POLICY NO: 56  

EQUAL OPPORTUNITY  
(To be read in conjunction with the Victorian Equal Opportunity Act 1995)

Written by: Jane Satchwell

Date approved by School Council: 18TH October, 2011

PURPOSE:
Teachers, staff and students have the right to work and learn in an environment that is free from harassment and discrimination. Schools have the responsibility to create such an environment.
To provide a framework to ensure the principles of merit and equity are adhered to by all members of the Chelsea Heights school community and to ensure that no person is discriminated against unfairly when involved in school based issues.
To further promote recognition and acceptance of everyone's right to equality of opportunity; eliminate discrimination against people by prohibiting discrimination on the basis of various attributes; and to provide redress for people.

GUIDELINES:

- All employment decisions are based on merit. In this context merit is defined as the extent to which each applicant has the skills, knowledge, experience, past performance and other personal qualities relevant to the work; demonstrated good conduct and has the potential for further development.
- Employees are treated fairly and reasonably.
- Employees have reasonable avenues of redress against unfair or unreasonable treatment.
- Staff have the right to be judged according to their ability to carry out the requirements of the position. However, this needs to be in accordance with the Victorian Equal Opportunity Act which states persons will not be discriminated against on the basis of attributes covering: age, disability, industrial activity, lawful sexual activity or sexual orientation, marital parental or career status, physical features, political belief or activity, pregnancy, race, creed, or personal association.
- Students have the right to be treated fairly by staff and fellow students in all aspects of education regardless of the student’s personal characteristics such as their race, gender and physical features.
- In respect to section 25 of the Act, exceptional circumstances permitting discrimination only if the following conditions exist:
  1. The employment involves the care, instruction or supervision of children under the age of eighteen and the employer genuinely believes the discrimination is necessary to protect the physical, psychological or emotional well being of the child.
  2. Having regard to all relevant circumstances, including, if applicable, the conduct of the staff or prospective staff member, the employer has a rational basis for the belief.
- Court orders override all considerations.

Grievance Review Process:

1. Grievances can be lodged via the internal processes at the local level or through the equal opportunity investigation officer, with the Merit Protection Boards or the Equal Opportunity Commission.
2. A person may lodge a complaint with the Equal Opportunity Commission under the Victorian Equal Opportunity Act 1995 at any time, provided that they have not lodged a complaint with the Merit Protection Boards in relation to the same subject matter. If the complaint comes
within jurisdiction of Federal legislation, a person may lodge a complaint with both the Merit Protection Board and the Equal Opportunity Commission.

3. The Equal Opportunity Commission is committed to promoting equal opportunity and eliminating unlawful discrimination in Victoria. The Commission provides an impartial, confidential and free complaint resolution service in order to help achieve this goal.

4. A complaint may proceed through a number of stages beginning with the initial inquiry, through to lodgement of the complaint, investigation and where appropriate, conciliation.

5. Conciliation involves bringing both parties together with a conciliator from the Commission to discuss the problem and to attempt to work out a resolution.

6. Negotiated outcomes may include job reinstatement, an apology, policy changes and compensation.

7. In some cases, the complaint will not be resolved by the Commission, and it may be referred to the Anti-Discrimination Tribunal at the request of the person making the complaint.

8. Note that a person who makes a complaint may withdraw the complaint at any stage of the process.

*Please note that each year a Consultative Committee is formed by staff for staff. This committee comprises a chairperson, 2x staff members (one being the staff AEU Representative), the business manager and the principal. The role of this committee is to represent staff questions, concerns or grievances with leadership. The chairperson of this committee is the Equal Opportunity Contact Officer.*

EVALUATION:

The school will appoint from the teaching staff a contact officer annually to ensure policy is adhered to. This officer will be advised of and encouraged to attend relevant Professional Development and be provided with a role statement. Procedure and processes are to be reviewed annually.