



ST PATRICK'S PRIMARY SCHOOL KOROIT

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Anti-Bullying and Harassment Policy

Rationale

The Diocese of Ballarat Catholic Education Limited (**DOBCEL**) and every one of its schools recognise the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual staff and to a workplace where all staff feel safe and respected.

Scope

This policy applies to all schools operating under the formal and/or delegated governance of Diocese of Ballarat Catholic Education Limited (DOBCEL).

Definitions

Workplace discrimination

Staff members must not discriminate against others. Workplace discrimination can be either direct or indirect discrimination against a person on the basis of an attribute which is protected under State and Commonwealth anti-discrimination legislation (see full list below). It is irrelevant whether or not a person intends to discriminate against another person.

Direct discrimination is when someone is treated unfavourably because they have an attribute protected by law. Examples include insulting jokes about a particular racial group, or making derogatory comments or taunts about people's age, sexual orientation, race or religion.

Indirect discrimination is when a condition, requirement or practice has the effect of disadvantaging people with a particular attribute protected by law and that condition, practice or requirement is not reasonable. An example is the practice of holding a meeting in an upstairs classroom when it could easily be held downstairs and that practice disadvantages a staff member who is mobility impaired and is not able to attend the meeting.

The attributes protected by State and Commonwealth anti-discrimination laws are as follows:

- Age;
- Breastfeeding;
- Disability (mental or physical);
- Employment activity (e.g. making reasonable requests or communicating concerns about you employment entitlements);
- Gender identity;
- Industrial activity;
- Lawful sexual activity;
- Marital status;

- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race or national extraction;
- Religious belief/activity;
- Sex; and
- Sexual orientation and social origin.

It is also unlawful to discriminate against someone on the basis of:

- Their association with a person with one of the above attributes (for example, treating someone unfavourably because their brother has a disability); or
- Their perceived attribute (that is, where it is thought that a person possesses an attribute whether they in fact possess it or not).

Victimisation

Staff members must not victimise any other person. Victimisation is subjecting or threatening to subject another person to any detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination or sexual harassment.

What is *not* discrimination or victimisation?

Discrimination and victimisation should not be confused with reasonable management action in relation to work performance or conduct of a person or a group which is not related to a protected attribute and which may include:

- Setting performance goals, standards and deadlines.
- Deciding not to select a worker for promotion.
- Informing a worker about unsatisfactory work performance.
- Informing a worker about inappropriate behaviour.
- Implementing organisational changes.
- Feedback on work performance.

Sexual harassment

Staff members must not sexually harass others. Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature in relation to another person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be humiliated, intimidated or offended.

Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

Note: Serious cases of discrimination, sexual harassment or victimisation may also constitute a crime. Workplace discrimination, victimisation and sexual harassment are also against DOBCEL's Occupational Health and Safety policy as it can create an unsafe work environment.

Principles

Diocese of Ballarat Catholic Education Limited (DOBCEL) is committed to:

- building and nurturing workplaces that are free from discrimination, sexual harassment and victimisation;
- implementing awareness-raising programs and strategies that heighten staff members' understanding of the impact of their behaviour on others and awareness of their rights and responsibilities;
- achieving prompt resolution of complaints of perceived or actual incidents of discrimination, sexual harassment and/or victimization and endeavouring to ensure that the offending behaviour stops;
- ensuring they respond to complaints or reports of discrimination, sexual harassment and/or victimisation in a sensitive, fair and timely manner;
- encouraging the reporting of behaviour which is perceived to be in breach of this policy and endeavouring to ensure protection of the complainant(s) from any subsequent victimisation.

Policy

DOBCEL is committed to building and nurturing workplaces that are free from discrimination, sexual harassment and victimisation. It is important that all persons working at a school share responsibility for upholding professional standards of conduct and for building and nurturing workplaces where discrimination, sexual harassment and victimisation do not occur. It is therefore expected that all staff (including contractors and volunteers) will desist from engaging in or condoning such behaviour and practices.

It is also expected that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying procedures are compliant with the legislative framework under which our schools operate. Schools are guided by the applicable legislation in determining its prevention and intervention measures.

Relevant Legislation

- Victorian Catholic Education Multi-Enterprise Agreement 2018
- Minimum Standards -Victorian Registration and Qualifications Authority
- The Education and Training Reform Act 2006 (Vic)
- Working with Children Act 2005
- Disability Discrimination Act 1992
- Privacy Act 1988
- Ministerial Order No 870 – Child Safe Standards – Managing the risk of child abuse in schools
- The Code of Canon Law
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Child Wellbeing and Safety Act 2005 (Vic)
- Disability Discrimination Act 1992
- Equal Opportunity Act 2010 (Vic)
- Equal Opportunity for Women in the Workplace Act 1999

- Fair Work Act 2009
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

Key related documents

CECV Guidelines on the Employment of Staff in Catholic Schools available at <http://www.cecv.catholic.edu.au/Industrial-Relations/Communications/Child-Safety>

DOBCEL Grievance Policy

DOBCEL Occupational Health and Safety Policy

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