

Alphington Primary School Equal Opportunity Policy

Rationale:

Alphington Primary seeks to promote recognition and acceptance of everyone's right to equality of opportunity and freedom from discrimination. APS acknowledges that these rights are enshrined in law. Staff and children have the right to work and learn in an environment that is inclusive and free from discrimination, harassment and sexual harassment.

Aims:

To:

- Promote recognition and acceptance of everyone's right to equality of opportunity
- Provide a school environment free from harassment, vilification, bullying and victimisation.
- Eliminate discrimination against people by prohibiting discrimination on the basis of various attributes, whether actual or assumed, such as: age, disability, race, religion, gender identity, sex or sexual orientation.
- Provide a redress for people who have suffered discrimination, harassment or sexual harassment.

Implementation:

1. School policies are compliant with the Department of Education and Early Childhood Development (DEECD) guidelines and Rights and Responsibilities under the *Equal Opportunity Act 2010*
2. *APS embraces the "charter of Human Rights and Responsibilities" in school activities, education and culture.*
3. Staff promote awareness of equal opportunity issues with students through the teaching and learning program
4. Staff selection, review and performance management is based on merit and equity principles
5. A local grievance review process may be accessed, in accordance with DEECD guidelines.
6. All complaints will be treated seriously, confidentially and according with DEECD guidelines.
7. A staff member will be appointed as the Equal opportunity Representative and provided with adequate training.
8. A Review Process Co-ordinator is responsible for the co-ordination of a review process in the school and to provide information.

Evaluation:

The School Council will be responsible for the review of the policy within the life of the School Strategic Plan.

This policy was last ratified by School Council in....

April 2012

Appendix:

Definition of the terms used in this policy.

The Equal Opportunity Act (The Act) makes it unlawful to discriminate or sexually harass in the areas of education, employment, provision and receipt of goods and services, sport, accommodation, clubs and club members, local government and disposal of land.

It is unlawful to sexually harass or discriminate on the basis of **age, disability, industrial activity, lawful; sexual activity or sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, physical features, actual or assumed gender identity, political belief, religious belief or activity, race and personal association with a person who is identified by reference to any of the above.**

Sexual Harassment:

Sexual harassment is:

- any unwelcome sexual advance
- an unwelcome request for sexual favours, or
- any other unwelcome conduct of a sexual nature

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Discrimination in Education.

Discrimination may be direct or indirect. **Direct discrimination** is when you treat a person with an attribute protected by The Act less favourably than a person who does not have the protected attribute in the same or similar circumstances. **Indirect Discrimination** occurs when an unreasonable requirement, condition, or practice which may appear to be neutral in fact has a disproportionately negative impact on people with particular attributes. (Attributes outlined above)

Examples of discrimination in education include:

- denying or limiting access to any student;
- denying admission to any student;
- failing to accept an application for admission;
- expelling a student;
- setting unfair terms in admitting a student;
- subjecting a student to any other detriment.

Exceptions to discrimination in education are as follows:

- A school that operates for a designated age, race, sex, religious belief or particular impairment, can exclude students who are not members of that group;

- A school may impose dress, appearance and behaviour standards for students;
- A school may discriminate on the basis of disability if a student requires special services which it is not reasonable to provide or if the student could not benefit from the program even after such special services were provided;
- A school may select students on the basis of a minimum qualifying age or impose quotas in relation to age.

Discrimination in Employment:

Discrimination is unlawful at all stages of the employment process including in relation to offers of employment, terms of employment, access to training, promotion or transfer, dismissal.

However a school may discriminate against job applicants/employees on the basis of disability if, in order to do the job, a particular service or facility is required and it is unreasonable to provide it. An employer may also discriminate against an applicant/employee if a justifiable and provable belief exists that it would be for the benefit of the student.

The Department's Merit and Equity Policy is aimed at helping to ensure that the workplace is free from practices which discriminate unlawfully against staff or potential job seekers and there is access to a fair and efficient grievance review process in relation to disciplinary, personnel and administrative actions.

Discrimination in Sport:

In general a person must not discriminate on the basis of any of the particular attributes in selecting or not selecting people for sporting teams or for participation in sporting events. However this can be restricted to persons who can effectively participate, are of a specified age group, have a general or particular disability, where sex or strength is relevant and competitors are over twelve years of age.

The school's curriculum goals must not only address the delivery of programs and the level of student performance, but also the extent of the participation by all students. Strategies which address the lack of participation by particular students will assist schools in addressing direct or indirect discrimination in the area of sport.

The Grievance Review Process:

- A local grievance review process will be implemented in accordance with DE&T Guidelines in so far as employees are concerned.
- In respect to the implementation of the Policy otherwise, any incidence of grievance is to be reported to the Review Process Coordinator or the Principal.

The Department of Education has Equal Opportunity Investigation Officers who provide advice to employees. A complaint may proceed through a number of stages beginning with the initial **inquiry**, through to **lodgement** of the complaint, **investigation** and, where appropriate, **conciliation**. Many complaints are settled through conciliation. Failing this, a person can lodge a grievance with The Merit Protection Board

which is established to hear reviews and appeals in relation to decisions made under the **Teaching Service Act 1981** and the **Public Service Management Act 1992**. A complaint can also be lodged with the **Equal Opportunity Commission** and failing any resolution within the Commission, the matter can be referred to the **Anti-Discrimination Tribunal** for hearing.

Source: “Department of Education Rights and Responsibilities under the Victorian Equal Opportunity Act 1995” Document Ratified by School Council on 19th November 2002.