
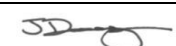




# Discrimination and Harassment Policy

	Ratified by Council	Reviewed by Principal
Date	20 October 2020	20 October 2020
Name	Justin Coombs	Jenny Dougan
Signature		

*West Coast Steiner School is committed to being a Child Safe Organisation, taking a preventative and participatory stance on child protection issues and promoting a child safe environment*

PROVENANCE					
<b>Review Cycle</b>	2 years	<b>Last Review</b>	New Policy	<b>Next Review</b>	August 2022
<b>Responsibility</b>	School Principal				
<b>Related Policies and Procedures</b>	Code of Conduct for Staff Code of Conduct for Parents Code of Conduct for Students Concerns and Complaints Management Policy (Parents, Community) Student Complaints Policy Staff Grievances Policy Disability Discrimination Policy Work Health and Safety Policy				
<b>Relevant Legislation and Authority</b>	Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Equal Opportunity Act 1984 Human Rights and Equal Opportunity Commission Act 1986 Workplace Relations Act 1996 Occupational Safety and Health Act 1997 Age Discrimination Act 2004 (Cth) Workplace Gender Equality Act 2012				
<b>Appendix</b>	Where To Go For Help Personal Attributes Protected By The Law				

VERSION MANAGEMENT		
Date	Changes Made	Author
August 2020	New policy created. Revisions from AISWA Sex Discrimination and Sexual Harassment Guidelines Version 1 September 2013 and from AISWA Racial Discrimination Guidelines Version 1 November 2009 incorporated.	L Lane

# Policy

## Background

West Coast Steiner School promotes an inclusive school culture that fosters acceptance and respect for diversity. We are committed to providing safe working and learning environments free from discrimination and harassment of any kind, including racial/ethnic, sexual, religious, or disability discrimination. West Coast Steiner School explicitly forbids the use of any form of child abuse, corporal punishment or other degrading punishment, as defined in our *Child Protection Policy*.

West Coast Steiner School will:

- protect the rights of students and staff to achieve their full potential in an environment which acknowledges the diverse nature of the school community and encourages the affirmation of its members' cultural identity;
- develop and implement programs to counteract the causes and redress the effects of racism and sexism in the educational context;
- provide students, staff, parents and community members with a mechanism for the lodgement and resolution of complaints;
- ensure that all members of the school community have a knowledge and understanding of their rights and responsibilities in the implementation of this policy;
- implement anti-discriminatory employment practices.

## Purpose

The purpose of this policy is to make the West Coast Steiner School community aware of what constitutes discrimination and harassment, and their responsibilities in preventing and managing such incidents. For the purpose of this policy '**parent/s**' includes legal guardians, step-parents, foster parents and carers.

## Application

This policy applies to and is binding upon all staff, students, parents, visitors and clients of West Coast Steiner School whilst on school business. Those in scope of this policy must comply with all relevant legislation. In particular, it should be noted that it is unlawful to engage in sexual or discriminatory harassment, bullying and victimisation under legislation relating specifically to the workplace. Serious penalties apply to breaches of such legislation.

## Legislation

The Equal Opportunity Act 1984 (EO Act) requires the School to provide work and learning environments free of unlawful discrimination and harassment.

Racial discrimination and harassment are against the law. This includes discrimination based on race (colour, nationality, ethnic or national origin or descent) and any form of racial harassment. It is also unlawful to discriminate against or harass a person because a relative or associate is of a different racial identity.

Discrimination based on a person's religion is also unlawful under the EO Act. Some forms of racism are based on religion and are not acceptable behaviour in the School's learning or working environments.

Racial discrimination and racial hatred in public is unlawful under the Commonwealth's Racial Discrimination Act 1975. The Western Australian Criminal Code, Chapter XI, Racial Harassment and Incitement to Racial Hatred, applies to any conduct in public likely to promote animosity towards or harassment of a person or group based on race.

The Sex Discrimination Act 1984 (SDA) makes it unlawful to discriminate against a person because of their sex, gender identity, intersex status, sexual orientation, marital or relationship status, family responsibilities, because they are pregnant or might become pregnant or because they are breastfeeding.

### **Definitions**

**Harassment** is the act of persistently irritating or tormenting a person with annoyances, threats or demands. It is found in many forms including sexual harassment, racial harassment, disability harassment, bullying and victimisation of a person.

**Racial Harassment** occurs when a person threatens, abuses, insults or taunts another person because of their race, and that other person is disadvantaged, or has reasonable grounds for believing that they will be disadvantaged, by taking objection. Racial harassment is unlawful in the areas of education and employment.

**Sexual harassment** is unwelcome sexual conduct, remarks or innuendo aimed at an individual or a group of people that creates an uncomfortable environment for the recipient. A person sexually harasses another person if:

- the act is unwelcome;
- it is reasonable in the circumstances that the person who was harassed felt offended, humiliated or intimidated;
- the person being harassed believed that resistance would in any way lead to disadvantage in his or her employment.

**Discrimination** occurs when an individual or a group is treated unfavourably because of a personal attribute protected by law (Appendices B). It is also unlawful to treat someone less favourably because you wrongfully assume they have an attribute or may develop it at some time in the future. Unlawful discrimination can occur:

*directly* – when a person or group is treated less favourably than others because they have a protected attribute, compared with another person or group without that attribute.

*indirectly* – when an arbitrary or unreasonable system, procedure or requirement treats everyone the same, but in doing so ends up (actually or potentially) disadvantaging a person or group with an attribute protected by the law.

# Procedures

## Identifying Discrimination and Harassment

The following list of behaviours is not in any order of priority, nor necessarily exhaustive but is intended to provide examples of behaviours which could be observed in those working for the School (teaching and non-teaching staff), as well as those served by it, that is students and their parents. It is important to remember that it is the way the victim perceives the behaviour that is key in determining whether or not harassment has taken place, not the intent of a particular individual.

Work-related discrimination and harassment covers behaviour which takes place at School during normal working hours but also extends to off-site work-related events, such as conferences and functions, including client or supplier functions, and between colleagues after hours, for example phone calls to their home, or posts on social media.

Sexual harassment is also found in many forms, from relatively mild sexual banter to actual physical violence. Examples of sexual discrimination or harassment include but are not limited to:

- displaying pornographic literature in the workplace
- offensive gestures
- persistent or intrusive enquiries into someone's private life, sexuality, or physical appearance
- requests for sexual favours
- sexually offensive phone calls, messages on email, voicemail or in writing
- staring or leering at a person or particular parts of their body
- unwanted physical contact, touching, brushing against another person
- verbal comments or abuse (e.g. persistent jokes or innuendos of a sexual nature)
- repeated requests to go out
- displaying offensive screen savers, photos, calendars or objects
- sexually explicit emails, text messages, or posts on social networking sites
- stalking.

It is not considered sexual harassment when a person welcomes another person's attention. However, what may be socially acceptable may not be appropriate professional behaviour in the workplace.

Examples of racial discrimination or harassment include but are not limited to:

- refusing to work with people of particular cultural or linguistic backgrounds
- writing graffiti or wearing badges, insignia or clothes with slogans against particular cultural or linguistic groups
- promoting publications opposed to particular cultural or linguistic groups
- making fun of or using derogatory language or terms directed against particular groups
- making stereotyped statements or telling jokes about particular cultural or linguistic groups
- making assumptions about people's abilities or preferences based on their accent, language or cultural background
- teaching programmes or using resources that assume the perspectives of the dominant group as the norm
- using examples that reinforce stereotypes views of particular cultural or linguistic groups
- teachers having lower expectations of students from some cultural or linguistic groups

- intimidating or bullying behaviour towards people from other cultural or linguistic groups
- fights against or physical assaults on others from different cultural or linguistic groups
- forcing students to take part in activities in conflict with their cultural or religious beliefs.

### **What Is Not Unlawful Harassment**

Reasonable management action taken in a reasonable way does not constitute harassment. This includes:

- setting reasonable performance goals and standards including work deadlines
- reasonable work performance assessment, counselling, disciplinary and termination practices
- legitimate actions by management to encourage or urge staff members to give of their best
- rostering and allocating working hours where the requirements are reasonable.

### **Dealing with Discrimination and Harassment**

West Coast Steiner School employees will work together to build inclusive and equitable work and learning environments and manage incidents of discrimination or harassment in the work place.

All Employees will:

- treat everyone with dignity, courtesy and respect
- demonstrate professional and ethical behaviour and not engage in any form of discrimination or harassment
- monitor the school environment for racist or sexist attitudes and behaviours and intervene to prevent them from occurring in the school environment
- report incidents of discrimination or harassment following the procedures set out in the Staff Disputes and Grievances Management Policy
- participate in investigations and grievance resolution processes, and comply with resolution agreements/decisions
- avoid gossip and respect the confidentiality of complaint resolution procedures.

Teachers will:

- ensure that curriculum content and teaching methods are consistent with and support the Discrimination and Harassment Policy
- develop strategies in the school for increasing student understanding of discrimination and harassment.

The School Administration team will:

- demonstrate professional and ethical behaviour and not engaging in any form of discrimination or harassment
- inform employees of relevant legislation, policies and support services related to discrimination or harassment in an induction process and informing them as required during their employment
- monitor the workplace for inappropriate conduct that may constitute discrimination or harassment
- implement strategies and reviewing where necessary relevant workplace practices to address potential issues involving discrimination or harassment
- provide leadership that promotes equity and diversity in the teaching and learning programme and within the school community

- assist staff in the development of strategies for addressing discrimination in appropriate subject areas and across the curriculum
- report incidents of discrimination or harassment conducted by the School Principal to the Chair of School Council.

The School Principal will:

- allocate resources, including appropriate materials for whole school and classroom use
- ensure that all staff, members of the School Council, West Coast Steiner School Community Association, parents, students and community members are familiar with this policy and understand their rights and responsibilities in relation to this policy
- ensure recruitment and selection procedures are compliant with the Discrimination and Harassment Policy by:
  - making the interview panel aware of the equal employment opportunities issues in the School
  - reminding the interview panel to focus on the applicant's job skills
  - checking job descriptions to remove outdated requirements not required to perform the job
  - including whether a position requires a person of a particular race within the job description, selection criteria and advertisement.

### **Reporting and Resolving Discrimination or Harassment**

West Coast Steiner School encourages all members of the school community to attempt to resolve complaints and concerns through the School. If you believe that you have been discriminated against or harassed, do not to ignore it. Ignoring it might be interpreted by the other person as consent. Do not respond to unacceptable behaviour with more unacceptable behaviour. You should take prompt action in accordance with the appropriate procedures outlined in the following documents:

- Concerns and Complaints Management Policy (Parents, Community, Staff)
- Concerns and Complaints Management Policy (Students)
- Staff Disputes and Grievances Management Policy.

Any member of the school community who raises an issue of discrimination in good faith will not be victimised or otherwise unfairly treated or disadvantaged. All complaints of victimisation will be taken seriously, investigated and acted upon as quickly as possible.

The School will treat all reports fairly, confidentially and quickly. Only people directly involved in the issue or complaint will be told about it. Each complaint will be investigated to work out whether it is more likely the behaviour happened than not and, if so, how serious it is. Appropriate action to resolve the problem will be taken.

The School Principal has responsibility for investigating formal complaints of discrimination or harassment. If proven, the consequences of such behaviour may include counselling, the removal of privileges, a parental interview, suspension or expulsion.

West Coast Steiner School will monitor how the complaint was resolved and the wellbeing of those involved. Further action will be taken if the problem behaviour continues.

Even though the School encourages all members of the school community to attempt to resolve complaints and concerns through the School if possible, it is also your right to seek help from outside the School. You can, for example, contact the WA Equal Opportunity Commission. A list of useful resources and contacts is provided in the Appendices.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy West Coast Steiner School will take disciplinary action, including in the case of serious breaches, summary dismissal. Engaging in unlawful harassment may result in legal action being taken against the perpetrator and West Coast Steiner School.

### **Policy Review and Dissemination**

This policy and related procedures will be made available to the public and staff members on the School website and is available to staff in the Policies and Procedures folder in the School Office.

The School may, at any time, make amendments to this policy to ensure continuous improvement. The policy will be reviewed biennially by the School Principal.



# Appendices A

## Where To Go For Help

WA Equal Opportunity Commission

Level 2, 141 St. George's Terrace, Perth Ph: 9216 3900

Website: <http://www.eoc.wa.gov.au/>

Email: [eoc@eoc.wa.gov.au](mailto:eoc@eoc.wa.gov.au)

Will send information and talk to schools for a fee

Equal Opportunity Act 1984

Website: <http://www.slp.wa.gov.au>

Select 'Online Publications' then 'Statutes-Acts and Regulations' then 'Statutes A-Z Browse' and select under 'E'

Human Rights and Equal Opportunity Commission Act 1986

Website: <http://www.hreoc.gov.au>

Available under the 'Human Rights' heading on the front page.

Racial Discrimination Act 1975

Website: <http://www.hreoc.gov.au>

Available under 'Racial Discrimination' heading on the front page.

Racial Hatred Act 1995

Website: <http://www.hreoc.gov.au>

Available under 'Racial Discrimination' heading on the front page.

Racism. No Way!

Website: <http://www.racismnoway.com.au>

This website has a lot of valuable information for students and teachers. Information is available in their library and classroom sections.

Human Rights and Equal Opportunity Commission

Website: <https://www.hreoc.gov.au>.

Provides a wealth of information on all forms of discrimination and also has "Information for Teachers" covering Education Modules, Current Issues, Human Rights Resources, and a Human Rights Education Mailing List.

Workplace Relations Act 1996

Website: <https://www.legislation.gov.au/Details/C2006C00104>

## Appendices B

### **Personal attributes protected by the law include:**

- age whether young or old, or because of age in general
- physical features (including height, weight or appearance)
- race, colour, descent, national origin, citizenship or ethnic background
- religious belief or activity
- lawful political belief or activity
- disease disability/impairment (including genetic predisposition to disability, visible or invisible, temporary or permanent) or injury, including work-related injury
- medical record
- irrelevant criminal record
- employment activity (e.g. asking your boss about your workplace entitlements)
- 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
- social origin
- lawful sexual activity
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- pregnancy (including potential pregnancy)
- breastfeeding
- gender identity (being transgender or intersex)
- sex
- sexual orientation
- personal association or relation to another person with any of the above attributes (e.g. being related to someone 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.