



## **CAMBRIDGE PRIMARY SCHOOL**

### **EQUAL OPPORTUNITY**

#### **Introduction**

**This policy promotes equality of opportunity between persons of different sex, age, marital status, race and other specified attributes, and provides a process of redress for those who have been subject to discrimination.**

**The Victorian Equal Opportunity Act (1995) which addresses sexual harassment in Section 85(1) and (2) and three Federal Acts: Sex Discrimination Act 1984, Racial and Religious Tolerance Act 2001 and the Disability Discrimination Act 1992 makes it unlawful to discriminate against a person on the basis of the following attributes: - age, disability, industrial activity, lawful sexual activity, sexual orientation, gender identity, marital, parental or carer status, physical features, political beliefs or activity, pregnancy, race, religious belief or activity, sex, personal association (with a person who is identified by reference to any of the above attributes) or breastfeeding. These Acts aim to ensure equality of opportunity in an environment free of discrimination and sexual harassment.**

**Furthermore, the Acts prohibit direct and indirect discrimination, making it unlawful to sexually harass a person at school (including students). Sexual harassment can be defined as any verbal or physical conduct of a sexual nature. It is behaviour that is uninvited, unreciprocated, unwelcome and which creates an uncomfortable and/or intimidating, hostile or offensive environment for one or more individuals.**

#### **Aims**

- To provide a working environment that does not tolerate unlawful discrimination and provides equal opportunity for all**
- To recognize that everyone has a legal right to protection from discrimination and sexual harassment.**

#### **Implementation:**

- All staff will be trained to identify any form of discrimination in the workplace**
- A staff member will be elected as the Equal Opportunity representative at our school, and will be provided with professional development appropriate to the role**
- All staff will be provided with the opportunity to attend Merit and Equity training.**
- All staff members will be provided with a copy of this policy, and will be reminded of their rights and responsibilities in relation to the Victorian Equal Opportunity Act (1995)**
- All staff members will be made aware of any DE&T policies and guidelines in relation to EO issues eg. Managing Employee Disability in the Workplace.**
- Any complaints can be lodged with the Equal Opportunity representative, Principal, Regional Director, Merit Protection Boards, or Equal Opportunity Commission.**
- All complaints will be investigated promptly, confidentially, and with impartiality.**
- All complaints will be managed in a manner consistent with DE&T's Local Complaints Resolution Procedures**

handbook.

- The School Council president will be informed on a confidential basis of any Equal Opportunity concerns that are not settled by conciliation.

## **Roles and Responsibilities**

The responsibilities of the Principal and Equal Opportunity officer include:

- modeling appropriate behaviour
- monitoring the working environment to ensure as far as is practicable, that acceptable standards of conduct are maintained at all times and that discrimination and sexual harassment is not tolerated
- promoting awareness of the avenues for advice and the complaints procedures with respect to discrimination and sexual harassment as set out in this policy
- treating complaints and behaviour which may constitute discrimination and sexual harassment and taking immediate action
- treating complaints of discrimination and sexual harassment with appropriate confidentiality
- ensuring that a person is not victimized for making, or being involved in, a complaint of discrimination or sexual harassment.
- identifying an appropriate contact person (such as an equal opportunity contact person) to provide information and support to complainants or respondents (the equal opportunity contact person should not provide support to a complainant and a respondent involved in the same matter).
- referring to this policy within the school charter (including reference to this policy in the school, student and staff codes of conduct and practice).
- where an allegation involves a student, ensuring that an appropriate network of support, guidance, counseling and liaison with parents/guardians is established in accordance with duty of care obligations.

The role of the principal

The principal must ensure that every complaint is dealt with in a manner that is both procedurally and substantively fair.

The principles of natural justice to be observed include:

- the right of each party to be heard
- the right of each party to be treated fairly
- the right of the respondent to have a witness or support person, who may be a union representative, present at any meeting
- the right of the respondent to know the allegations made against him or her
- the right of the respondent to respond to the allegation(s) made against him or her
- the right of both parties to a decision maker who acts fairly and in good faith

The role of the equal opportunity contact person is to:

- be familiar with the Equal Opportunity Policy and Procedures including the procedures for dealing with allegations of discrimination or sexual harassment
- understand the negative effects that discrimination or sexual harassment can have in the workplace, and particularly the effect that making a complaint can have on individuals.
- act as a point of contact for any person considering making a complaint for seeking information about discrimination or sexual harassment
- provide the complainant with information about the various options and avenues for advice and the complaints procedures
- where the allegation has been made by a student, ensure that an appropriate network of support, guidance, counseling and liaison with parents/guardians is established in accordance with duty of care obligations
- liaise as necessary with the principal and the Department's Complaints and Investigation Unit
- to provide information and support to the complainant, and does not extend to investigation, conciliation, making a judgment about what constitutes discrimination or sexual harassment, or other intervention
- participate in any training provided by the Department

All employees have a responsibility to:

- complete the Workplace Discrimination and Sexual Harassment Online Training or A.E.U. workshops
- comply with the Department's Equal Opportunity Policy and Procedures
- model appropriate behaviour
- treat information in relation to discrimination or sexual harassment allegations with appropriate confidentiality
- ensure that a person is not victimised for making or being involved in, a complaint of discrimination or sexual harassment

## Complaints Procedure

It is incumbent on the principal to act where unacceptable conduct is observed or brought to his or her attention. This will be the case even if the complainant does not wish to take any action. Where the harassment is of a sexual nature the principal **MUST** contact the Department's Complaints and Investigations Unit for advice.

### *Informal Complaint procedure may involve the following*

1. The complainant may ask the Principal to speak to the respondent on their behalf. This person should privately convey the complainant's concerns and reiterate the objectives of the DE&T *Sexual Harassment Policy and Procedures* to the respondent without assessing the merits of the case or
  2. The complainant may wish to deal with the matter themselves and seek advice on possible strategies to resolve the matter. In this situation the complainant should be advised that the employer has an obligation to the whole of the workplace and is required to take supportive action regardless of the complainant's wishes.

## Formal Complaint procedure

After contacting the Department's Complaints and Investigation Unit, the principal may decide to respond to a complaint through a formal procedure. The circumstances where formal procedures are appropriate include the following

- informal attempts at resolution have failed
- the complainant involves serious allegations and informal resolution could compromise the rights of the parties
- the complainant fears victimization
- the allegations are denied and an investigation is required to determine whether or not the complaint has substance
- the complainant wishes to make a formal complaint from the outset
- the principal considers that the informal procedure is inappropriate

Formal procedures involve the following steps:

- Step 1. Investigating the complaint
- Step 2. Making a finding
- Step 3. Determining appropriate action
- Step 4. Preparing the report
- Step 5. Monitoring the situation

## Evaluation

- Monitoring the effectiveness of the complaints that are dealt with
- Monitoring the number of staff undertaking Merit & Equity Training
- The school's policies and practices will be regularly reviewed to ensure consistency with the Victorian Equal Opportunity Act (1995)

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
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