

# Equal Opportunity & Protection from Discrimination & Harassment Policy

## Policy Statement & Commitments

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Human rights are basic entitlements that belong to everyone, regardless of background, location, appearance, values or beliefs, and are the cornerstone of strong, healthy communities where everyone can participate and be included. Brunswick East Primary School OSHSC Service (BEPS OSHC Service) works closely with the community playing a vital role in building understanding and respect for many everyday human rights. Based on the values of freedom, equality, respect and human dignity, human rights acknowledge the fundamental worth of each person. The rights of all children, staff members and visitors are acknowledged and respected.

In some circumstances, treating everyone the same is unfair and against the law. Educators at BEPS OSHC Service are committed to ensuring the program provided is culturally sensitive and responsive to the needs of children and families from diverse communities such as Aboriginal and Torres Strait Islander families, children and families with a disability, refugees and families from culturally and linguistically diverse backgrounds.

BEPS OSHC Service will ensure that children, families and employees are treated fairly regardless of their personal characteristics. Educators will ensure that all children have the opportunity to participate fully in all aspects of the program, encouraging all children to reach their full potential.

### BEPS OSHC Service is committed to:

- equal opportunity and the protection against discrimination in relation to community access to BEPS OSHC Service and the educational programs for children
- the equitable appointment of educators, including students and volunteers
- equal opportunity for all, and protection against discrimination, and recognition of human rights in relation to personal characteristics.

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## Procedures

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- The principles of equal opportunity are recognised as an integral part of BEPS OSHC Service program.
- Children will be given positive experiences that encourage an understanding of the importance of equal opportunity.
- The educational program will be culturally inclusive and will actively include opportunities for all children to experience and value the diversity of culture, gender roles, ability and disability or impairment.
- The planning and delivery of BEPS OSHC Service will reflect the cultural and linguistic diversity of the local and wider community.
- Children, staff and families are treated with respect regardless of their gender, race, religion, age, ability or impairment.
- BEPS OSHC Service will actively promote the positive aspects of diversity and encourage acceptance and appreciation of individual differences.
- Access to BEPS OSHC Service is available to the community in accordance with the Australian Government’s Priority of Access Guidelines.
- Families and Educators will have clear instructions about priority of access, which are provided in Educator and Family handbooks and Service policies.
- All Educators are selected and employed according to equal opportunity guidelines.
- BEPS OSHC Service is aware of, and meets its obligations under the State and Australian Government legislation and will keep up-to-date information regarding equal opportunity legislation.
- Educators will respect individual children and their families and treat them accordingly. They will take into account individual differences in language, attitudes, abilities, assumptions and expectations in the experiences and activities they provide, and promote active participation of all children and families.
- Children who have a disability will not be discriminated against and will have access to BEPS OSHC Service where a place exists, given they meet the requirement of the Priority of Access Guidelines, and the child can be cared for within existing or available resources.
- BEPS OSHC Service will build awareness among educators, children, families and the community about ‘indirect discrimination’, which occurs when an unreasonable requirement, condition or practice that appears to be designed to treat everyone the same ends up potentially, or actually, disadvantaging someone with a personal characteristic protected by the law.

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**The Victorian Equal Opportunity Act 2010**

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This legislation addresses discrimination in employment, education, accommodation, clubs, sports, goods and services, land sales and transfers, and local government, as well as sexual harassment. It’s about giving and getting a fair go. It does not assume everyone is the same and it does not mean treating everyone the same.

Under the *Victorian Equal Opportunity Act 2010*, indirect discrimination is also protected. Personal characteristics identified in this law include:

- age
- breastfeeding
- carer status
- disability
- employment activity
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parental status
- physical features
- political belief or activity
- pregnancy
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- sexual orientation
- personal association with someone who has, or is believed to have, any of these personal characteristics

**Sexual Harassment**

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Sexual harassment is an 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 person would be offended, humiliated or intimidated.

Sexual harassment can take as many forms in a school environment as in the wider community, ranging from teasing and bullying, both verbal and physical, through to harassment of a more explicitly sexual nature. It can also include words, images, sounds or statements that are transmitted by telephone, fax, video-conference, social media or email.

BEPS OSHC Service has the responsibility to ensure that:

- Every child and staff member is in an environment that is free from sexual harassment.
- All complaints related to equal opportunity or sexual harassment is dealt with appropriately.

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Under the *Victorian Equal Opportunity Act 1995* it is against the law for a person to sexually harass another person in a school environment. All relationships in a school environment are protected from sexual harassment. It is unlawful for:

- any staff member to sexually harass other staff members, children or visitors
- any children to sexually harass a staff member, another child or a visitor
- any visitor to sexually harass a staff member, child or another visitor.

All complaints of sexual harassment will be regarded as serious, accorded complete confidentiality and dealt with.

- All complaints must be reported to the BEPS OSHC Service Coordinator.
- The harasser will be asked for a response to the allegations.
- The harasser will be informed that their actions, if proven correct, are unacceptable and illegal.
- If the harasser is a child, their parent or guardian will be advised of the behaviour or incident by the Coordinator.
- If the incident is a more serious one the Coordinator will take the matter to the School Principal.

### **Workplace Bullying**

Workplace bullying is repeated, unreasonable behaviour which either directly victimizes, humiliates or threatens an individual or group that creates a risk to health and safety. Bullying in the workplace is not to be tolerated as it is contrary to maintaining the health, safety and wellbeing of staff and can cause stress for individuals and create poor morale within the workplace.

- Every staff member has a responsibility to behave in a professional manner, to comply with this policy and to treat everyone who works here with dignity and respect.
- BEPS OSHC Service is committed to providing all employees with a healthy and safe workplace free from bullying and intimidation.
- BEPS OSHC Service will not tolerate bullying behaviour in the workplace or at activities organised through the workplace.
- Bullying is not an acceptable part of our work culture and it can harm a person’s health and wellbeing.
- Workplace bullying can include such behaviour as deliberately changing work routines to victimize particular employees, verbal abuse, physical abuse, ridiculing someone’s opinions, excluding someone from workplace activities, or humiliating someone through sarcasm, insults or intimidation.
- Any staff member who experiences or witnesses workplace bullying should report it to the OSHC Coordinator as soon as possible.
- Anyone who experiences or witnesses bullying involving the OSHC Coordinator should report it to the School Principal.

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- When bullying is reported, it will be investigated quickly.
- If there is no response from the relevant people, the complainant is entitled to approach the schools OH&S representative.

**Sources & Legislative Resources**

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National Professional Support Coordinator Alliance 2012, *Getting started with policies for the NQF: Policies in Practice template – Equal Opportunity*, [www.pscalliance.org.au](http://www.pscalliance.org.au)

Community Child Care 2011, *Self-Guided Learning Package: Policies & Practices to Promote Equity, Inclusion & Diversity*, [www.cccvic.org.au](http://www.cccvic.org.au)

<i>Information Privacy Act 2000 (Vic) - Management of personal information</i>
<i>A New Tax System Act 2000 (Cwlth) – Family Assistance Administration</i>
<i>Privacy Act 1988 (Cwlth) – Information Privacy Principles</i>
<i>Health Records Act 2001 (Vic) – Personal Information</i>
<i>Disability Discrimination Act 1992 (Cwlth)</i>
<i>Sex Discrimination Act 1984 (Cwlth)</i>
<i>The Victorian Racial and Religious Tolerance Act 2001</i>
<i>Age Discrimination Act 2004 (Cwlth)</i>
<i>Equal Opportunity Act 2010 (Vic)</i>
<i>Victorian Charter of Human Rights &amp; Responsibilities 2011</i>
<i>Multicultural Victoria Act 2011</i>

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