



# Catholic College Sale

## WORKPLACE EQUAL OPPORTUNITY POLICY

### 1.0 POLICY AUTHORITY

The Board of Catholic College Sale Limited ('the Board') governs the College. Based on the principle of subsidiarity and in keeping with the Board's Delegations Schedule, the Board delegates a broad range of duties, functions, powers and authority to the Principal of Catholic College Sale (CC Sale). This includes the effective implementation of this *Workplace Equal Opportunity Policy* and the compliance obligations outlined herein.

### 2.0 INTRODUCTION

CC Sale 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. The College is therefore committed to building and nurturing a workplace that is free from discrimination, sexual harassment and victimisation.

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 circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

### 3.0 PURPOSE AND SCOPE

This policy outlines the principles and procedures that guide the College's commitment to upholding high standards of professional conduct and to safeguarding staff from experiences of discrimination, sexual harassment and victimisation.

This policy and its accompanying procedures are guided by State and Commonwealth employment and equal opportunity legislation.

All persons employed or engaged by the College, including contractors and volunteers, are required to comply with this policy in relation to the treatment afforded to other staff and contractors/volunteers. Potential employees (i.e. job applicants) are also the subject of this policy when participating in selection and recruitment processes.

### 4.0 PRINCIPLES

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

- 4.3** The College aims to achieve a prompt and fair resolution of complaints of perceived or actual incidents of discrimination, sexual harassment and/or victimisation. The College will endeavour to ensure that the offending behaviour stops.
- 4.4** The College encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

## 5.0 DEFINITIONS

**Contact Officers:** a Contact Officer is a staff member who is trained in and responsible for being a contact point for staff with concerns about whether they may have been discriminated against, sexually harassed or victimised. A Contact Officer is able to provide staff with information on discrimination, sexual harassment and/or victimisation; clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with discrimination, sexual harassment and/or victimisation.

**Direct discrimination:** when someone is treated unfavourably because they have an attribute protected by law (see 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:** when a condition, requirement or practice has the effect of disadvantaging people with a particular attribute protected by law (see 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.

**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.

**Protected attributes:** the attributes protected by State and Commonwealth anti-discrimination laws. The attributes are:

- 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.

**Victimisation:** 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.

**Workplace discrimination:** 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 above).

#### **What discrimination or victimisation is NOT**

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.

## **6.0 PROCEDURE FOR RESOLVING COMPLAINTS**

A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. For less serious matters, informal resolution processes should be explored prior to a formal resolution procedure. For more serious matters, or where informal approaches have been unsuccessful, a formal procedure may be appropriate.

For the purposes of complaint resolution processes:

- a person who makes a complaint is a Complainant; and
- a person about whose actions or behaviour a complaint relates is a Respondent.

### **6.1 INFORMAL RESOLUTION PROCESSES**

The informal options open to a Complainant to attempt to resolve a complaint include:

- speaking directly with the Respondent about their behaviour or actions;
- consulting with a Contact Officer for advice, support and assistance; and/or
- reporting the matter to a member of the Leadership Team for assistance.

Informal resolution processes do not involve an investigation or making findings based on an investigation. A 'no blame' approach is therefore appropriate for dealing with matters informally.

**Speaking directly with the Respondent:** In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language. If the Complainant does not wish to speak to the Respondent verbally, another option is to address the issue with the Respondent in writing, rather than face to face.

**Consulting with a Contact Officer:** If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Contact Officer. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding discrimination, harassment or victimisation issues, including options for resolving the matter. Contact Officers do not take any action on behalf of the staff member such as approaching the Respondent or conducting mediation. At CC Sale, the designated Contact Officer is the Business Manager, Kaitlyn Abrahall.

**Reporting the matter to a member of the Leadership Team:** The Complainant may report the matter to a member of the Leadership Team who can assist with exploring resolution strategies. This may include suggesting that the Complainant speak directly with the Respondent or to approach a Contact Officer for advice and support. Where appropriate, and in consultation with the Complainant, the member of the Leadership Team may approach the Respondent and talk to them informally about the matter.

Other informal resolution options which may also be considered include facilitated discussion, mediation, and entering into mutual agreements on workplace practices.

Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation (see below).

## **6.2 FORMAL RESOLUTION PROCESSES – INTERNAL**

If a matter is not able to be resolved using informal resolution methods, or for more serious matters, a formal process may be appropriate.

**Lodging a formal complaint:** A formal complaint can be made by a Complainant to the Principal and should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation. Note that a complaint may not be pursued if it relates to events that occurred more than 12 months ago.

**Initial response:** Following receipt of a formal complaint, the Principal will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- whether and how the complaint will be investigated (e.g. interviews, viewing documents);
- the expected timeframe for any investigation;
- who can be present at investigation interviews;
- what support is available for persons involved in the process;
- the interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint;
- whether the complaint raises issues which place the College under a legal obligation to report the matter to law enforcement agencies.

**Formal internal investigation:** Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed by the Principal to conduct the investigation. The Investigating Officer is someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- interview the parties involved, and witnesses if any;
- review relevant evidence, such as emails and other documentary evidence; and
- report to the Principal on whether or not the complaint is substantiated.

**Investigation outcomes and action to be taken:** If a complaint is substantiated, appropriate action, will be taken which may include:

- an apology;
- changes to work practices;
- disciplinary action, including dismissal;
- an undertaking that the behaviour will not be repeated;
- reversal of an action or decision, or substitution of a different action or decision;
- training.

Assistance may also be offered to a Complainant or other persons involved which may include counselling, redressing any inequality resulting from the action or decision that was the subject of the complaint, and/or mentoring and support.

If an investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence) further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.

### **6.3 FORMAL COMPLAINT – EXTERNAL**

A Complainant may choose to seek assistance, information and/or mediation support at anytime during the process from a range of statutory and employee support agencies in Victoria. Information and contact details for the support agencies are outlined in the Appendix. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

In dealing with complaints, the Principal may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons

### **6.4 OTHER KEY PRACTICES**

**Confidentiality:** Anyone involved in a complaint of discrimination, sexual harassment or victimisation or its investigation, must ensure that the circumstances and facts of the complaint are 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/or resolving experiences of or allegations of discrimination or sexual harassment victimisation a staff member and his/her immediate family members may utilise the services of counselling support at any stage of the process. The College has a nominated provider of this counselling service.

**Vexatious claims:** The College will not deal with 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.

Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against a Complainant.

## **7.0 APPENDIX**

Support Agencies

## **8.0 RELEVANT LEGISLATION**

- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009 (Cth)
- Racial Discrimination Act 1975 (Cth)

- Sex Discrimination Act 1984 (Cth)
- Workplace Gender Equality Act 2012 (Cth)

## 9.0 RELATED COLLEGE POLICIES

- Complaints Management Policy
- Occupational Health and Safety Policy
- Recruitment and Engagement of Staff, Volunteers and Contractors Policy

## 10.0 MONITORING AND REPORTING

**The Board** is responsible for monitoring the implementation of this policy and for providing reports as required to the members of the company, i.e., the Bishop of Sale and the Provincial of the Marist Brothers Australia Limited (MSA Ltd).

**The Principal** is responsible for:

- Ensuring compliance with the obligations outlined in this policy;
- Assigning authority, responsibility and accountability at appropriate levels within the College for policy implementation and compliance;
- Providing delegated staff with the direction, support and resources necessary to fulfil policy requirements;
- Ensuring cyclic reviews of the policy and recommending to the Board any revisions that may be required to accommodate changes in legislation and diocesan directives;
- Reporting and escalating concerns, issues and policy breaches to the Board and working collaboratively with the Board to resolve them.

## 11.0 APPROVAL

<b>Approved by</b>	CC Sale Ltd Board
<b>Person(s) Responsible</b>	Principal
<b>Date(s) Reviewed or Updated</b>	June 2022
<b>Next Review Date</b>	June 2024

### 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](mailto:information@veohrc.vic.gov.au)

To make a complaint: [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)

Website: [www.humanrightscommission.vic.gov.au](http://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](mailto:education@humanrights.gov.au)

To make a complaint: [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)

Website: [www.hreoc.gov.au](http://www.hreoc.gov.au)

Advice Line: 1300 656 419

#### **Fair Work Ombudsman**

The Fair Work Ombudsman can provide assistance with workplace issues by making an online enquiry.

Website: [www.fairwork.gov.au](http://www.fairwork.gov.au)

#### **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: 03 9662 1933

Email: [jobwatch@jobwatch.org.au](mailto:jobwatch@jobwatch.org.au)

Website: [jobwatch.org.au](http://jobwatch.org.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](http://www.beyondblue.org.au)