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OVERVIEW

Victoria is one of the most culturally diverse societies in the world.

- 23.8% of Victoria’s population were born overseas
- 43.69% Victorians have a parent who was born overseas
- Victorians come from more than 200 countries
- Victorians speak more than 230 languages and dialects.
- Victorians follow more than 120 religious faiths

The Department recognises, promotes and celebrates the cultural, religious, racial and linguistic diversity of the families, children and young people to whom it provides education and early childhood services from birth to 24 years. It recognises that education and early childhood development services are critical to the success of multicultural communities and a prosperous and harmonious Victorian society.

Schools, early childhood services and higher education providers have a strong history of embracing cultural diversity through respectful and supportive environments where difference is valued and innovative learning and teaching practices ensure the needs of young people are met.

Across key policies and strategies, and through service agreements with providers, the Department seeks to ensure culturally sensitive services to the Victorian community. Examples include Global and Multicultural Citizenship programs.

Stakeholders are central to informed Departmental services. The Department ensures that multicultural perspectives are identified and advanced through consultation and engagement with the Victorian Multicultural Commission and other stakeholder organisations and communities.

LEGISLATION

Victorian multicultural policy is underpinned by the Multicultural Victoria Act 2011, Racial and Religious Tolerance Act 2001 and the Charter of Human Rights and Responsibilities Act 2006. This legislation is in addition to Commonwealth and State anti discrimination law. For further information, see HRWeb: Equal Opportunity, Discrimination and Harassment.

Multicultural Victoria Act 2011

The principles of multiculturalism are enshrined in the Multicultural Victoria Act 2011 including:

- All Victorians are entitled to mutual respect and understanding regardless of their cultural, religious, racial and linguistic backgrounds.
- All individuals and institutions in Victoria should promote and preserve diversity and cultural heritage within the context of shared laws, values, aspirations and responsibilities.

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1 For the purposes of data collection a person is Culturally and Linguistically Diverse (CALD) if two of the following criteria are met

- The individual or at least one parent is born overseas
- The individual speaks a language other than English at home
- The individual has a culturally and linguistically diverse background
• All individuals in Victoria (regardless of background) should work together to build a positive and progressive future and this co-operation is to be encouraged so as to enhance Victoria as a great place in which to live, work, invest and raise a family;
• All individuals in Victoria are equally entitled to access opportunities and participate in and contribute to the social, cultural, economic and political life of this State;
• All Victorians have a responsibility to abide by the State’s laws and respect the democratic processes under which those laws are made.

The Department, managers, Principals, school councils, employees and students are required to act in accordance with the principles of the Multicultural Victoria Act 2011 including the amendments made in 2008.

The Act also specifies reporting requirements for all departments in relation to Multicultural Affairs.

Racial and Religious Tolerance Act 2001

The Racial and Religious Tolerance Act 2001 promotes equal participation in an open and multicultural democracy and prohibits the vilification of persons on the ground of race or religious belief or activity. The Act provides a means of redress for the victims of racial or religious vilification and gives powers to the Victorian Equal Opportunity and Human Rights Commission to help people resolve complaints.

The Act covers people’s actions and behaviours not their beliefs. The Act describes ‘vilification’ as conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person’s racial or religious background. The Act also deals with ‘serious vilification’ which includes threatening, or inciting others to threaten or physically harm people or their property.

The Act recognises the consequences of vilification on the individual and the community including diminishing an individual’s sense of self-worth, dignity and belonging to the community. Racial and religious vilification can also reduce an individual’s ability to contribute to and participate in the social, political, economic and cultural life of our society. This has the effect of reducing the benefit that diversity brings to the community.

The Act covers public behaviour (including use of the internet and email) which has the effect of inciting hatred, serious contempt for, or severe ridicule of people’s racial or religious backgrounds and practices. For instance, the Act makes it illegal to:

• write racist graffiti in public places
• make racist speeches at a public rally
• display racist posters or stickers in a public place
• engage in racist or religious vilifying abuse in a public place
• make offensive racist comments in a publication including internet and email.

The legislation has been drafted to maintain freedom of speech while protecting the rights of all people in our society to participate as equals. The Act includes exceptions for conduct or discussion which is engaged in reasonably and in good faith in relation to:

• an artistic work or performance
• a statement, publication, discussion or debate in any genuine academic, artistic, religious or scientific purpose or which may be considered in the public interest
• a fair or accurate report on a matter of public interest
• private conduct.
An important aspect of the Act is the responsibility of all employers to maintain workplaces free of racial and religious vilification. Vicarious liability provisions apply (Section 17 and 18).

The Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities Act 2006 identifies 20 human rights that reflect four basic principles of freedom, respect, equality and dignity. All departmental staff must respect and promote the rights set out in the Charter by making decisions and providing advice consistent with human rights. Consideration of human rights is a public sector value in the Public Administration Act 2004.

For further information, go to HRWeb: Charter of Human Rights and Responsibilities.

Cultural Diversity in Employment

The Department acknowledges the cultural, religious and linguistic diversity of its employees. Further, the Department continues work to ensure its workforce reflects the diversity of the Victorian community.

For information regarding the strategic benefits of fostering workplace diversity see HRWeb: Managing Diversity and Inclusion

School Equal Opportunity Policy Tools

Tools to assist schools with cultural diversity, equal opportunity policy and discrimination and harassment legislative compliance can be found on HRWeb: Equal Opportunity, Discrimination and Harassment.

Tools include:

- An Equal Opportunity Policy Template
- An Equal Opportunity Policy Checklist
- Equal Opportunity Guidelines
- An Equal Opportunity Online Link Resource

Training

All Department and school council employees are expected to successfully complete the online Workplace Discrimination, Harassment and Bullying Course. The Course aims to raise awareness of Department policies on workplace conduct and educate staff about their rights and responsibilities under equal opportunity, discrimination and workplace bullying laws. It is one of a range of initiatives to ensure safe, inclusive and productive workplaces.

The Course comprises three components. A list of the three components and the required component completion timeframes are shown in the table below.

<table>
<thead>
<tr>
<th>Course component</th>
<th>Expected completion time frame</th>
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<tbody>
<tr>
<td>1. Discrimination and Harassment</td>
<td>Within 3 months of employment or as soon as possible.</td>
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2. Bullying:
   a. for employees
   b. for managers

<table>
<thead>
<tr>
<th>Course component</th>
<th>Timing</th>
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<tbody>
<tr>
<td>2. Bullying:</td>
<td>Within 3 months of employment or as soon as possible. (select either 2a or 2b as appropriate)</td>
</tr>
<tr>
<td>3. Discrimination, Harassment and Bullying - Refresher</td>
<td>Three years after the Discrimination and Harassment and Bullying components have been commenced (whether or not components have been completed) and again every three years after that.</td>
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Note: When a Course component is completed, it becomes available as a general resource that may be accessed at any time thereafter.

**Course access**

[Workplace Discrimination, Harassment and Bullying Course](http://www.techniworks.com.au/Host/Colleges/DEECDVIC/front_frameset.asp)

**Monitoring staff progress**

Principals can monitor staff progression and completion rates of the online course by registering as a Direct Manager at: [www.techniworks.com.au/prinvic](http://www.techniworks.com.au/prinvic). Further information about monitoring usage can be obtained from the Learning and Development unit by emailing [staffdevelopment@edumail.vic.gov.au](mailto:staffdevelopment@edumail.vic.gov.au)

**WORKPLACE CONTACT OFFICERS**

Workplace Contact Officers are available to confidentially assist with any concerns or information with regard to discrimination, sexual harassment or other forms of harassment, bullying, workplace vilification or victimisation.

A WCO can assist employees who have general enquiries or concerns about workplace conduct in relation to discrimination, harassment, sexual harassment or bullying by:

- providing confidential and impartial information and support
- referring employees to key support services available internally and externally to the Department
- discussing Departmental policies, processes and principles relating to discrimination, harassment, sexual harassment or bullying.

For more information see the [WCO Network](http://www.techniworks.com.au/prinvic) page on HRWeb.

**GRIEVANCE PROCEDURES**

- [Complaints, unsatisfactory performance and misconduct](http://www.techniworks.com.au/prinvic)