

# EQUAL OPPORTUNITY POLICY



## PURPOSE

Chiltern Primary School is committed to a diverse workforce and ensuring that all Department workplaces are free from discrimination and harassment. As such Chiltern Primary School is an equal opportunity employer committed to providing a safe environment where all employees are treated fairly and with dignity.

Equal employment opportunity at Chiltern Primary School is about:

- freedom from discrimination and harassment
- merit selection focusing on essential job requirements
- respect for diversity
- good people management

These form the core elements of the Department's Equal Opportunity and Anti-Discrimination Policy. They recognise and value the diversity of our community, enable the attraction of the best skills from a wide talent pool and ensure that employees can realise their potential with the Department.

The objective of this Policy is to ensure that people are treated as individuals, respected for their unique attributes and not excluded, harassed or bullied in any way, through unconscious bias, stereotypes or unlawful actions that may form the basis of discrimination, harassment, vilification or victimisation.

Chiltern Primary School will not condone or tolerate victimisation, vilification, discrimination or harassment.

## SCOPE

This Policy applies to all Department employees in schools, central and regional offices, including:

- the Secretary and Deputy Secretaries
- Executive officers, managers and principals
- employees (full-time, part-time, ongoing, fixed term, casual)

The Policy applies to all of the Department's workplaces, including any location that employees may be considered to be carrying out work on behalf of the Department that is in the course of their employment.

## DEFINITIONS

### 4.1 DISCRIMINATION

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
- 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
- pregnancy
- 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.

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.

## **4.2 SEXUAL HARASSMENT**

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. Refer to the Department's Sexual Harassment Policy on [A-Z HRWeb](#).

## **4.3 VICTIMISATION**

It 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.

## **4.4 VILIFICATION**

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.

## **4.5 POSITIVE DUTY**

The Department has a positive duty to take reasonable and proportionate measures to eliminate discrimination, sexual or other forms of harassment and victimisation from the workplace. This means for example, taking measures to ensure staff are undertaking training and regularly assessing workplace compliance to achieve improvement.

#### 4.6 VICARIOUS LIABILITY

If an employee contravenes this Policy, the Department may be held liable for the conduct of that employee. Vicarious liability can also extend to the actions of agents of the Department, such as recruitment firms and consultants.

It is therefore important that this Policy is understood by agents of the Department, including those responsible for hiring employees, including external recruiting firms.

#### 4.7 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.

Refer to the Disability page on [A-Z HRWeb](#) for further information.

## POLICY

## REVIEW CYCLE

This policy was Tabled at School Council and updated April 2019

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