Rationale

Nagle College recognises 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.

This policy and its accompanying procedures are compliant with the legislative framework under which the College operates. The College is guided by the applicable legislation (outlined below) in determining its prevention and intervention measures.

It is important that all staff share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where discrimination, sexual harassment and victimisation do not occur. It is therefore expected that staff will desist from engaging in or condoning such behaviours and practices. It is also expected that staff who make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, will report and/or participate fully and confidentially in investigation and resolution procedures.

Mission

As the Catholic Secondary College of East Gippsland, Nagle College will provide a safe and nurturing learning environment modelled on Christ’s message of love, hope and service. We welcome all students, celebrate diversity and promote relationships built on mutual respect where parents and staff are treated as valued partners in laying the foundation for lifelong learning. Through effective, innovative and supportive teaching we enable all students to “Let their light shine”.

Scripture

Genesis 1:27
“So God created man in his own image, in the image of God he created him; male and female he created them.”

Principles

- The School is committed to building and nurturing a workplace that is free from discrimination, sexual harassment and victimisation.

- The School is committed to implementing awareness-raising programs and strategies that heighten staff members’ understanding of the impact of their behaviours on others; and make staff aware of their rights and responsibilities and that complaints will be dealt with under the College Grievance Policy.

- The School is committed to the prompt resolution of grievances pertaining to perceived or actual incidents of discrimination, sexual harassment and/or victimisation. The School will endeavour to stop offending behaviour.
The School aims to respond to complaints or reports of discrimination, sexual harassment and/or victimisation in a sensitive, fair, timely and confidential manner.

The School encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to protect the complainant(s) from any subsequent victimisation.

Definitions

Contact Officers:
The School has staff who are responsible for providing staff with information on discrimination, sexual harassment and/or victimisation; clarifying any questions or concerns a person may have and providing confidential advice on the options that are available for dealing with discrimination, sexual harassment and/or victimisation. At Nagle College staff should contact the Director of Staff or the Deputy Principal – Pastoral or designated staff members.

Workplace discrimination – can take the form of either direct or indirect discrimination.

**Direct discrimination** is when someone is treated less favourably because they have a characteristic protected by law (see full list below). Examples include insulting jokes about a particular racial group or making derogatory comments or taunts about people’s age, sexual preference, race or religion.

**Indirect discrimination** is when a condition, requirement or practice has the effect of disadvantaging people with a particular characteristic (see full list below) 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 characteristics protected by State and Commonwealth anti-discrimination laws are as follows:

- Age;
- Breastfeeding;
- Disability (mental or physical);
- Employment activity;
- 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 that they are an associate of a person with one of the above characteristics (for example, treating someone unfavourably because their brother has a disability).
Staff should be mindful of workplace discrimination not only in relation to current employees but also in relation to potential employees in recruitment and selection processes and independent contractors.

**Sexual harassment:**
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.

**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.

**Confidentiality:**
Anyone involved in a complaint of discrimination, sexual harassment or victimisation or its investigation, is to keep the circumstances and facts of the complaint disclosed only to those people who are directly involved in progressing its investigation and resolution. In particular, it is important that staff who either make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

**Counselling Support:**
In confronting and resolving experiences or allegations of discrimination, sexual harassment or victimisation, a staff member and his/her family member may require counselling support. The School is a member of **Access Counselling Service**.
The School Contact Officers will assist staff to access the service.

**Responsibilities of Principal/Deputy Principal:**
It is part of the role of the principal, deputy principal and others holding leadership positions to act to prevent discrimination in the workplace. They should not engage in behaviour that is discriminatory themselves - either of other employees, students or visitors.

When they observe discrimination happening in the workplace, they should take steps to stop it and warn the person involved of the consequences if the offending behaviour continues.

If you tell the Principal/Deputy Principal or Director of Staff about harassment, he/she is obliged to make sure that confidentiality is maintained.
If the Principal/Deputy Principal or Director of Staff feels that he/she is not the appropriate person to be dealing with a complaint, he/she will refer the matter to a person better placed to deal with the issue.

Responsibilities of employees:
Employees are legally obliged not to discriminate against other employees, students or visitors at Nagle College. Employees are encouraged likewise.

If a staff member becomes aware that someone is being subjected to discrimination, they can assist in a number of ways.
- Be prepared to act as a witness.
- Back them up or support them in saying "no" to the alleged offender.

Vexatious Claims:
The School will not pursue complaints that:
- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- taken at their highest, do not constitute discrimination, sexual harassment or victimisation as defined by this policy;
- Are found to be frivolous, vexatious or malicious.
**Appendix 1**

**Support Agencies**

**Victorian Equal Opportunity and Human Rights Commission (VEOHRC)**
Level 3, 380 Lonsdale Street Melbourne VIC 3000

VEOHRC is the State body that addresses complaints of discrimination, sexual harassment and racial and religious vilification.

For information: information@veohrc.vic.gov.au
To make a complaint: complaints@veohrc.vic.gov.au
Website: www.humanrightscommission.vic.gov.au
Advice Line: (03) 9281 7100

**Australian Human Rights Commission (AHRC)**
Level 3, 175 Pitt Street Sydney NSW 2000

The AHRC is the Commonwealth body that addresses complaints of discrimination and sexual harassment.

For resources: education@humanrights.gov.au
To make a complaint: complaintsinfo@humanrights.gov.au
Website: www.hreoc.gov.au
Advice Line: 1300 656 419

**Job Watch**
Job Watch provides employees with assistance regarding their rights at work. They offer a confidential information line and referral service.

Melbourne residents: Phone: 9662 1933
Email: jobwatch@jobwatch.org.au
Website: jobwatch.org.au

**Alternative Dispute Resolution Services (ADRS)**
ADRS offer mediation, arbitration and alternative dispute resolution personnel and resources. Such services are contingent on both parties to a conflict being willing to participate and a workplace that is supportive of this approach. The Australian Dispute Resolution website provides the public with a database of service providers.

Website: www.ausdispute.unisa.edu.au

**Beyondblue**
Beyondblue provides people with access to information for depression and anxiety related matters. They can also make referrals to other relevant services.

Phone: 1300 224 636
Website: www.beyondblue.org.au

**Access Employee Assistance Program**
An Employee Assistance Program provides pastoral care for you during times when you face problems of a work of personal nature. ACCESS Employee Assistance Program is voluntary, free and offers confidential and professional assistance to you and your immediate family (partner and children).

Centacare Gippsland
19 Connor Street
Warragul 3820  Phone: 03 56 22 1188

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Issued: 30/7/2012  Endorsed by Council: 18/10/2012
Review: 30/7/2014 – Director of Staff