



# **St. Joseph's Primary School Numurkah**

## **Anti-Discrimination Policy May 2016**

### **Commitment to Child Safety**

**All students enrolled, and any child visiting, have the right to feel safe and be safe in all school environments and outside of school hours. The wellbeing of children in our care will always be our first priority and we have zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and are free to enjoy life to the full without any concern for their safety.**

### **Basic Beliefs:**

**\* Our School is built on respect and an appreciation of individual differences**

**\*“In never seeing a need without doing something about it”  
( Mary MacKillop )**

### **Aims and Objectives:**

- Working to ensure an environment of mutual respect between all school community members.**
- -Upholding the value that each school community member has needs, rights and responsibilities.**
- Providing clear expectations of behaviour and treatment of others.**
- Implementing a social skills and behaviour management program.**
- Continuing to develop a culture where individual differences are accepted and opportunities are provided for all to reach their full potential.**

## **Introduction**

Discrimination and harassment are unlawful under the following:

*Equal Opportunity Act 1995*

*Racial Discrimination Act 1975*

*Anti Discrimination Act 1974/75*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

*Workplace Relations Act 1996*

Discrimination and harassment on the basis of any of the attributes listed below are unlawful

- \* Age
- \* Breastfeeding
- \* Carer Status
- \* Disability
- \* Gender Identity
- \* Industrial Activity
- \* Marital Status
- \* Parental Status
- \* Physical Features
- \* Political Belief or Activity
- \* Pregnancy
- \* Race
- \* Religious Belief or Activity
- \* Sexual Orientation/Lawful Sexual Activity
- \* Personal Association with a person who is identified with reference to any of the above attributes.

## **Discrimination Free School**

At St. Joseph's School we value the diversity of our school community and respect the differences between employees and students, recognising that each person has individual talents and skills to bring to their work. At St. Joseph's School we believe that all employees and students are entitled to work in an environment in which they can enjoy their work and their relationships with their colleagues, free from unwanted discrimination and harassment of any kind. St. Joseph's School, Occupational Health and Safety Policy, also identifies the importance of a safe working environment, free from any form of discrimination.

## **What is harassment?**

Harassment is any behaviour, which is unwelcome and is based on one of the legislatively proscribed attributes listed above. It will usually be repeated behaviour, but can also consist of a single act.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed their ability to do their work is affected. They often become stressed and suffer health problems as a result.

Harassment can often be the result of behaviour, which is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not mean that it is not unlawful. The differences between people should be acknowledged and respected - never ridiculed.

Harassment often involves an abuse of power, for example, a *person in a position of authority* may harass a person over whom they have authority. Abuse of power can also happen when certain groups are in a minority in the workplace and are therefore in a vulnerable position, for example, people from non-English speaking backgrounds.

It does not include lawful behaviour, which is mutually acceptable to the parties.

### **Types of harassment**

There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances; to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.

#### *Examples of verbal harassment:*

- sexual comments, advances or propositions;
- racist comments or jokes;
- spreading rumours;
- belittling someone's work or contribution in a meeting;
- repeated unwelcome invitations;
- obscene telephone calls, unsolicited letters, faxes, E-mail.

#### *Examples of non-verbal harassment:*

- putting offensive material on notice boards, computer screen savers, E-mail, etc;
- displaying sexist or racist cartoons or literature;
- demoting, failing to promote, or transferring someone because they refuse requests for sexual favours;
- mimicking someone with a disability;
- practical jokes which are unwelcome;
- ignoring someone, or being cold or distant with them;

*Examples of physical harassment:*

- unwelcome physical contact, such as kissing, hugging, pinching, patting, touching, brushing up against a person;
- hitting, pushing, shoving, throwing objects at a person.

**What is discrimination?**

Discrimination is making unlawful distinctions between individuals and groups on the basis of any of the proscribed attributes listed above. Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the proscribed attributes. Indirect discrimination occurs when a policy, rule or practice has a discriminatory effect against a group of people (for example a height requirement may discriminate against women).

**School Policy opposes Discrimination/Harassment**

It is against St. Joseph's School Occupational Health and Safety Policy, as it creates an unsafe work place and is a breach of equal opportunity laws to harass or discriminate against an employee or student because of any of the proscribed characteristics. Harassment/ discrimination will also occur if it is based on a perception that a person has one of those attributes, even if they don't, in fact, have that attribute.

Discrimination/harassment will not be tolerated at St. Joseph's School.

- If, after an investigation by an appropriate person, it is found that discrimination or harassment has taken place, the person responsible will be disciplined.
- In serious cases, dismissal may be the result.
- Serious cases of harassment involving assault may also constitute a crime.
- In the case of dealing with discrimination / harassment where students are involved,
- If, after an investigation by an appropriate person, it is found that discrimination or harassment has taken place, the person responsible will be disciplined.
- In serious cases, expulsion may result.

Workplace discrimination/harassment is also against St. Joseph's School Occupational Health and Safety Policy, as it creates an unsafe work environment.

**What to do if you are harassed or suffer discrimination**

If you feel that you are being harassed or suffering discrimination, tell the person to stop, that the behaviour is unacceptable and that it must not happen

again. It is important to say these things to the harasser as the person might interpret silence as tacit consent. If, however, you are too frightened or embarrassed to say anything, this does not mean that your complaint will not be taken seriously.

If the behaviour does not stop, or even if it does stop but you wish to report it, tell the Principal, alternatively, you may wish to speak to the Vice Principal, who will tell you what your options are. If you so wish, you may make a formal complaint under St. Joseph's School Consultation Procedure. Copies of the Procedure are available from the Principal or in the Pastoral Care file on Teachers Common..

It is a good idea to make a written note of any discrimination or harassment, including details of dates, times, witnesses, what happened, and what you said/felt.

Be frank and open with those who are investigating the complaint about what happened. This will enable appropriate action to be taken.

You can also get advice from your union, or a government agency such as the Equal Opportunity Commission Victoria.

### **What St. Joseph's School will do?**

It is St. Joseph's School legal responsibility to ensure that discrimination and harassment do not happen in the workplace. If they do occur, St. Joseph's School will take complaints seriously. The complaint will be investigated in a sympathetic, fair and confidential manner. Action will be taken to make sure that the offending behaviour stops. Appropriate warnings or disciplinary action will be taken where harassment/discrimination is found to have occurred.

You will not be victimised or treated unfairly for making a complaint.

### **Responsibilities of Principal and Vice Principal**

It is part of the role of *principal, and vice principal* to ensure that harassment does not occur in the workplace. The *principal / vice principal* must ensure that they do not engage in behaviour that is discriminatory or harassing themselves - either of other employees, students or visitors.

When the *principal, or vice principal* observe discrimination or harassment happening in the workplace, they should take steps to stop it and warn the person involved of the consequences if the offending behaviour continues.

*Principal or vice principal* are also responsible for ensuring that all staff and students are aware that discrimination and harassment will not be allowed in the school and that complaints will be dealt with in accordance with the terms of St. Joseph's School Consultation Procedure.

If you tell the *Principal or Vice Principal* about harassment, he/she is obliged to make sure that confidentiality is maintained.

If the *Principal or Vice Principal* feels that he/she is not the appropriate person to be dealing with a complaint, he/she will refer the matter to the Educational Consultant for the Wangaratta Zone of the Sandhurst Diocese who will be able to assist.

### **Responsibilities of employees**

Employees are legally obliged to ensure that they do not discriminate against or harass other employees students or visitors at St. Joseph's School. Employees must also ensure that they do not encourage others to do so.

If you become aware that someone you work with is being harassed or subjected to discrimination, you can assist them in a number of ways. Tell them that you are willing to act as a witness if they decide to make a complaint. Back them up or support them in saying "no" to the alleged offender. However, it is not your responsibility to say anything to the alleged offender. Remember that if you spread rumours about anyone, you may be subject to a defamation action.

### **Where to go for more information**

For more information about workplace discrimination and harassment, you can approach the following

- The Equal Opportunity Officer, members of the EEO Committee, The Principal / Vice Principal,*
- The Union of choice;*
- The Equal Opportunity Commission Victoria 380 Lonsdale Street Melbourne 3000 Telephone (03) 9281 7111, or from the country 1800 134 142*
- Educational Consultant – Mrs. P Fisher CEO Wangaratta*
- Ref. Anti Bullying Policy*

**Ratified by St. Joseph's School Board on 16/06/2016**

**For review 2019**