

## 1. Rationale:

Discrimination is unfavourable treatment of a person, whether direct or indirect, in an area of *public life* due to one of their personal attributes protected by law. As educators, we have a responsibility to provide teaching and learning environments that promote equal opportunity for all.

## 2. Aims:

- To provide a welcoming, supportive, and emotionally and physically secure learning and working environment for every member of the school community free from all forms of discrimination, discriminatory practice and beliefs
- To recognise and promote human rights, and value the diversity of culture, beliefs, practices, customs, physical and intellectual abilities and life experience of the whole school community. This is further supported by the school values of *Respect, Resilience, Responsibility, Learning and Honesty*

## 3. Implementation:

3.1 Educational settings are one of the eight areas of *public life* identified in the Equal Opportunity Act 2010 (EO Act 2010) in which discrimination is unlawful.

3.2 Under the EO Act 2010 it is against the law to discriminate against a person on the basis of the following personal protected attributes:

- |                       |                             |                                |
|-----------------------|-----------------------------|--------------------------------|
| • age                 | • parental status           | • disability/impairment        |
| • employment activity | • race                      | • lawful sexual activity       |
| • marital status      | • carer status              | • political belief or activity |
| • pregnancy           | • industrial activity       | • sexual orientation           |
| • breastfeeding       | • physical features         |                                |
| • gender identity     | • religious belief/activity |                                |

3.3 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:

3.4 All staff will be made aware of the legislative requirements relating to discrimination contained in this school policy.

3.5 Harassment is unacceptable. Harassment is behaviour (through words or actions) based on the personal characteristics listed above that are unwanted, unasked for, unreturned and likely to make school an unfriendly or uncomfortable place by:

- humiliating (putting someone down)
- seriously embarrassing
- offending (hurting someone's feelings) or
- intimidating (threatening someone so they behave in a certain way).

3.6 All staff will complete DET online Workplace Discrimination & Sexual Harassment training.

- 3.3 Employees, students, parents, school council members, contractors, volunteers and unpaid workers are required to act in accordance with equal opportunity and anti-discrimination legislation and comply with this policy.
- 3.4 Any employee, students, parents, school council members, contractors, volunteers and unpaid workers who have a complaint can lodge this through the Principal or delegate, who will then determine a course of action in line with DET policy.
- 3.5 Unresolved school-level issues may be referred by the principal, or either party involved, to the appropriate authorities.
- 3.10 The rights and sensitivities of all individuals will be protected.

#### **4. Evaluation:**

- This policy will be reviewed annually as part of the school's three-year review cycle.

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#### **References and Related Documents:**

- Victorian Equal Opportunity and Human Rights Commission  
<https://www.humanrightscommission.vic.gov.au/discrimination>
- DET Equal Opportunity, Discrimination and Harassment Guidelines -  
[http://www.education.vic.gov.au/hrweb/divequity/Pages/default\\_eeo.aspx](http://www.education.vic.gov.au/hrweb/divequity/Pages/default_eeo.aspx)
- DET Equal Opportunity and Anti-Discrimination Policy  
<https://www2.education.vic.gov.au/pal/equal-opportunity/policy-and-guidelines>
- Further information and copies of the Relevant Legislation (Commonwealth) can be downloaded from the Australian Human Rights website:  
[www.hreoc.gov.au](http://www.hreoc.gov.au)
  - [Fair Work Act 2009](#)
  - [Disability Discrimination Act 1992](#)
  - [Age Discrimination Act 2004](#)
  - [Sex Discrimination Act 1984](#)
  - Racial Discrimination Act 1975
- Relevant Legislation (Victoria)
  - The Public Administration Act 2004
  - Victorian Charter of Human Rights and Responsibilities 2006

***This policy was ratified by School Council in May 2022***