writing to the Principal. Another option is to lodge a formal complaint with an external agency.

### **Formal Complaint – Internal**

A formal complaint to the Principal is to be made in writing and wherever possible be supported by relevant documentation indicating time(s), date(s), location(s), what happened, what was said, witnesses (if any), and steps taken to resolve the matter.

In dealing with the complaint, the Principal may seek external advice and assistance from professional mediators, investigators and any other appropriate persons. Where appropriate, an internal investigation will begin as soon as practicable after the Principal receives the complaint.

### **Internal Investigations**

The Principal will ensure that internal investigations are undertaken by someone who is impartial and who has been trained to conduct investigations. The investigator will be expected to:

- speak to the parties involved, and all witnesses if any
- report to the Principal on whether or not the complaint has been substantiated, and the recommended action to be taken in response.

The appropriate action, based on the findings of the investigation, must be undertaken promptly. Such action may include:

- An apology
- Changes to work practices
- Disciplinary action
- Counselling
- Training
- Notes placed in personnel file.

## **Formal Complaint – External**

The complainant may choose to seek assistance, information and/or mediation support from a range of statutory and employee support agencies in Victoria.

Information and contact details for the support agencies are outlined in Appendix 2. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

## **Confidentiality**

Anyone involved in a complaint of discrimination, sexual harassment or victimisation or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution. In particular, it is important that staff who either make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

## **Counselling Support**

In confronting and resolving experiences or allegations of discrimination, sexual harassment or victimisation, a staff member and his/her family member may require counselling support. The School Contact Officers will assist staff to access the service.

## **Vexatious Claims**

The School will not deal with complaints that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- taken at their highest, do not constitute discrimination, sexual harassment or victimisation as defined by this policy.

The School will not tolerate staff making frivolous, vexatious or malicious claims against another staff member, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution. Depending on the circumstances, these types of complaints could lead to disciplinary action.

## Appendices

Appendix 1: Complaints Procedure Flow Chart

Appendix 2: External Support Agencies

### **Related Policies**

School Policy: Occupational Health and Safety  
School Policy: Bullying  
VIT Code of Conduct

### **Relevant Legislation**

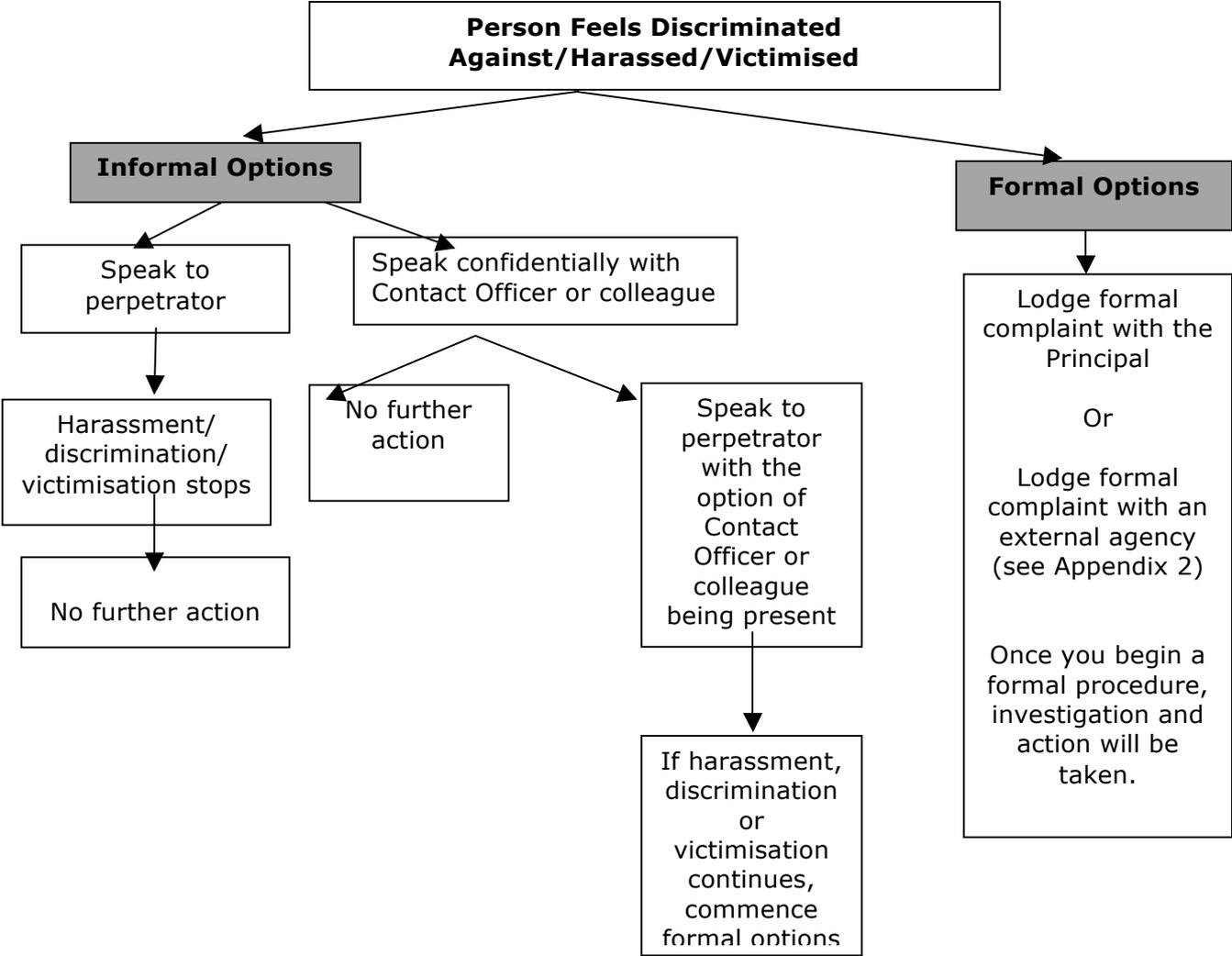
#### **Commonwealth**

*Equal Opportunity for Women in the Workplace Act 1999*  
*Australian Human Rights Commission Act 1986*  
*Disability Discrimination Act 1992*  
*Sex Discrimination Act 1984*  
*Racial Discrimination Act 1975*  
*Age Discrimination Act 2004*  
*Fair Work Act 2009*

#### **Victoria**

*Equal Opportunity Act 2010*

# Complaints Procedure Flowchart



## Support Agencies

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### **Victorian Equal Opportunity and Human Rights Commission (VEOHRC)**

Level 3, 380 Lonsdale Street Melbourne VIC 3000

VEOHRC is the State body that addresses complaints of discrimination, sexual harassment and racial and religious vilification.

For information [information@veohrc.vic.gov.au](mailto:information@veohrc.vic.gov.au)  
To make a complaint [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)  
Website [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)  
Advice Line (03) 9281 7100

### **Australian Human Rights Commission (AHRC)**

Level 3, 175 Pitt Street Sydney NSW 2000

The AHRC is the Commonwealth body that addresses complaints of discrimination and sexual harassment.

For resources [education@humanrights.gov.au](mailto:education@humanrights.gov.au)  
To make a complaint [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)  
Website [www.hreoc.gov.au](http://www.hreoc.gov.au)  
Advice Line 1300 656 419

### **Job Watch**

Job Watch provides employees with assistance regarding their rights at work. They offer a confidential information line and referral service.

Melbourne residents Phone: 9662 1933

Email [jobwatch@jobwatch.org.au](mailto:jobwatch@jobwatch.org.au)  
Website [jobwatch.org.au](http://jobwatch.org.au)

### **Alternative Dispute Resolution Services (ADRS)**

ADRS offer mediation, arbitration and alternative dispute resolution personnel and resources. Such services are contingent on both parties to a conflict being willing to participate and a workplace that is supportive of this approach. The Australian Dispute Resolution website provides the public with a database of service providers.

Website [www.ausdispute.unisa.edu.au](http://www.ausdispute.unisa.edu.au)

### **Beyondblue**

Beyondblue provides people with access to information for depression and anxiety related matters. They can also make referrals to other relevant services.

Phone 1300 224 636  
Website [www.beyondblue.org.au](http://www.beyondblue.org.au)

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