

Equal Opportunity Policy

The Policy

Introduction

Birmingham Primary School aims to provide a welcoming, supportive, and emotionally and physically secure learning and working environment for every member of the school community.

Birmingham Primary School recognises and promotes human rights, and values the diversity of culture, beliefs, practices, customs, physical and intellectual abilities and life experience of the whole school community.

Philosophical Basis

Birmingham Primary School aims to create an inclusive school culture that fosters acceptance and respect for diversity. In doing so, we seek to deepen understanding and knowledge, promote student and staff wellbeing and help everyone achieve their full potential. This school is enriched by and celebrates the diversity of our whole school community. Discrimination, harassment, vilification, bullying and victimisation will not be tolerated at **Birmingham Primary School** under any circumstances.

Birmingham Primary School is committed to ensuring that the working environment is free from discrimination, harassment, bullying, vilification and victimisation.

This school acknowledges that in society some people are treated unfairly or unfavourably because of irrelevant personal characteristics such as their sex or race. This school supports the Charter of Human Rights and the Equal Opportunity Act 2010 (Vic), which says that it is against the law to discriminate against anyone, including students and school staff, because of their actual or assumed:

- age
- breastfeeding
- carer status
- disability/impairment
- gender identity
- industrial activity
- lawful sexual activity

- marital status
- parental status
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

Guidelines

No member of the school community will be treated less favourably because they possess any of these personal characteristics nor will such characteristics affect access to benefits and services that the school provides.

On behalf of the whole school community, the principal, the school council president and the junior school council support this policy, and the human rights principles and practice of equal opportunity, inclusion and respect for diversity that it articulates.

Discrimination is unacceptable at Birmingham Primary School.

Discrimination may be direct or indirect – both are against the law.

Direct discrimination means treating someone unfairly or less favourably because of one of the personal characteristics listed above or because of their association with someone identified with one of those characteristics.

Examples: refusing to enroll a student because he has Hepatitis C, refusing to allow a Muslim student to wear the hijab as part of her school uniform or failing to hire a suitably qualified teacher because of his or her sexual orientation.

Indirect discrimination happens when a rule, policy or requirement unnecessarily or unreasonably disadvantages a person or group of people because of a protected personal characteristic they share.

Example: Imposing a requirement that all students take notes from the whiteboard without assistance may unreasonably disadvantage a student with vision impairment. .

Harassment is unacceptable at Birmingham Primary School.

Harassment is behaviour (through words or actions) based on the personal characteristics listed above that are unwanted, unasked for, unreturned and likely to make school an unfriendly or uncomfortable place by:

- humiliating (putting someone down)
- seriously embarrassing
- offending (hurting someone's feelings) or
- intimidating (threatening someone so they behave in a certain way).

Examples: name calling, stereotyping jokes and offensive comments.

Sexual harassment is an unwelcome sexual advance; request for sex or any other sexual behaviour that a reasonable person would know or expect would offend, humiliate, seriously embarrass or humiliate another.

Examples: unwanted touching, unwelcome sexual innuendo or jokes, displaying sexually explicit material (posters, emails, internet sites).

Racial and religious vilification is unacceptable at Birmingham Primary School.

Vilification is behaviour (through words or actions) that incites hatred, serious contempt or ridicule of another person or group of people because of their race or religious belief.

Examples: **public threats of harm, encouraging others to hate someone because of their religion, racist statements made in a public meeting, racist graffiti**

Bullying is unacceptable at **Birmingham Primary School**.

Bullying is unreasonable behaviour that is intimidating, threatening or humiliating and repeated over time or occurring as part of a pattern of behaviour. Bullying can be physical, verbal or indirect, and creates an unfriendly, threatening or offensive environment.

Examples: taking or damaging other people's property, excluding or isolating someone, subjecting someone to homophobic abuse, deliberately withholding information so as to affect their work performance, threatening not to renew an employment contract.

Victimising someone who makes an EO complaint is unacceptable at *Birmingham Primary School*.

Victimisation means treating someone unfairly or otherwise disadvantaging them because they have made an EO complaint or might do so in the future.

Birmingham Primary School will take action to prevent discrimination, harassment, vilification, bullying and victimisation and to promote a safe and inclusive school. We will take immediate and appropriate action to address and resolve EO issues and complaints and will take action to promote human rights both in terms of school policy and practice and within its educational activities and culture.

A human rights based approach means taking steps to assess the school's decisions and actions within the framework of the Charter and also taking proactive steps to encourage and promote wider school discussion and student learning on the key Charter themes of Freedom, Respect, Equality and Dignity.

Who and what this policy covers

This policy covers the whole school community, including staff, students, parents, school council members, contractors and volunteers.

This policy applies to:

- education (teaching and learning, enrolment, student management, student services, curriculum development and delivery)
- the provision of goods and services (extracurricular activities, camps, parent-teacher interviews, access to facilities)
- school sport
- employment at the school (recruitment, allocation of duties, employment conditions, access to benefits such as training, promotion and leave).

Policy framework and relevant information

Birmingham Primary School EO policy is one component of the Department's broader policy framework for the promotion of safe and inclusive schools and protection of human rights.

Other relevant policy may include:

- [Managing Diversity and Inclusive Workplaces](#)
- [Equal opportunity, Discrimination and Harassment](#)
- [Complaint Resolution Procedures](#)
- [Health, Safety and WorkSafe](#)
- [Building Respectful and Safe Schools](#)
- School Codes of Conduct
- School Bullying Prevention policy
- Charter of Human Rights and Responsibilities Act 2006 including any relevant [Department policies](#)

Rights and Responsibilities

Under this policy, every member of the Birmingham Primary School has the right to learn and work in a safe and inclusive environment free of discrimination, harassment, bullying, vilification and victimisation. Along with this right comes the responsibility to respect and promote human rights and responsibilities by behaving according to this policy.

The principal of Birmingham Primary School is accountable for implementation of this policy.

The principal of Birmingham Primary School may appoint an EO and Anti-Harassment Co-ordinator to support implementation of this policy.

This policy will be reviewed regularly by the Education Sub-committee of School Council and ratified by the school council.

Complaints procedures

If you are a member of staff:

Please refer to the Department's [Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct](#) guidelines.

If you are a parent or guardian:

Please refer to DEECD's [Parent Complaints](#) guidelines.

If you are a student:

You have the right to be part of a safe and inclusive school that is free of discrimination, harassment, sexual harassment, bullying, vilification and victimisation. This includes treating you unfairly, excluding you or making you feel bad because of your:

- sex
- race

- sexual orientation
- physical features
- religious belief or activity
- carer status
- disability/impairment
- gender identity
- lawful sexual activity
- political belief or activity
- pregnancy
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

If you believe someone is discriminating, harassing, bullying, vilifying or victimising you and it is safe for you to do so, tell the other person to stop their behaviour. Let them know that their behaviour offends you. They may not realise this.

If the behaviour doesn't stop or you are not sure what to do, report it to a trusted adult, such as a teacher, the year level co-ordinator, the principal or the Student Welfare Coordinator. Remember, you are not alone. If you have a problem or complaint, talking to someone, especially your parents can help. If you do not want to talk to anyone about it, you can find more information at the <https://kidsline.com.au/> telephone 1800 55 1800).

If the unfair treatment or harassment persists, you can call the Commission for free and confidential advice. Advice can be given over the phone or in person. If your issue is covered by Equal Opportunity law, the Complaints Officer will discuss it with you. They will then explain how the Commission can help you and the information you would need to include in a complaint should you decide to make one.

Birmingham Primary School will treat all reports of misconduct 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 principal (or someone else they appoint) has responsibility for investigating complaints of discrimination, harassment, bullying, vilification and victimisation.

Consequences: If proven, the consequences of such behaviour may include counselling, the removal of privileges; a parental interview, suspension or expulsion. Birmingham Primary School will arrange counselling and support, where appropriate or where requested, for any student who has experienced bullying or harassment. Counselling may also be provided for a person who has bullied or harassed another.

The school may also need to discuss the incident with parents.

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

Birmingham Primary 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. For example, you can contact the Department's regional office, the Ombudsman or the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) for information or advice, or to make a complaint.

Right to appeal/review

If you are unhappy with the decision about your complaint, you may seek a review of the decision in accordance with departmental procedures.

Where to obtain help and advice

- <https://www.education.vic.gov.au/school/teachers/health/Pages/default.aspx>
- DET Equal Opportunity Guidelines https://www.education.vic.gov.au/hrweb/Documents/EO_Guidelines.pdf
- Principal Birmingham PS 97363260
- Parent support contacts <https://kidshelpline.com.au/>
- Student contacts <https://kidshelpline.com.au/>

Endorsed by School Council and effective as of: October 2018