



Rationale

John Paul College (**the 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 staff and to a workplace where all staff feel safe and respected.

The College is therefore committed to building and nurturing a workplace that is free from discrimination, sexual harassment and victimisation. 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 circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

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.

Principles

- 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 staff members' 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.

Responsibilities

Staff and Contractors – All persons who work on College grounds, including contractors, are required to comply with this policy in relation to the treatment afforded to other staff and contractors and to potential employees (ie. job applicants) during selection and recruitment processes.

Contact Officers – A Contact Officer is a staff member who is trained in and responsible for being a contact point for staff with concerns about whether they may have been discriminated against, sexually harassed or victimised. A Contact Officer is able to provide staff 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. Contact Officers at John Paul College are the Deputy Principals.

Workplace Discrimination

Staff members must not discriminate against others. 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.

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 staff member 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

Staff members must not victimise any other person. 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.

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

Staff members must not sexually harass others. 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.

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 involving assault may also constitute a crime. Workplace discrimination, victimisation and sexual harassment is also against the College's Occupational Health and Safety Policy as it can create an unsafe work environment.

Procedures for resolving complaints

Any complaints can be resolved using the College's *Resolution of Grievance Policy*.

Counselling support

In confronting and/or resolving experiences of or allegations of discrimination, sexual harassment or victimisation, a staff member and his/her immediate family members may utilise the services of counselling support at any stage of the process. The College is a member of Access Programs. The contact phone number for this support is 1300 66 77 00. The College Contact Officers can assist staff to access the service.

Vexation 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;
- taken at their highest, do not constitute discrimination, sexual harassment or victimisation as defined by this policy.

The College 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 against the Complainant.

Appendices

Appendix 1: Reference Material

Related Policies

Resolution of Grievances Policy
College Policy: Occupational Health and Safety
Safe College Policy
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

Appendix 2: Employee Assistance Program

The College supports employees through the provision of an Employee Assistance Program. The provider of this program is Access Programs. Contact details are below.

Note: Access Programs
The contact phone number is 1300 66 77 00.

Appendix 3: 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

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