



EQUAL OPPORTUNITY, DISCRIMINATION AND HARASSMENT POLICY

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POLICY STATEMENT

Australian Islamic College provides inclusive and equitable work and learning environments, services and management practices free of unlawful discrimination and harassment. This includes the prevention and effective management of discrimination and harassment.

POLICY RULES

Principals and managers must:

- maintain work and learning environments free of unlawful discrimination and harassment, and address issues and incidents involving students, staff and visitors;
- provide equal opportunity; and
- provide access to facilities, services or opportunities to meet special needs, where reasonable and practicable.

DEFINITIONS

Discrimination

Any practice that makes a distinction on the basis of attributes between individuals or groups that disadvantages some and advantages others.

Discrimination can occur in ways that are either direct or indirect:

- **Direct discrimination** occurs when an individual or group is treated less favourably than another, in the same or similar circumstances.
- **Indirect discrimination** occurs when an apparently neutral rule, policy or practice has a negative effect on a substantially higher proportion of people with a particular attribute/characteristic compared to people without the attribute/characteristic, and the rule is unreasonable in the circumstances.

Indirect discrimination does not necessarily involve the intention to discriminate or even awareness, and may result from the continuation of past practices or policies that apply to all staff.

DIVERSITY

A term used to acknowledge differences between people in the community and where work practices are adapted to create an inclusive environment in which those differences are valued.

EQUAL EMPLOYMENT OPPORTUNITY

The process by which all existing and potential employees are treated fairly and equitably, and based only on their particular skills and attributes in regard to their capacity to perform a job, regardless of their differences.

HARASSMENT

Perceived or actual demonstrated patterns of behaviour that are offensive, humiliating, intimidating or threatening and cause a person disadvantage or anxiety over a period of time

RESPONSIBILITIES OF THE EXECUTIVE PRINCIPAL AND BOARD

The Executive Principal and Board will:

- demonstrate professional and ethical behaviour;
- provide strategic leadership and system level implementation of measures to facilitate and promote equal employment opportunity; and the provision of goods/services/facilities, work and learning environments that are free of discrimination and harassment;
- inform Principals/managers of their responsibilities under the Equal Opportunity Act 1984 (EO Act), related legislation and policies;
- verify that Principals/managers implement appropriate strategies and practices to provide equal opportunity, and prevent and address discrimination and harassment in work and learning environments; and
- respond to complaints regarding equal opportunity, discrimination and harassment if:
 - complaints have not been resolved at the workplace/school level;
 - the principal/manager is the subject of the complaint; and/or
 - the principal/manager has a conflict of interest.

RESPONSIBILITIES OF PRINCIPALS/MANAGERS

Principals/managers will:

- demonstrate professional and ethical behaviour;
- report incidents of discrimination, harassment and victimisation that may constitute employee misconduct to the Executive Principal; and
- address equal opportunity, discrimination and harassment in work and learning environments by:
 - informing employees of relevant legislation, policies and support services in an induction process, and as required during their employment;
 - monitoring the workplace for inappropriate conduct and address any occurrences;
 - implementing strategies and review, where necessary, relevant workplace practices to prevent and address issues for students and employees; and
 - responding promptly to allegations or incidents involving students, employees and visitors (including contractors, parents/caregivers and community members) and facilitating grievance resolution.

ACCOMMODATING SPECIAL NEEDS AND IMPAIRMENT/DISABILITY

Principals/managers will:

- provide measures to maintain equal opportunity, including reasonable adjustments (such as modifying requirements, premises or equipment) to the recruitment process and/or work/school environment;
- provide access to facilities, services or opportunities to meet the special needs of persons who have, or acquire an impairment/disability, where reasonable and practicable;

- maintain confidentiality of information relating to a person's impairment/disability in the recruitment process and workplace, unless the employee gives written consent to disclose information to their colleagues; and
- accommodate staff and students who need to bring their child/children into the workplace/school in exceptional circumstances.

ADDITIONAL RESPONSIBILITIES OF PRINCIPALS

Principals will provide school leadership that promotes equity and diversity in the teaching and learning program, and within the school community.

SEXUAL HARASSMENT OF STUDENTS AND EMPLOYEES

Principals will:

- report all actual, alleged or possible incidents of sexual harassment of students by employees to the Executive Principal in accordance with the Child Protection policy; and
- respond to any allegations or incidents of sexual harassment of employees by students.

RESPONSIBILITIES OF EMPLOYEES

All employees will:

- demonstrate professional and ethical behaviour, which includes not engaging in victimisation or making false or vexatious complaints;
- report incidents of discrimination or harassment to their principal/manager(or their superordinate, if the principal/manager is the subject of the complaint) where personal resolution of the issue is not suitable or possible;
- participate in investigations and grievance resolution processes, and comply with resolution agreements/decisions;
- maintain confidentiality (only discuss allegations with people who have official responsibility for handling the issue); and
- seek approval from their principal/manager prior to bringing their child/children into the workplace in exceptional circumstances.

SEXUAL HARASSMENT OF EMPLOYEES BY STUDENTS

All employees will report incidents of sexual harassment of employees by students to the principal.

DEFINITIONS

COMPLAINANT

A person who has made a complaint.

DISCRIMINATION

Is any practice that makes a distinction on the basis of attributes between individuals or groups that disadvantages some and advantages others.

Discrimination can be direct or indirect:

- **Direct discrimination** occurs when an individual or group is treated less favourably than another, in the same or similar circumstances, on the basis of one or more of the grounds.
- **Indirect discrimination** occurs when an apparently neutral rule, policy or practice has a negative effect on a substantially higher proportion of people with a particular attribute/characteristic compared to people without the attribute/characteristic, and the rule is unreasonable in the circumstances.

Indirect discrimination does not necessarily involve the intention to discriminate or even awareness, and may result from the continuation of past practices or policies that apply to all staff.

DIVERSITY

A term used to acknowledge differences between people in the community and where work practices are adapted to create an inclusive environment in which those differences are valued.

EQUAL EMPLOYMENT OPPORTUNITY

The process by which all existing and potential employees are treated fairly and equitably, and based only on their particular skills and attributes in regard to their capacity to perform a job, regardless of their differences.

FORMAL COMPLAINT

A written complaint where the complainant implements proceedings through the College's formal complaints process, and/or through an external agency such as the Equal Opportunity Commission.

HARASSMENT

Perceived or actual demonstrated patterns of behaviour that are offensive, humiliating, intimidating or threatening and cause a person disadvantage or anxiety over a period of time.

IMPAIRMENT (DISABILITY)

As defined in the **WA Equal Opportunity Act 1984: *impairment*** in relation to a person, means one or more of the following conditions —

- (a) any defect or disturbance in the normal structure or functioning of a person's body; or
- (b) any defect or disturbance in the normal structure or functioning of a person's brain; or
- (c) any illness or condition which impairs a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, whether arising from a condition subsisting at birth or from an illness or injury and includes an impairment —

- (d) which presently exists or existed in the past but has now ceased to exist; or
- (e) which is imputed to the person.

The **Commonwealth's Disability Discrimination Act 1992** definition: **disability**, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that:
 - (h) presently exists; or
 - (i) previously existed but no longer exists; or
 - (j) may exist in the future (including because of a genetic predisposition to that disability); or
 - (k) is imputed to a person.

To avoid doubt, a **disability** that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

INFORMAL COMPLAINT

A verbal or written complaint where the person wishes to discuss the incident but not implement formal proceedings.

RACE

Under discrimination legislation, race is defined as colour, descent, ethnic or national origin or nationality. It is also unlawful to harass or discriminate against a person because a relative or associate of that person is of a different racial identity.

RACIAL HARASSMENT

Also referred to as racist bullying, may take many forms including threats, abuse, insults and taunts based on a person's race or a characteristic belonging to, or generally believed to belong to a particular race. Racial harassment can involve a single incident.

RACIAL HATRED

Insulting, humiliating, offending or intimidating a person or group in public on the basis of their race is unlawful. A variety of acts can constitute racial hatred, including speaking, singing, making gestures, drawings, images and written publications such as newspapers, leaflets and websites. Racial hatred is also known as racial vilification.

RACISM

The expression of intolerance or hatred towards another race or other races through behaviour or attitude.

RACIST BULLYING

Bullying or harassing a person because of their race is also referred to as racist bullying.

RESPONDENT

For internal complaints, the person who is the subject of a complaint. For external harassment complaints, both the Department of Education and the alleged harasser are the respondent.

SEXUAL HARASSMENT

An unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature. Sexual harassment does not need to be repeated or continuous, it can involve a single incident.

SUPERORDINATE

The person to whom an individual's manager reports or a more senior manager.

SUPPORT PERSON

A person who the complainant or respondent elects to be present only as an observer at complaint resolution meetings. The support person does not participate in the meeting and is not permitted to express any opinions.

VEXATIOUS COMPLAINT

A complaint which is instituted without sufficient grounds and serving only to cause annoyance.

VICARIOUS LIABILITY

The employer is vicariously liable (legally responsible) under the *Equal Opportunity Act 1984* for acts of discrimination and harassment committed by employees in connection with their employment. This does not apply if the employer took all reasonable steps to prevent that unlawful act from taking place.

VICTIMISATION

Actions such as threats, harassment or punishment of a person who is, will be or has been involved in a complaint under the *Equal Opportunity Act 1984*, is unlawful.

WORKPLACE BULLYING

Bullying is repeated, unreasonable or inappropriate behaviour that has the potential to offend or harm, thus creating a risk to the employee's safety and health.

RESOLUTION

Refer to the College's Disputes & Complaints Policy.

REVIEW

All staff, students and affiliates at Australian Islamic College have a right to work or study in an environment that is free from unlawful harassment and discrimination, and to be treated with dignity and respect, irrespective of their background, beliefs or culture.

All staff, students and affiliates have a responsibility to ensure that they do not promote or engage in unlawful harassment or discrimination.

All principals, managers and supervisors are actively responsible for intervening to prevent unlawful harassment and discrimination.

All staff, students and affiliates have a right to use the College's resolution procedure if they believe they have experienced unlawful harassment or discrimination.

A breach of this policy may result in disciplinary action. Any victimisation of or detrimental action towards any person who raises a complaint of unlawful harassment or discrimination in accordance with this policy will be treated seriously, and may result in disciplinary action. Any intentional misuse of this policy, including by knowingly making a false allegation of unlawful harassment or discrimination, will be treated seriously and may result in disciplinary action.

Implementation date: [February 2017]

Approved by: [Executive Principal]

Next review: [February 2018]