

Equal Employment Opportunity, Discrimination and Harassment

Section	Human Resources and Workplace Relations
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1. PURPOSE

- 1.1. The Anglican Schools Commission (ASC) is firmly committed to a policy of **Equal Opportunity (EO)** relating to Equal Employment Opportunity, Discrimination and Harassment. The ASC is committed to providing all staff and students with a working and learning environment free from discrimination and harassment. The ASC believes in providing staff with the right to work in an environment where all employees have equal access to the opportunities that are available at work. The work environment is not exclusive to school grounds. (For example, this would apply to various environs including Retreats and School Camps).
- 1.2. This process will be adopted as a minimum standard in all ASC Schools. Schools may adapt local policies to meet specific needs.

2. PRINCIPLES

2.1 Current Practice

- 2.2 Each ASC School has a representative on the ASC Equal Employment Opportunity Committee who is able to contribute to and report back from their meetings. The ASC has a commitment to the ongoing education of all staff in matters related to equal employment opportunity, harassment and discrimination and will work collaboratively with schools in developing knowledge and training in this area.

2.3 Appointment of Contact Officer

The Principal of each school will appoint at least one member of staff as a Contact Officer for matters related to equal opportunity. Contact Officers may include the Equal Employment Opportunity representative and/or a senior member of staff who have received relevant training in this area. If more than one Contact Officer is to be appointed, there should be equal gender representation.

2.4 Role of Contact Officer

The Contact Officer in each school, having received appropriate training and on-going opportunities for updating their knowledge, may respond to grievances from staff in relation to harassment, discrimination or lack of equal opportunity in the workplace as outlined in (*Appendix 1*). Where the complaint relates to a Contact Officer, the Principal will determine who will respond to the complaint. In the case of a formal complaint, the Contact Officer completes a Record Sheet as per (*Appendices 2 and 3*). The Contact Officer coordinates the collection and collation of relevant information to assist the ASC in completing EO compliance reports each year.

2.5 ASC Equal Opportunity Committee

The Contact Officers collectively form the ASC Equal Opportunity Committee under the Chair of the Director, Policy & Planning. They meet twice-yearly, with one being a face-to-face meeting.

- 2.6 The ASC is required to develop and implement a workplace program and report annually to Workplace Gender Equality Agency (WGEA) on the program and its effectiveness.

3. Definitions

3.1. Equal Opportunity

In a workplace context means that *all employees* are treated with fairness and respect in that they are not subject to discrimination or harassment in the workplace. All people have equal access to jobs, promotion, transfer or other employment-related benefits, training opportunities and careers based on their knowledge, skills and abilities. All selection is based on merit and diversity is valued.

3.2 Discrimination

Unlawful discrimination occurs when a person is treated less fairly than another person or dismissed on any of the grounds in the *Equal Opportunity Act 1984*, *Equal Opportunity Act 2010*, *New South Wales – Anti-Discrimination Act 1977* and any other related Commonwealth or State legislation, because of:

- Sex
- colour
- Sexual orientation
- marital status
- pregnancy or potential pregnancy
- disability
- impairment
- family or carer's responsibilities
- age
- religion
- race
- political conviction
- gender history
- Discrimination can be 'direct' or 'indirect'.

Direct discrimination occurs when a person is treated less favourably because of their sex, marital status or pregnancy; family responsibility or family status; race; religious or political conviction; impairment; age; and gender history.

Indirect discrimination occurs where a requirement or condition is set that can be more easily met by persons of one group than another.

3.3 Sex discrimination

Occurs when a person is treated less fairly than another person or dismissed because of their sex, marital or relationship status or because they are pregnant, might become pregnant or are breastfeeding. It also occurs when a person is dismissed from employment or treated less fairly because s/he has family responsibilities.

3.4 Harassment

Can be summarised as any unwelcome conduct, remarks or innuendo aimed at an individual or a group of people, which is based on any of the discrimination factors and which creates an uncomfortable environment for the recipient/s.

Sexual harassment can take a variety of forms and may involve physical contact, verbal remarks or non-verbal conduct of a sexual nature. Examples of sexual harassment can include:

- sex oriented verbal comments including smutty jokes or comments;
- displays and/or transmission of sexually graphic material, including the use of electronic media for such purposes;

- unwanted requests to go out on dates;
- intrusive questions about your private life;
- stalking;
- uninvited and unwelcome physical contact;
- magazines or screen savers of a sexual nature.

Harassment can be initiated in a school in a number of ways, including:

- staff – staff
- staff – student
- staff – parent
- student – student
- student – staff
- student – parent
- parent – staff
- parent – student
- parent – parent

4. Grievance Resolution Procedure

- 4.1. Staff, students and parents in each school need to be advised of the grievance resolution procedure of the ASC as outlined in the ASC Dispute and Complaint Resolution Policy and be assured of confidentiality in accessing this procedure.
- 4.2. The Contact Officer(s) is the first point of call for staff who have an issue relating to equal opportunity in employment.
- 4.3. In many cases the Contact Officer will be able to take the appropriate action to help resolve the matter. This may involve discussion with the person against whom the complaint has been made (if this is the case) or just talking the concern through with the complainant.
- 4.4. If no resolution is able to be achieved at this stage, the matter should be dealt with in accordance with the ASC Dispute and Complaint Resolution Policy Flowchart (*Appendix 4*).

NB: Staff are entitled to access the information and complaints process of the Equal Opportunity Commission (EOC) or the Australian Human Rights Commission (AHRC) at any stage.

5. Annual Reporting - Workplace Gender Equality Agency (WGEA)

- 5.1. The Workplace Gender Equality Act 2012 requires non-public sector employers with 100 or more staff to submit a report to the WGEA between 1 April and 31 May each year for the preceding 12-month period (1 April – 31 March reporting period). The ASC and ASC schools are required to submit a report to the WGEA.
- 5.2. The ASC will distribute the report template to the school Business Managers for completion. The data provided will be collated and submitted as one response by the ASC, on behalf of all ASC schools.

6. POLICY DEVELOPMENT

- 6.1. The ASC was established in 1985, following the passage of a resolution by the Perth Diocesan Synod of the Anglican Church of Australia. Our mission is to establish, acquire and support low fee Anglican systemic schools which provide high quality, inclusive, caring Christian education.
- 6.2. In 1990 the Federal Government accepted the ASC as system authority for its schools, thus making the Commission the responsible authority for the receipt and distribution of Commonwealth General Recurrent grants and other forms of Federal assistance, the responsible authority for the Commonwealth's purposes, and the recognised agent for its Schools.

- 6.3. To fulfil these requirements, a set of policy documents and procedural guidelines has been compiled by the ASC for its Schools. These policies and guidelines are designed to assist each School in relation to compliance issues, and to serve as a basis for school policy development.
- 6.4. The ASC Board is responsible for the development of system-wide policies and guidelines. The ASC Chief Executive Officer manages their drafting, implementation and review.
- 6.5. Individual School Councils are responsible for the development of school-based policies and guidelines. Each Principal manages their drafting, implementation and review.

FURTHER INFORMATION

WA Equal Opportunity Commission

Level 2, Westralia Square, 141 St George's Terrace, Perth

Phone: (08) 9216 3900

More information and support pertaining to Equal Opportunity can be accessed at:

<http://www.eowa.gov.au>

Anti-Discrimination Board of NSW

Level 7, 10 Valentine Avenue, Paramatta NSW 2000

Phone (02) 9268 5555

More information and support pertaining to Equal Opportunity can be accessed at:

<http://www.antidiscrimination.justice.nsw.gov.au>

Victorian Equal Opportunity and Human Rights Commission

Level 3, 204 Lygon Street, Carlton 3053

Phone: 1300 891 848

More information and support pertaining to Equal Opportunity can be accessed at:

<http://www.humanrightscommission.vic.gov.au>

Australian Human Rights Commission National Office

Level 3, 175 Pitt Street Sydney

Ph: (02) 9284 9600

www.humanrights.gov.au

RELATED LEGISLATION, POLICIES AND PROCEDURES

Federal

- Australian Human Rights Commission Act 1986 <https://www.humanrights.gov.au/>
- Racial Discrimination Act 1975 <https://www.humanrights.gov.au/our-work/race-discrimination>
- Sex Discrimination Act 1984 <http://www.humanrights.gov.au/our-work/legal/legislation#sda>
- Disability Discrimination Act 1992 <https://www.humanrights.gov.au/our-work/disability-rights>
- Fair Work Act 2009 <https://www.fairwork.gov.au/about-us/legislation>
- Workplace Gender Equality Act 2012 <https://www.wgea.gov.au>

State

- Industrial Relations Act 1979
https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_454_homepage.html
- Equal Opportunity Act 1984
<http://www.eoc.wa.gov.au/about-us/equal-opportunity-act-1984>
- Occupational Safety and Health Act 1984
<https://www.commerce.wa.gov.au/worksafe/about-occupational-safety-and-health-act-1984>
- Equal Opportunity Act 2010 <https://www.humanrightscommission.vic.gov.au/the-law/equal-opportunity-act>

- New South Wales – Anti-Discrimination Act 1977
<http://www.legislation.nsw.gov.au/#/view/act/1977/48>

Other

- ASC Inc. Western Australian Agreement 2019
- Independent Schools’ Administrative Technical Officers’ Award 1993
- Teachers’ Aides (Independent Schools) Award
- School Employees (Independent Schools) Award

Acknowledgements

- WA Equal Opportunity Commission
- Human Rights and Equal Opportunity Commission
- Anglican Church of Australia, Professional Standards Unit

Appendix 1 Role of the E.O. Contact Officer/s

Appendix 2 E.O. Contact Officer Record Sheet

Appendix 3 E.O. Contact Officer Records Management Procedure

Appendix 4 Extract from: ASC Dispute and Complaint Resolution Flow Chart

The Role of Contact Officer(s) in the School

- Receive enquiries from staff regarding EO, harassment and discrimination.
- Provides information to a complainant to enable them to make an informed choice as to how to deal with their complaint.
- Provides information about the options available to deal with an individual's concerns.
- Discusses possible strategies to facilitate the individual dealing directly with another person.
- Provides information regarding the ASC Dispute and Complaint Resolution Policy.
- Provides information regarding the ASC's Employees Assistance Program and other relevant support services, as appropriate.
- Documents and records information regarding enquiries, as appropriate.
- Provides statistical data required by the ASC for its report to the Workplace Gender Equality Agency.
- Maintains confidentiality at all times.

The role of a Contact Officer does not include advocating, counselling, or investigating, mediating or conciliating complaints.

CONTACT OFFICER RECORD SHEET

CONFIDENTIAL

Please note the Contact Officer Record Sheet must be regarded as confidential, be secured in the workplace and used in a professional manner. The Principal must be informed of the location of all documentation relating to complaints held by the Contact Officer. Access to all documentation relating to complaints held by the Contact Officer is restricted to the Contact Officer only. It is the responsibility of the complainant to decide whether information contained in documentation relating to the complaint is to be released during the resolution process.

Name of Contact Officer:

School:

Contact Telephone

Number:

Date of Contact:

Is this a new case or an existing case? (Please Tick)

☐ New ☐ Existing

Contact made by:

Gender:

From (Name of School):

Type of Grievance:

- ☐ Harassment
☐ Discrimination
☐ Other

On one or more of the following grounds:

- | | | |
|--|---|--|
| ☐ Sexual | ☐ Criminal record | ☐ Disability |
| ☐ Gender | ☐ Medical record | ☐ Colour |
| ☐ Sexual preference | ☐ Political opinion | ☐ Race |
| ☐ Family responsibilities | ☐ Trade union activity | ☐ Nationality |
| ☐ Marital Status | ☐ Religion | ☐ National extraction |
| ☐ Pregnancy | ☐ Social origin | ☐ Descent/ethnicity |
| ☐ Age | | |

Not an Equal Opportunity matter (harassment/discrimination) but appears to be:

- | | |
|---|---|
| ☐ Management/supervisory | ☐ Industrial |
| ☐ Employee relations | ☐ General grievance |
| ☐ Selection process | ☐ Work related (e.g. levels, duties) |
| ☐ Work performance | ☐ Code of conduct |
| ☐ Policy | ☐ Other |

- ☐ No action
- ☐ Approach line manager
- ☐ Approach union
- ☐ Approach Equal Opportunity Commission
- ☐ Unknown
- ☐ Speak/write to alleged harasser
- ☐ Approach Principal
- ☐ Approach Working Relations

[illegible]

☐ Information provision ☐ Advice provision

☐ General follow-up ☐ Other

[illegible]

Briefly detail action(s) to be taken by Contact Officer after meeting with complainant (if any):

Approximate time spent meeting with complainant:

Permission for information contained in document to be released :

☐ Yes ☐ No

If yes, to whom:

Storage location of this file:

APPENDIX 3

CONTACT OFFICER RECORDS – RECORDS MANAGEMENT PROCEDURE

Contact Officers are expected to maintain the highest level of confidentiality in relation to managing records. This can only be achieved when Management understands and supports the need for Contact Officers to have sole access to Contact Officer Record Sheets and other confidential documentation related to a complaint, inquiry or concern.

At times, a complaint or concern may be of such a serious nature that it needs to be raised with Management as a matter of urgency. This should not involve the release of any copies of confidential documentation to Management or the name of the complainant.

1. Storage of Contact Officer Record Sheets and related confidential documents

- The Contact Officer must have a method of storing the Record Sheets and any other confidential documentation in an area to which only s/he has key or security code access.
- This may be a filing cabinet, drawer, cupboard or other secure repository.
- It is recommended that information be stored in alphabetical order by the complainant's surname.

2. Retention of Confidential Documentation

- Under WA legislation, a complaint must be made to the Equal Opportunity Commission within twelve months of the discrimination occurring, although this limit may be extended under certain circumstance. Contact Officers should therefore retain documentation relating to a complaint for a minimum of twelve months.
- Retention of documentation for a lengthier period of time will depend on the progress, if any, of the complaint and the views of the complainant. Legal considerations should be taken into account and, if necessary a legal opinion can be obtained.
- Contact Officers should discuss with the complainant whether s/he would like the documentation to be kept on file for a period longer than twelve months.

3. Disposal of Confidential Documentation

- Documentation relating to a complaint that appears to have been addressed informally and resolved to the satisfaction of the complainant may be disposed of, with the permission of the complainant. Both the Contact Officer and the complainant must agree that the matter has been resolved and the documentation may therefore be disposed of.
- Disposal must be by shredding.

Other documentation

- Non-confidential documentation may be stored at the discretion of the Contact Officer.
- The Contact Officer must ensure that no non-confidential document can provide any information relating to a complaint, query or concern.
- Statistical Summary Sheets should be kept in monthly order.

DISPUTE AND COMPLAINT RESOLUTION POLICY FLOWCHART – STUDENTS, PARENTS AND SCHOOL COMMUNITY