

## POLICY AND GUIDELINES

# Discrimination and Harassment

2009 Developed  
2012 Reviewed

**Rationale:**

Discrimination and harassment are unlawful under the following:

Equal Opportunity Act 1995  
Racial Discrimination Act 1975  
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 is unlawful

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

**Relevant Vision Statements:**

The values of the Gospel of Jesus Christ touch the personal life of the child, where he/she is able to experience people who manifest qualities of love, forgiveness, patience, compassion, tolerance and justice

A strong community is fostered where respect for ourselves, others, environment, heritage and Church is created and nurtured

Each individual is given the opportunity to develop to their full potential through quality teaching and learning experiences

**Relevant Mission Statements:**

Because we believe in the above Vision Statements we are committed to:

- ❖ Establishing a climate which is welcoming, affirming and reconciling
- ❖ Genuine openness, caring, support and responsibility
- ❖ Friendship
- ❖ Developing an appreciation and understanding of cultural differences in the community
- ❖ Promoting the development of self esteem and social skills to ensure we acknowledge and value the contribution of self and others
- ❖ Empowering individuals to create a just, harmonious society, encouraging all to respect and care for the environment
- ❖ Development and mutual respect, courtesy and respect for the rights of others

### **Basic beliefs:**

#### **Discrimination Free School.**

At Our Lady's 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 Our Lady's 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.

### **Guidelines for implementation.**

#### **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.
- 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;
  - unsolicited letters, faxes, E-mail.
- 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 Our Lady's policy and a breach of equal opportunity laws to harass or discriminate against an employee or student because of any of the prescribed 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 Our Lady's. 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.

Workplace discrimination/harassment is also against the Our Lady's 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, inform the deputy principal or the principal. Alternatively, you may wish to speak to a different member of the Our Lady's Leadership Team, who will tell you what your options are. If you so wish, you may make a formal complaint under Our Lady's Complaints Handling Procedure. Copies of the Procedure are available from the "teachers" side of the intranet

in the policies folder for that year.

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 Our Lady's will do.**

It is Our Lady's legal responsibility to ensure that discrimination and harassment do not happen in the workplace. If they do occur, complaints will be taken seriously by the school. 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 the principal, deputy principal and members of the Our Lady's leadership team:

It is part of the role of the principal, deputy principal or members of the leadership team to ensure that harassment does not occur in the workplace. The principal, deputy principal or members of the leadership team, must ensure that he/she/they do not engage in behaviour that is discriminatory or harassing themselves - either of other employees, students or visitors.

When the principal, deputy principal or members of the leadership team 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, deputy principal or leadership team members 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 Our Lady's Complaints Handling Procedure.

If you tell the principal, deputy principal or the complaints officer about harassment, he/she is obliged to make sure that confidentiality is maintained.

If principal, deputy principal or a member of the leadership team feels that he/she is not the appropriate person to be dealing with a complaint, he/she will refer the matter to a member of the leadership team or member of the Catholic Education Office, who will be able to assist you.

### **Responsibilities of employees**

Employees are legally obliged to ensure that they do not discriminate against or harass other employees, students or visitors at Our Lady'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, grievance contact officers; your union;

the Victorian Equal Opportunity and Human Rights Commission Victoria 380 Lonsdale Street Melbourne 3000 Telephone 1300 891848

[information@veohrc.vic.gov.au](mailto:information@veohrc.vic.gov.au)

In the Melbourne Archdiocese – the coordinating Chairperson, Pastoral Care Unit CEO Melbourne

In each of the country dioceses - the Educational Consultant at the relevant Catholic Education Office.

### **Evaluation.**

This policy will be reviewed by the pastoral care staff team as part of the policy review cycle of the school board.

### **Annual implementation plan.**

Attention will be drawn to this policy each year as part of the preparation of staff for the school year.

Reviewed September 2012