



WORKPLACE EQUAL EMPLOYMENT OPPORTUNITY POLICY

RATIONALE

Sacred Heart College 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 workplace participants and to a workplace where all workplace participants feel safe and respected.

The College 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 College operates. The College is guided by the applicable legislation in determining its prevention and intervention measures.

POLICY STATEMENT

- The College is committed to building and nurturing a workplace that is free from discrimination, sexual harassment and victimisation.
- The College is committed to implementing awareness-raising programs and strategies that heighten workplace participants' understanding of the impact of their behaviour on others and awareness of their rights and responsibilities.
- The College aims to achieve resolution of complaints of perceived or actual incidents of discrimination, sexual harassment and/or victimisation promptly. The College will endeavour to ensure that the offending behaviour stops.
- The College aims to respond to complaints or reports of discrimination, sexual harassment and/or victimisation in a sensitive, fair and timely manner.
- The College 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 are employees who are trained in and responsible for being a contact point for workplace participants with concerns about whether they may have been discriminated against, sexually harassed or victimised. A Contact Officer is able to provide workplace participants with information on discrimination, sexual harassment and/or victimisation; clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with discrimination, sexual harassment and/or victimisation.

Workplace Participants includes College employees, contractors, consultants, students on placement and volunteers (hereafter referred to as Workplace Participants), both inside and outside of the workplace

WORKPLACE DISCRIMINATION

Workplace discrimination can be either direct or indirect discrimination against a person on the basis of an attribute which is protected under State and Commonwealth anti-discrimination legislation (see full list below). It is irrelevant whether or not a person intends to discriminate against another person. Workplace participants must not discriminate against others.

Direct discrimination is when someone is treated unfavourably because they have an attribute protected by law. 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 attribute protected by law 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 workplace participant who is mobility impaired and is not able to attend the meeting.

The attributes 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 of:

- Their association with a person with one of the above attributes (for example, treating someone unfavourably because their brother has a disability); or
- Their perceived attribute (that is, where it is thought that a person possesses an attribute whether they in fact possess it or not).

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 or sexual harassment. Workplace participants must not victimise any other person. Disciplinary action may result if a workplace participant is found to have victimised another.

What is not discrimination or victimisation - discrimination and victimisation should not be confused with reasonable management action in relation to work performance or conduct of a person or a group which is not related to a protected attribute and which may include:

- Setting performance goals, standards and deadlines.
- Deciding not to select a worker for promotion.
- Informing a worker about unsatisfactory work performance.
- Informing a worker about inappropriate behaviour.
- Implementing organisational changes.
- Feedback on work performance.

Sexual harassment is 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. Workplace participants must not sexually harass others.

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.

Note: Serious cases of discrimination, sexual harassment or victimisation may also constitute a crime. Workplace discrimination, victimisation and sexual harassment are also against the School's Occupational Health and Safety Policy as it can create an unsafe work environment.

RIGHTS AND RESPONSIBILITIES

All workplace participants, are required to comply with this policy in relation to the treatment afforded to other workplace participants and to potential workplace participants (i.e. job applicants) during selection and recruitment processes.

All workplace participants 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. Workplace participants will desist from engaging in or condoning such behaviours and practices.

Workplace participants who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

Workplace participants have:

- The right to have employment decisions made based on merit
- The right not to be discriminated against, harassed or victimised at work
- The right to be protected by their employers from these behaviours
- The right to make a complaint
- The right to work in an environment free of discrimination, harassment and victimisation
- The responsibility not to discriminate against, harass or victimise other workplace participants
- The responsibility to be familiar with Equal Opportunity policies and complaint procedures
- The responsibility to report to Human Resources if they are being harassed or discriminated against by anyone in the course of their work

The College Leadership Team, Supervisors and Human Resources have:

- The right to control, direct and monitor work performance
- The right to give legitimate comment on performance or work-related behaviour
- The responsibility to ensure that the workplace is free from discrimination, sexual harassment and victimisation
- The responsibility to take all reasonable steps to prevent these behaviours
- The responsibility to listen to and respond quickly, seriously and effectively to any complaints
- The responsibility to ensure all parties understand their responsibilities and are made aware of this policy and procedure
- The responsibility to take immediate action if any of the prescribed behaviours are observed

Contact Officers will:

- Provide workplace participants with information on discrimination, harassment and victimisation, clarifying any questions or concerns a person may have, and provide advice on the options that are available for dealing with discrimination, harassment or victimisation

PROCEDURE FOR RESOLVING COMPLAINTS

A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. Informal resolution processes should be explored prior to a formal resolution procedure. Where informal approaches have been unsuccessful or deemed not appropriate, a formal procedure will be adopted.

For the purposes of complaint resolution processes:

- A person who makes a complaint is a Complainant; and
- A person about whose actions or behaviour a complaint relates is a Respondent.

INFORMAL RESOLUTION PROCESSES

The informal options open to a Complainant to attempt to resolve a complaint include:

- Speaking directly with the Respondent about their behaviour or actions;
- Consulting with a Contact Officer for advice, support and assistance; and/or
- Reporting the matter to Human Resources for assistance.

Informal resolution processes do not involve an investigation or making findings based on an investigation. A 'no blame' approach is therefore appropriate for dealing with matters informally.

Speaking directly with the Respondent

In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language. If the Complainant does not wish to speak to the Respondent verbally, another option is to address the issue with the Respondent in writing, rather than face to face.

Consulting with a Contact Officer

If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Contact Officer. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding discrimination, harassment or victimisation issues, including options for resolving the matter. Contact Officers do not take any action on behalf of the workplace participant such as approaching the Respondent or conducting mediation.

Reporting the matter to a member of the Human Resources Team

The Complainant may report the matter to a member of the HR Team who can assist with exploring resolution strategies. Where appropriate, and in consultation with the Complainant, the member of the HR Team may approach the Respondent and talk to them informally about the matter.

Other informal resolution options which may also be considered include facilitated discussion, mediation, and entering into mutual agreements on workplace practices.

Referral to formal investigation

Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation (see below).

FORMAL RESOLUTION PROCESSES - INTERNAL

If a matter is not able to be resolved using informal resolution methods, or for more serious matters, a formal process may be appropriate.

Lodging a formal complaint

A formal complaint can be made by a Complainant to Human Resources and should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation.

Initial response

Following receipt of a formal complaint, HR, the Principal or Principal's delegate will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- Whether and how the complaint will be investigated (e.g. interviews, viewing documents);
- The expected timeframe for any investigation;
- Who can be present at investigation interviews;
- What support is available for persons involved in the process;
- The interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint; and

- If the complaint raises issues which place the College under a legal obligation to report the matter to law enforcement agencies.

Formal internal investigation

Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed by the Principal to conduct the investigation. The Investigating Officer is someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- Interview the parties involved, and witnesses if any;
- Review relevant evidence, such as emails and other documentary evidence; and
- Report to the Principal on whether or not the complaint is substantiated.

Investigation outcomes and action to be taken

If a complaint is substantiated, appropriate action will be taken which may include:

- An apology;
- Changes to work practices;
- Disciplinary action, including dismissal;
- An undertaking that the behaviour will not be repeated;
- Reversal of an action or decision or substitution of a different action or decision; and/or
- Training.

Assistance may also be offered to a Complainant or other persons involved which may include:

- Counselling;
- Redressing any inequality resulting from the action or decision the subject of the complaint;
- Mentoring and support.

If an investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence) further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.

FORMAL COMPLAINT - EXTERNAL

A Complainant may choose to seek assistance, information and/or mediation support at anytime during the process 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.

In dealing with complaints, the College may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

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 workplace participants 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/or resolving experiences of or allegations of discrimination or sexual harassment or victimisation an employee may utilise the services of counselling support at any stage of the process. The College is a member of AccessEAP. The contact phone number for this support is 1800 81 87 28. The College Contact Officers can assist employees to access the service.

Vexatious claims

The College will not deal with complaints that:

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

Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent, including but not limited to:

- providing false or misleading information
- withholding relevant information
- distorting facts, or
- not demonstrating commitment to resolution

then depending on the circumstances, disciplinary action may be taken against a Complainant.

APPENDICES

Appendix 1: Complaints Procedure Flow Chart

Appendix 2: External Support Agencies

RELATED DOCUMENTS

Sacred Heart College Respectful Workplace Policy

Sacred Heart College Occupational Health and Safety Policy

Sacred Heart College Grievance Policy and Grievance Procedure

MEL Code of Conduct

VIT Code of Conduct

RELEVANT LEGISLATION

Commonwealth

Workplace Gender Equality Act 2012

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

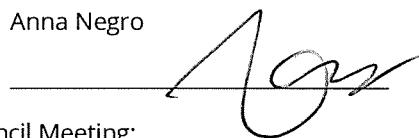
Equal Opportunity Act 2010

DOCUMENT CONTROL

Date Approved: 27 March 2019

Name: Anna Negro

Signature:



Date presented at Council Meeting:

Sponsor: Human Resources Manager

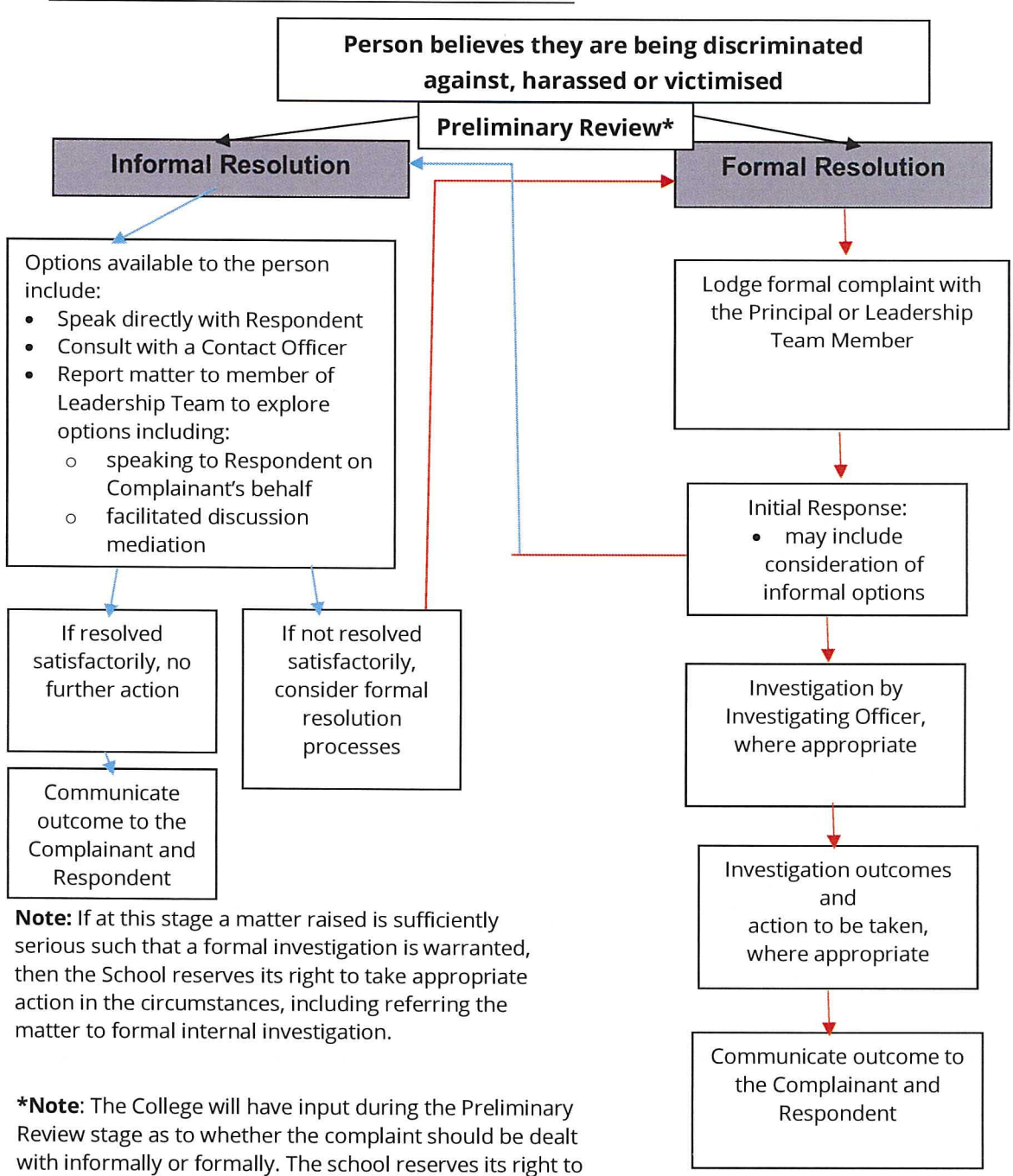
Person Responsible for Implementation: Principal and Human Resource Manager

Last Amended: 2019

Next Review Date: 2022

Location Checklist: Staff Handbook Students Parent Portal Website

APPENDIX 1
Complaints Procedure Flowchart



Note: If at this stage a matter raised is sufficiently serious such that a formal investigation is warranted, then the School reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation.

***Note:** The College will have input during the Preliminary Review stage as to whether the complaint should be dealt with informally or formally. The school reserves its right to proceed formally as appropriate.

Note: AccessEAP – confidential counselling service for staff:
1800 81 87 28

APPENDIX 2

Support Agencies

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

To make a complaint: complaints@veohrc.vic.gov.au

Website: 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

To make a complaint: complaintsinfo@humanrights.gov.au

Website: 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

Website: 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

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
