



## Equal Opportunity Policy

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### Introduction

Schools in Action recognises its obligations to provide equal opportunities to all people without discrimination under the Equal Opportunity Act 2010 (Vic) and other Victorian and Commonwealth Relevant Legislation.

Schools in Action is committed to a culture that embraces and fosters diversity and inclusion and we value the differences between all individuals and the contribution these differences make to our business.

### Scope

The purpose of this policy is to ensure that we provide a safe, diverse, flexible and respectful environment for all staff free from all forms of discrimination, bullying and sexual harassment.

SIA's obligations apply to our volunteers, customers, clients and people who use our services.

### Policy Statement

Schools in Action is committed to providing a safe, diverse, flexible and respectful environment for staff and volunteers free from all forms of discrimination, bullying and sexual harassment.

Schools in Action actively and flexibly seek to accommodate the unique needs of many different employees. We actively manage diversity by finding ways of utilising the differences that exist to improve our business, whilst creating a workplace that encourages and supports equity and fairness and eliminates all forms of discrimination.

All people working at Schools in Action and others who the organisation deals with are expected to behave in a manner that provides a fair, safe, dignified, respectful and professional work environment.

### Responsibilities

It shall be the responsibility of the SIA Directors to implement this policy and monitor its effects.

The Policy and Procedures applies to all Schools in Action employees and volunteers. All employees and volunteers of SIA have a responsibility to behave in a respectful way towards



others and this extends not only to employees and volunteers but also to all people with whom Schools in Action deals with.

## Procedures

For the purpose of the Procedures:

- 'employee' means persons working at Schools in Action including ongoing and temporary employees, agency staff, contractors, consultants, directors, trainees and students on work experience;
- 'staff' means any employee or volunteer at Schools in Action.
- 'workplace' includes attending any event or function on behalf of or organised by Schools in Action including, but not limited to, conferences, seminars and social functions or where a Schools in Action staff has been invited to attend a function organised by a Schools in Action client. This includes social work related events like Christmas parties; and sales or marketing events (such as attendance as a guest at sporting events or concerts).

## Relevant Legislation

- Equal Opportunity Act 2010 (Vic) ('EO Act')
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Fair Work Act 2009 (Cth)
- Human Rights and Equal Opportunity Act 1986 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Racial Discrimination Act 1975 (Cth)
- Racial and Religious Tolerance Act 2001 (Vic)
- Sex Discrimination Act 1984 (Cth)

## What is expected?

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- Work free from discrimination, bullying and sexual harassment;



- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff are expected to:

- Understand and behave in a manner that is consistent with Schools in Action's values;
- Offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint;
- Avoid gossip and respect the confidentiality of complaint resolution procedures;
- Treat everyone with dignity, courtesy and respect;
- Show consideration for one another; and
- Work together in a way that is consistent with the laws and policies that apply to workplace behaviour.

It is the responsibility of all staff to create an environment where:

- There is tolerance of difference. All staff have the right to be treated fairly and with respect and dignity.
- The ability to contribute and access opportunities is based on merit. Schools in Action will adopt and actively encourage practices and procedures that enable all staff to contribute to the best of their ability.
- Inappropriate attitudes or behaviours are confronted. Schools in Action will treat seriously any instance of inappropriate behaviour and confront attitudes based on inappropriate stereotypes. All staff must take responsibility for reporting breaches of this policy and should themselves act in accordance with its spirit.

#### Additional responsibilities of managers and supervisors

Managers and supervisors must also:

- Model appropriate standards of behaviour;
- Take steps to educate and make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;



- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation;
- Ensure staff who raise an issue or make a complaint are not victimised;
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- Seriously consider requests for flexible work arrangements.

### Equal Employment Opportunity

Equal opportunity in the workplace means that all employees are treated equally when they are at work and when they are looking for work. It means treating people as individuals with different skills and abilities without making judgements based on stereotypes or on characteristics such as age, gender, race, sexuality etc. that are irrelevant to a person's ability to perform the role.

Equal opportunity means ensuring a work environment that allows all staff in our workplace, to reach their full potential in an environment that is free from all forms of discrimination or harassment.

Equal opportunity laws also allow the introduction of special initiatives designed to overcome the results of long-term discrimination suffered by certain groups.

### Discrimination

Discrimination is treating or proposing to treat someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability. Discrimination can be direct or indirect.

Discrimination can occur **regardless of the intent** of the person who took the action or made the decision.

### Direct Discrimination

Direct discrimination is when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below). For example:

- A staff member is harassed and humiliated because of their race;
- An employee is refused promotion because they are 'too old';
- An employee is sacked because they were injured; or
- A person is refused a job because they are female.



### *Indirect Discrimination*

Indirect discrimination occurs when a person imposes, or intends to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with the attribute and the requirement is not reasonable (see list below). For example:

- All customer service staff must always remain standing whilst on duty regardless of any medical condition or pregnancy; or
- Redundancy is decided based on people who have had an employee's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age, whether young or old, or because of age in general;
- Sex;
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- Political opinion;
- Social origin;
- Medical record; and
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future



## Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. Under Federal law, this behaviour does not have to be repeated to be discrimination – **it may be a one-off event**.

Behaviours that may constitute bullying include:

- Verbal abuse, sarcasm and other forms of demeaning language insults – written, verbal or electronic, texts, SMS, tweets etc.;
- Intimidation – either physical or psychological;
- Threats, abuse or shouting that causes a person to reasonably believe they are in danger of being physically attacked even if no attack occurs;
- Creates a risk to mental or physical health and safety;
- Excluding someone from workplace activities;
- inappropriate blaming;
- ganging up;
- Unjustified, unconstructive and repeated criticism or complaints about a person or their work;
- deliberately withholding or denying access to information or equipment that a person needs to do their job or access their entitlements;
- Setting tasks that are unreasonably above or below a worker's ability;
- Giving someone the majority of unpleasant tasks;
- unreasonable refusal of requests for leave, training or other workplace benefits;
- Spreading rumours or innuendo about someone;
- Interfering with someone's personal property at work;
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker(s).

Bullying is unacceptable at Schools in Action. Such behaviour is disruptive to the well-being of our workforce and affects the performance and safety of co-workers. Therefore, Schools in Action is committed to the elimination of bullying in the workplace and the implementation of strategies to prevent such behaviour from occurring. Consequently, staff engaging in such conduct will be disciplined.



Employees should also note that a reasonable and lawful decision by management in relation to performance management, disciplinary action, allocation of work or implementing organisational change does not constitute bullying.

### Sexual Harassment

Sexual harassment of staff either by their co-workers or by their leaders or Managers is not permitted at Schools in Action. Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written.

It is Schools in Action policy to ensure that sexual harassment does not occur. A person sexually harasses another person if they:

- Make an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other; or
- Engages in any other unwelcome conduct of a sexual nature in relation to the other person.

Sexual harassment can take many forms, including:

- Offensive or gender based jokes;
- Verbal abuse or comments;
- Inappropriate emails, texts or tweets;
- Display of material (including posters) regarded as offensive;
- Questioning about aspects of a person's private life;
- Repeated requests for social activities/meetings;
- Comments about physical appearance;
- Unnecessary staring or physical conduct such as touching or fondling;
- Unwanted propositions for sexual activity;
- Suggestive behaviour such as leering and ogling;
- Coerced sexual activity; or
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.



Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace or between colleagues outside of work.

All staff have the same rights and responsibilities in relation to sexual harassment.

Sexual harassment is not sexual attraction or friendship that is mutual, invited, consensual and reciprocated. Our policy is not concerned with the private lives of staff, unless it affects job performance, behaviour in the workplace or our organisation's reputation.

Sexual harassment can occur **regardless of the intent and it doesn't have to be repeated.**

All incidents of sexual harassment – no matter how large or small or who is involved – require staff and managers to respond quickly and appropriately.

Schools in Action expects all staff to adhere to these guidelines not only with work colleagues but also with any person that you have dealings with whilst representing Schools in Action.

### Racial and Religious Vilification

Under the Racial and Religious Tolerance Act 2001 (Vic), a person must not, on the ground of the race of another person or class of persons, engage in conduct that incites hatred against, serious contempt for or revulsion or severe ridicule of that other person or class of persons.

Like other forms of discrimination and bullying, a person's motive in engaging in any such conduct is irrelevant. Such conduct is not only a breach of this policy but a criminal offence and will not be tolerated in any part of the organisation, whether in regard to employment, volunteers or the provision of services.

### Victimisation

Victimisation is against the law.

Victimisation means treating someone unfairly because they have, or intend to:

- Raise a complaint;
- Support someone who has raised a complaint, for example by being witness;
- Act in good faith in bringing information or an allegation under the legislation; or
- Refuse to contravene the legislation.

Our policy intends to make it clear that no one will be disadvantaged for making a complaint, being a witness or for refusing to breach his or her own equal opportunity obligations. We view victimisation as serious misconduct and will investigate allegations of victimisation such as threats, ostracising, or ridicule promptly. A substantiated complaint may result in disciplinary action up to and including termination of employment.



Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

### Conduct Outside of Work

Staff should be aware that conduct outside of work hours could give rise to a breach of this policy. This will be the case if conduct relates to the employment relationship and/or impacts the workplace.

Examples of when conduct outside of work hours can come under this policy includes conduct at work related functions/conferences and even conduct post such a function.

### Social Media

Staff should take care with the information they publish into the public domain about the organisation, the people they work with and the type of work they do.

Any information considered discriminatory, harassing, bullying or victimisation to or about staff or other persons staff come into contact within the course of their employment may result in disciplinary action being taken including termination of employment. Disciplinary action includes the possibility that a breach may be deemed serious misconduct.

### Complaint Process

Schools in Action recognises that sexual harassment, discrimination, victimisation, racial and religious vilification and bullying is often difficult to discuss plus that it may be unintentional. Being a small organisation, Schools in Action does not have Contact Officers trained to assist staff who feel they may be being treated unfairly or inappropriately at work. It is therefore suggested staff contact organisations providing this service or Fair Work Australia who can help a staff member by:

- Explaining what options may be available to you to resolve the matter, including taking you through the disputes resolution process and providing copies of relevant policies/procedures;
- Helping you decide how you may approach the person who has made you feel uncomfortable;
- Explain what constitutes unlawful harassment, discrimination or bullying;
- Act as a support person to you or a respondent to a complaint during any process or investigation, whether internal or externally conducted;
- Refer you to individual counselling or support that may be available to you.

Staff are encouraged to inform the other person that their behaviour is inappropriate and to resolve the matter face to face before making a formal complaint. If the situation cannot be



resolved or the staff member feels uncomfortable talking to the person involved, a complaint resolution process is available to all staff. All complaints will be treated seriously.

Schools in Action gives unqualified assurance to any staff member wishing to make a complaint that by raising the matter he or she will not be adversely affected in any way; and that all complaints will be investigated promptly and confidentially.

Schools in Action staff may report complaints directly to the SIA Directors or their 'one over one' Manager.

### *Complaint Resolution Options:*

#### 1. Self-Management

Individuals deal directly with the respondent (person who has said or done the offending thing). If you feel safe to do so, politely and firmly letting the offending person know that their behaviour is unwelcome and having a negative impact on you is the best way to manage an issue. If you chose to self-manage, remember to:

#### 2. Stay calm and polite;

- Describe the behaviour or decision that impacted you – no name calling, blame or speculation on motives;
- Describe the effect the behaviour or decision had upon you;
- Make a clear request for what you need – e.g. for the behaviour to stop or for a decision to be reviewed;
- Ask for an agreement, acknowledgement or timeframe.

#### 3. Informal

Individual asks another person within Schools in Action to be involved in a three (3) way discussion, conciliation, training or other non-disciplinary action. If you feel uncomfortable approaching the person yourself, ask your 'one over one' Manager or SIA Directors to assist you to resolve the matter in accordance with our complaint resolution process. Informal processes focus on resolving the problem rather than proving that something actually happened, and include observation, monitoring, coaching, counselling education and possibly mediation. Informal approaches work best when concerns are less serious, when the person concerned admits the behaviour, or when non-disciplinary outcomes are most appropriate.

#### 4. Formal Investigation

We will conduct an investigation to test the allegations that have been raised. This will result in findings being made by an Investigation Officer and recommendations as to future conduct, including the potential that disciplinary action is taken against a person found to have breached our policies. Sometimes informal processes do not work or are not appropriate



because the allegations are more serious (e.g. involve bullying, sexual harassment or victimisation). Formal complaints are made to the SIA Directors and will be investigated by an internally appointed or externally appointed Investigating Officer. Such processes are most appropriate when discipline could result if the complaint is substantiated.

#### 5. Formal External

For example to the Human Rights Commission, Worksafe (for Bullying complaints), Fair Work Australia or the Police. Notwithstanding our organisation's complaint resolution options, an employee may choose to make a formal complaint at any time to an external complaint's body such as the State or Federal Human Rights/Equal Opportunity Commissions or Worksafe.

In the event of a complaint being made, Schools in Action will provide the complainant with the following procedure, bearing in mind that the principles of natural justice will apply to all matters, whether investigated formally or not.

#### 6. Confidential

Only the people directly concerned in making or investigating a complaint will have access to information about the complaint.

#### 7. Impartial

Impartiality towards all is essential. Both parties will have a chance to put forward their side of the story. All allegations will be put to the respondent. No assumptions will be made and no action taken until all relevant information has been collected and considered. If the matter is investigated, the investigator will not be involved in the matter in any way and contact officers should only ever act as a support person for one party to the matter.

#### 8. Free of Repercussions

No action will be taken against anyone for making a complaint or helping someone make a complaint. Management will take all steps necessary to ensure no victimisation occurs against anyone who makes a complaint.

#### 9. Timely

All complaints will be dealt with as quickly as possible. Schools in Action aims to resolve all complaints within 4 weeks wherever possible.

#### 10. Communication

All parties will be kept informed of how long the process will take and what they can expect will happen during the process and at its conclusion. Clear reasons for any action taken, or not taken, should be provided to the parties involved.

#### 11. Documentation



Documentation is the key to any matter. A record will be made of any meetings, whether a matter is formally investigated, or not detailing who was present and agreed outcomes. These records will be kept confidentially and will not be placed on any one's personal file.

## 12. Support for all Persons

Once a complaint has been made, the staff involved should be told what support is available to them through the SIA Directors. The person against whom the allegations have been made will be offered the same support.

Schools in Action may at its discretion refer a formal complaint to an external complaint investigator for investigation. Any breach of this policy by an employee may result in disciplinary action being taken. If an investigation is being undertaken into allegations raised under this policy, Schools in Action may stand down or request that a person work from home, with or without pay, pending the outcome of the investigation. If a complaint is upheld, any disciplinary action taken will be commensurate with the seriousness of the matter.

### *Where to for Further Information*

Please see an SIA Director or your 'one above one' Manager if you would like any further information about this policy or the Workplace Bullying and Violence Prevention Policy.

Also remember that at any stage, a person has the right to contact the relevant state Human Rights or Equal Opportunity Commission or the Federal Australian Human Rights Commission for information, advice or to lodge a complaint of discrimination.

### *Valuing Diversity in Employment*

Schools in Action will provide equal opportunity in respect to all aspects of employment and employment conditions, including:

- recruitment and selection;
- training;
- career advancement; and
- support.

Diversity benefits individuals, work teams and our company as a whole, including our external stakeholders. We recognise that each individual staff member brings their own unique capabilities, experiences and characteristics to their work.

Schools in Action is committed to supporting staff across all positions in the achievement of an equal opportunity workplace.

### *Attachments*

Nil

HR-024 – Equal Opportunity Policy



[Related Documents](#)

[Workplace Bullying and Violence Prevention Policy](#)

[Workplace Health and Safety Policy](#)

[Authorisation](#)

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