Rationale

* Discrimination in any form is unacceptable. As educators, we have a responsibility to provide teaching and learning environments that are free from discrimination in all forms, including those based on race, ethnicity, gender, ability, disability, sexuality and religion.
* Discrimination extends to the school’s dress code. Schools must treat children equally and need to balance the rights of individual children against the best interests of the school community as a whole when developing and implementing their dress codes.

Purpose

* To provide a fair and supportive environment free from all forms of discrimination, discriminatory practice and beliefs, that promotes personal respect, values diversity, and provides physical and emotional safety.
* To ensure Charles La Trobe College complies with DET policy and guidelines and the legislative requirements of the:
* *Age Discrimination Act 2004 (Cth)*
* *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
* *Disability Discrimination Act 1992 (Cth)*
* *Education and Training Reform Act 2006 (Vic)*
* Education and Training Regulations 2007 (Vic)
* *Equal Opportunity Act 2010(Vic)*
* *Racial and Religious Tolerance Act 2001 (Vic)*
* *Racial Discrimination Act 1975 (Cth)*
* *Sex Discrimination Act 1984 (Cth)*
* To ensure the College complies with Child Safe Standards 1 & 2.

Definition

Discrimination is *unfavourable treatment* of a person in an area of *public life* due to one of their personal attributes for example their sex, age, race or disability.

The Equal Opportunity Act 2010 covers areas of both *direct* and *indirect discrimination*.

Direct discrimination is when a person treats, or proposes to treat, a person with a protected attribute unfavourably, because of that attribute. In determining whether a person directly discriminates, it is irrelevant whether or not that person is aware of the discrimination or considers the treatment to be unfavourable. It is also irrelevant whether or not the attribute is the only, or dominant reason for the unfavourable treatment, provided that it is a substantial reason.

Indirect discrimination occurs if a person imposes or proposes to impose, an unreasonable requirement, condition or practice that has, or is likely to have the effect of disadvantaging persons with a protected attribute. Whether a requirement, condition or practice (or proposed requirement, condition or practice) is reasonable depends on all relevant circumstances including:

* the nature and extent of the disadvantage resulting from the imposition, of the requirement, condition or practice
* whether the disadvantage is proportionate to the result sought by the person who imposes, the requirement, condition or practice
* the cost of any alternative requirement, condition or practice
* the financial circumstances of the person imposing the requirement, condition or practice
* whether a reasonable adjustment or reasonable accommodation could be made to the requirement, condition or practice, to reduce the disadvantage caused to a person, including the availability of an alternative requirement, condition or practice that would achieve the result sought by the person imposing the requirement, condition or practice, but would result in less disadvantage

Implementation

* The wellbeing of all children is the highest priority for this College.
* All staff will be made aware of the legislative requirements relating to discrimination.
* All staff will complete DET’s online Workplace Discrimination & Sexual Harassment training.
* Professional development relating to discrimination will be provided for all staff, who in turn are expected to model and practice appropriate non-discriminatory behaviour.
* Staff, children and members of the school community will be familiar with the school’s approach to anti-discrimination and will be provided with information relating to their rights and responsibilities.
* The school will support a safe and inclusive school environment where the school community feels welcome, supported and physically and emotionally secure.
* The school’s dress code will enable all children to participate fully in school life. Please refer also to the school’s *Uniform & Dress Code Policy*.
* Staff will model appropriate behaviour for resolving issues and promote mutual respect for all members of the school community and build effective relationships with parents/guardians, children and staff from diverse cultural, linguistic and religious backgrounds.
* Our school will ensure that all groups who are affected by decision-making outcomes are consulted, their input will be treated fairly, and decision-making processes and outcomes will be meritorious and free from discrimination.
* All decision-making processes will be open to scrutiny, with processes for appealing decisions and for regularly reviewing processes to be adopted.
* All claims of discrimination will be treated confidentially, documented on the Student Management Tool and promptly and constructively addressed.
* Unresolved school-level issues may be referred by the Principal, or either party involved, to the appropriate authorities.
* The rights and sensitivities of all individuals will be protected.
* School Council will communicate in plain language, avoiding unnecessary jargon, and also use other means of reaching parents with literacy difficulties such as open meetings and assemblies where possible.
* Curriculum content will be free of discriminatory content, but will analyse the effects of discrimination and assist children to develop attitudes and skills that discourage, challenge and report discriminatory practices.
* Please refer also to the school’s *Complaints & Concerns, Parents Policy* and the *School Uniform/Dress Code Policy.*

Evaluation

This policy will be reviewed as part of the school’s three-year review cycle or if guidelines change (latest DET update late April 2014).

Ratification

This policy was ratified by the College Council on 15th February, 2018.

Reference

[www.education.vic.gov.au/school/principals/spag/management/Pages/humanrights.aspx](http://www.education.vic.gov.au/school/principals/spag/management/Pages/humanrights.aspx)