

ANTI-DISCRIMINATION POLICY

Rationale

- Equal opportunity is a requirement under both Victorian and Commonwealth legislation. In Victoria, the main piece of legislation which makes it unlawful to discriminate is the *Equal Opportunity Act 2010* (Vic) (EO Act 2010).
- Related laws in Victoria are the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the *Racial and Religious Tolerance Act 2001* (Vic).
- At the Commonwealth level, there is a range of equal opportunity legislation which includes the *Racial Discrimination Act 1975* (Cth), the *Sex Discrimination Act 1984* (Cth), the *Disability Discrimination Act 1992* (Cth) and the *Age Discrimination Act 2004* (Cth).
- Equal opportunity means that every person can participate freely and equally in areas of public life such as in the workplace, in education, or in accessing goods and services. Discrimination is treating, or proposing to treat, someone unfavourably or bullying them because of a personal characteristic protected by law. Equal opportunity law aims to promote everyone's right to equal opportunities; eliminate, as far as possible, discrimination and sexual harassment; and provide redress for people whose rights have been breached.
- All employees, students, parents, school council members, contractors and volunteers are required to act in accordance with equal opportunity, anti-discrimination, harassment and vilification legislation. We all have a responsibility to ensure department workplaces including schools are respectful, safe and inclusive and free of discrimination, harassment, vilification and otherwise unlawful and unacceptable behaviours.
- Discrimination in any form is unacceptable. As educators, we have a responsibility to provide teaching and learning environments that are free from discrimination in all forms, including those based on race, ethnicity, gender, ability, disability, sexuality and religion.
- Discrimination extends to the school's dress code. Schools must treat students equally and need to balance the rights of individual students against the best interests of the school community as a whole when developing and implementing their dress codes.

Purpose

- To provide a fair and supportive environment free from all forms of discrimination, discriminatory practice and beliefs, that promotes personal respect, values diversity, and provides physical and emotional safety.
- To ensure Tarneit West Primary School (Interim Name) complies with the Department of Education and Training (DET) policy and guidelines and the legislative requirements of the:
 - Age Discrimination Act 2004 (Cth)
 - Charter of Human Rights and Responsibilities Act 2006 (Vic)
 - Disability Discrimination Act 1992 (Cth)
 - Education and Training Reform Act 2006 (Vic)
 - Education and Training Regulations 2007 (Vic)
 - Equal Opportunity Act 2010 (Vic)
 - Racial and Religious Tolerance Act 2001 (Vic)
 - Racial Discrimination Act 1975 (Cth)
 - Sex Discrimination Act 1984 (Cth)

Definition

Discrimination is unfavourable treatment of a person in an area of public life due to one of their personal attributes for example their sex, age, race or disability.

The Equal Opportunity Act 2010 covers areas of both direct and indirect discrimination.

Direct discrimination is when a person 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 that person is aware of the discrimination or considers the treatment to be unfavourable. It is also 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 with a protected attribute. Whether a requirement, condition or practice (or proposed requirement, condition or practice) is reasonable depends on all relevant circumstances including:

- the nature and extent of the disadvantage resulting from the imposition, of the requirement, condition or practice
- whether the disadvantage is proportionate to the result sought by the person who imposes, the requirement, condition or practice
- the cost of any alternative requirement, condition or practice
- the financial circumstances of the person imposing the requirement, condition or practice
- whether a reasonable adjustment or reasonable accommodation could be made to the requirement, condition or practice, to reduce the disadvantage caused to a person, including the availability of an alternative requirement, condition or practice that would achieve the result sought by the person imposing the requirement, condition or practice, but would result in less disadvantage.

Implementation

- The wellbeing of all children is the highest priority for this school.
- All staff will be made aware of the legislative requirements relating to discrimination.
- All staff will complete DET's online Workplace Discrimination & Sexual Harassment training.
- Professional development relating to discrimination will be provided for all staff, who in turn are expected to model and practice appropriate non-discriminatory behaviour.
- Staff, students and members of the school community will be familiar with the school's approach to anti-discrimination and will be provided with information relating to their rights and responsibilities.
- The school will support a safe and inclusive school environment where the school community feels welcome, supported and physically and emotionally secure.
- The school's dress code will enable all students to participate fully in school life. Please refer also to the school's Uniform & Dress Code Policy.
- Staff will model appropriate behaviour for resolving issues and promote mutual respect for all members of the school community and build effective relationships with parents/carers, students and staff from diverse cultural, linguistic and religious backgrounds.
- Our school will ensure that all groups who are affected by decision-making outcomes are consulted, their input will be treated fairly, and decision-making processes and outcomes will be meritorious and free from discrimination.
- All decision-making processes will be open to scrutiny, with processes for appealing decisions and for regularly reviewing processes to be adopted.
- All claims of discrimination will be treated confidentially, documented on **Compass** and promptly and constructively addressed.
- Unresolved school-level issues may be referred by the principal, or either party involved, to the appropriate authorities.

- The rights and sensitivities of all individuals will be protected.
- School Council will communicate in plain language, avoiding unnecessary jargon, and also use other means of reaching parents with literacy difficulties such as open meetings and assemblies where possible.
- Curriculum content will be free of discriminatory content, but will analyse the effects of discrimination and assist students to develop attitudes and skills that discourage, challenge and report discriminatory practices.
- Please refer also to the school's Parent Complaints Policy, the School Uniform/Dress Code Policy and the Child Safe Standards.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update late November 2017).

<u>Ratification</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
October 2021	2021	5	2	September 2017

Reference:

www.education.vic.gov.au/school/principals/spag/management/Pages/humanrights.aspx