Policy Name	**Sex Discrimination & Harassment Policy**
Related Policies and Legislation	Concerns and Complaints Policy Enrolment Policy & Priorities Codes of Conduct *Sex Discrimination Act 1984* (Cth) *Fairwork Act 2009* (Cth) *Equal Opportunity Act 1984* (WA) *Work Health and Safety Act 2020* (WA)
Policy Category	Student Wellbeing & Safety Staff Wellbeing & Safety School Community Wellbeing & Safety
Relevant Audience	All Treetops Community
Date of Issue / Last Revision	Replacement/merge of other policies 10 June 2021 June 2024
Date Set for Review	February 2030
Person/s Responsible for Review	Treetops Administration

Sex Discrimination and Harassment Policy

Treetops 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.

Treetops Montessori School will not tolerate discrimination and harassment and takes allegations of discrimination and harassment seriously. If any member of the school community feels that they are the victim of discrimination or harassment they should follow the procedure outlined in the relevant School Complaints Policy / Procedure.

What is Sex Discrimination and Sexual Harassment?

Sex Discrimination

Sex discrimination occurs when a person is treated unfairly or less favourably because of their:
- Sex
- Sexual orientation
- Gender identity
- Intersex status
- Marital or relationship status
- Pregnancy or potential pregnancy
- Family responsibilities

This includes being denied employment opportunities, dismissed, or treated differently in the workplace due to these attributes.

Discrimination may be:

- Direct: e.g. refusing to hire a woman because she is pregnant.
- Indirect: e.g. imposing a condition that disproportionately affects one group.

Under the *Sex Discrimination Act 1984* (Cth) and the *Equal Opportunity Act 1984* (WA), such discrimination is unlawful unless a specific exemption applies.

Sexual Harassment

Sexual harassment is defined as unwelcome conduct of a sexual nature that a reasonable person would anticipate could make someone feel:
- Offended
- Humiliated
- Intimidated

According to Section 28A of the *Sex Discrimination Act 1984*, sexual harassment includes:
- Unwelcome sexual advances
- Unwelcome requests for sexual favours
- Other unwelcome conduct of a sexual nature

The conduct may be verbal, physical, written, or visual, and does not need to be repeated to be unlawful. Examples include:
- Uninvited touching, kissing, or embracing
- Sexually explicit jokes or comments
- Promises or threats in exchange for sexual favours
- Displaying sexually graphic material (e.g. posters, graffiti)
- Repeated invitations after refusal
- Sexual gestures or “flashing”
- Sex-based insults or name calling
- Staring or leering
- Unwelcome physical contact (e.g. massaging, brushing against someone)
- Touching clothing (e.g. flicking bra straps)
- Requests for sex
- Intrusive questions about private life
- Offensive emails, texts, or calls
- Stalking

Sexual harassment can be initiated in a school in a number of ways, including:

- Staff – staff harassment;
- Staff – student harassment;
- Student – staff harassment;
- Student – student harassment;
- Staff – parent/guardian harassment;
- Parent/guardian – staff harassment.

Many victims of sexual harassment are not appreciative of the attention they receive and are uncomfortable about complaining. The reasons for not complaining are many and varied and may include:

- A fear of adverse treatment by peers and those senior to them;
- A belief that others will think 'they asked for it';
- A belief that informing is unprofessional;
- A limited knowledge of the grievance procedures;
- Unaware that the behaviours or acts are inappropriate.

Relevant Acts:

Relevant sections of both Acts	***Sex Discrimination Act 1984* (Cwth)**	***Equal Opportunity Act 1984* (WA)**
Sex discrimination	5	8
Marital Status discrimination	6	9
Pregnancy discrimination	7	10
Family Responsibilities discrimination	7A	35B
Reasonable Test (indirect discrimination)	7B	
Special measures intended to achieve equality	7D	31
Discrimination in Employment	14	11
Discrimination in Education	21	18
Application Forms etc.	27	23
Sexual Harassment in Employment	28B	24
Sexual Harassment in Education	28F	25
Exemptions	30-47	27-35
Vicarious Liability	105, 106	160-161

Equal Opportunity Act 1984
https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_37090.pdf/$FILE/Equal%20Opportunity%20Act%201984%20-%20%5B07-d0-00%5D.pdf?OpenElement

Sexual Discrimination Act 1984
https://www.legislation.gov.au/C2004A02868/latest/text

Vicarious Liability

Under the *Equal Opportunity Act 1984*, a person can be held liable for acts of unlawful discrimination and harassment done by an employee or agent, if it can be shown that the person did not take all reasonable steps to prevent the employee or agent from doing the unlawful acts.