

# Equal Employment Opportunity, Discrimination and Harassment Policy and Procedures

Section	Human Resources
Number	5e
Version	5
Page	1 of 10
Approved	ASC Board
Date	February 2023
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## Executive Summary:

The Anglican Schools Commission (ASC) is committed to providing all staff and students with a working and learning environment free from discrimination and harassment.

## Key Actions:

- Ensure a representative attends the ASC Equal Employment Opportunity Committee.
- Each school must appoint a Contact Officer.
- Manage complaints in accordance with the ASC Dispute and Complaint Resolution Policy – ASC schools.
- Report annually to Workplace Gender Equality Agency (WGEA).

**NB:** The list above is not exhaustive, and the policy should be read in full to understand all obligations.

## 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 (EEO). 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. School Councils are responsible for the development of a school-based process which aligns with this Policy. A copy of the process must be forwarded to the Director of Risk and Compliance.

## 2. PRINCIPLES

### 2.1 Current Practice

- 2.2 Each 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 Employment Opportunity Committee

The EEO Representative/Contact Officers collectively form the ASC Equal Employment Opportunity Committee under the Chair of the Director of Risk and Compliance. 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, equal opportunity 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 because of:

- Sex
- colour
- Sexual orientation
- marital status
- pregnancy or potential pregnancy, breastfeeding
- disability
- impairment
- family or carer's responsibilities
- age
- religion
- race
- political conviction
- gender history

**NB:** The list is not exhaustive.

Discrimination can be 'direct' or 'indirect'.

Direct discrimination occurs when a person is treated less favourably than another person or group because of their background or certain personal characteristics e.g., 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 they have 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

### 3.5 **Vicarious liability**

The ASC can also be liable for the discriminatory acts of their employees. This is called 'vicarious liability'.

## 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 – ASC schools 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 – Students, Parents and School Community (**Appendix 3**).

**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 its 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 schools.

### 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.
- Retain records in accordance with the Records Management Policy.

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:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Sexual                  | <input type="checkbox"/> Criminal record      | <input type="checkbox"/> Disability          |
| <input type="checkbox"/> Gender                  | <input type="checkbox"/> Medical record       | <input type="checkbox"/> Colour              |
| <input type="checkbox"/> Sexual preference       | <input type="checkbox"/> Political opinion    | <input type="checkbox"/> Race                |
| <input type="checkbox"/> Family responsibilities | <input type="checkbox"/> Trade union activity | <input type="checkbox"/> Nationality         |
| <input type="checkbox"/> Marital Status          | <input type="checkbox"/> Religion             | <input type="checkbox"/> National extraction |
| <input type="checkbox"/> Pregnancy               | <input type="checkbox"/> Social origin        | <input type="checkbox"/> Descent/ethnicity   |
| <input type="checkbox"/> Age                     |   |  |

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

- |   |   |
|---|---|
| <input type="checkbox"/> Management/supervisory | <input type="checkbox"/> Industrial                         |
| <input type="checkbox"/> Employee relations     | <input type="checkbox"/> General grievance                  |
| <input type="checkbox"/> Selection process      | <input type="checkbox"/> Work related (e.g. levels, duties) |
| <input type="checkbox"/> Work performance       | <input type="checkbox"/> Code of conduct                    |
| <input type="checkbox"/> Policy                 | <input type="checkbox"/> Other                              |



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

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**Approximate time spent meeting with complainant:**

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**Permission for information contained in document to be released:**

Yes  No

**If yes, to whom:**

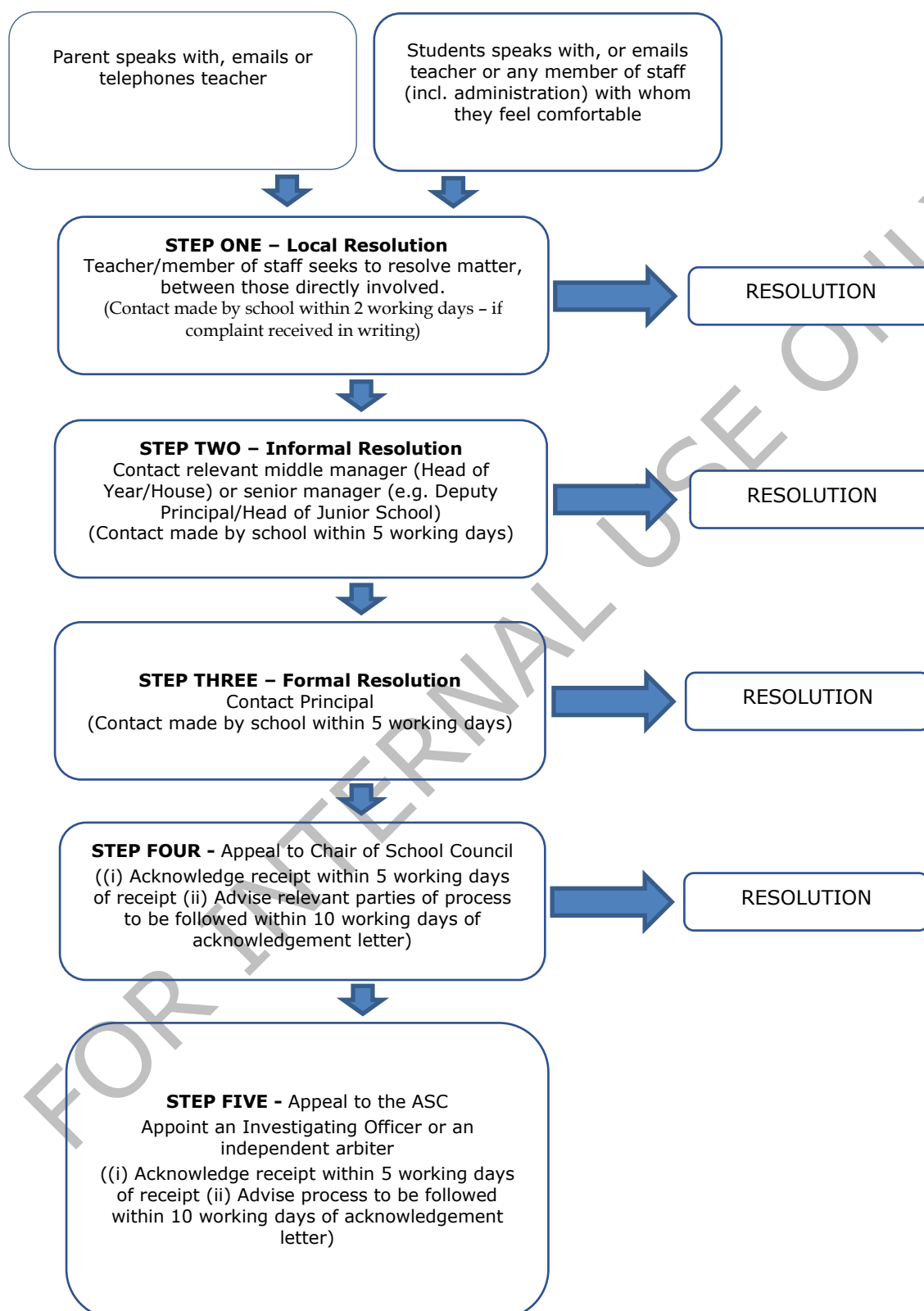
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**DISPUTE AND COMPLAINT RESOLUTION POLICY FLOWCHART – STUDENTS, PARENTS AND SCHOOL COMMUNITY**



**NB:** The complainant will be advised if the Principal decides to omit STEP TWO due to the serious nature of the complaint.

### Version Control

Version	Date	Summary of Changes
1	Apr-08	New Policy
2	Apr-11	3 yearly review
3	Aug-16	Updates required to include NSW and Victorian requirements and to include reference to WGEA
4	Dec-19	Update WGEA and supporting documentation for EEO Contact Officers
5	Feb-23	Annual review Update Dispute and Complaints Resolution Flowchart Reference ASC Records Management Policy/requirements

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