



ANTI-DISCRIMINATION POLICY

Anti-Discrimination Policy 2020

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Purpose:	Wisdom College is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur.	
Scope:	Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements	
Status:	Approved	Supersedes: Anti-Discrimination Policy 2016
Authorised by:	School Governing Body	Date of Authorisation: April 2020
References:	<ul style="list-style-type: none"> • <u>Anti-Discrimination Act 1991 (Qld)</u> • <u>Australian Human Rights Commission Act 1986 (Cth)</u> • <u>Age Discrimination Act 2004 (Cth)</u> • <u>Disability Discrimination Act 1992 (Cth)</u> • <u>Racial Discrimination Act 1975 (Cth)</u> • <u>Sex Discrimination Act 1984 (Cth)</u> • Wisdom College Sexual Harassment Policy • Wisdom College Workplace Bullying Policy • Wisdom College Disability Discrimination Policy • Wisdom College Student Code of Conduct • Wisdom College Employee Code of Conduct • Wisdom College Dispute Resolution Policy • Wisdom College Dispute Resolution Procedures 	
Review Date:	Biennial	Next Review Date: April 2022
Policy Owner:	School Governing Body	Version: 2.0 Dated: April 2020

Policy Statement

Wisdom College is committed to creating an environment which is free from discrimination and where all persons are treated with dignity, courtesy and respect. Victimisation, vilification and disability harassment are also unlawful and will not be tolerated by the School.

All students and employees at Wisdom College have the right to learn and work in an environment free from unlawful discrimination. Wisdom College will provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

Wisdom College is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under the Wisdom College Dispute Resolution Policy.

In accordance with relevant law, Wisdom College will act to prohibit unlawful discrimination towards its students and employees, on the basis of “protected attributes” relevant to the school, whilst students and employees are engaging in their education and work at Wisdom College. Both direct and indirect unlawful discrimination are prohibited.

In accordance with the relevant law, Wisdom College prohibits unlawful discrimination against students in all facets of education at Wisdom College, including:

- admission and enrolment applications
- terms of admission and enrolment
- variation of the terms of a student's enrolment
- denial or limitation of benefits normally resulting from enrolment
- exclusion or suspension of students
- assessment and examination
- access to resources and facilities
- treatment of a student in regard to training or instruction

In accordance with the relevant law, Wisdom College prohibits unlawful discrimination against employees undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

- recruitment
- terms and conditions
- training
- promotion
- termination of employment

Definitions

Discrimination

Not all discrimination is against the law. Anti-discrimination legislation determines what kind of discrimination is unlawful by identifying particular “areas” and “protected attributes”.

Relevant areas

Education: Discrimination can occur in relation to students in all facets of education, including

- Admission and enrolment applications;
- Terms of admission and enrolment;
- Variation of the terms of a student's enrolment;
- Denial or limitation of benefits normally resulting from enrolment;
- Exclusion or suspension of students;
- Assessment and examination;
- Access to resources and facilities; or
- Treatment of a student in regard to training or instruction.
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Employment: Discrimination can occur in relation to Staff undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational

placement or voluntary, consultant or contractor, and in every aspect of work, including:

- Recruitment;
- Terms and conditions;
- Training;
- Promotion; and
- Termination of employment.

There are some exemptions in anti-discrimination legislation that may apply in some circumstances.

Protected Attributes

The protected attributes referred to in anti-discrimination legislation vary between State and Federal legislation, and include:

- Sex
- Relationship status
- Pregnancy
- Parental status
- Breastfeeding
- Age
- Race
- Impairment
- Religious belief or activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity
- Gender identity
- Sexuality
- Family responsibilities
- Criminal record
- Medical record
- Social origin
- Association with, or relation to, a person identified on the basis of any of these attributes

Direct discrimination

Direct discrimination occurs when a person with a particular attribute is treated unfavourably due to that attribute.

Indirect discrimination

Indirect discrimination occurs when a person, or group of persons, with an attribute is unreasonably disadvantaged as a result of a requirement, condition or practice being imposed on that person or group of persons.

In respect of both direct and indirect discrimination, the motive for the unfavourable treatment is irrelevant.

Vilification

Vilification on the basis of race, religion, sexuality or gender identity is unlawful.

Vilification is a public act or statement that incites others to hate a person or their group because of their race, religion, sexuality or gender identity.

Vilification where a person or their property is threatened with physical harm is also a criminal offence.

Disability Harassment

It is unlawful to harass a person in relation to a disability, or based upon a relative or associate having a disability. Examples of harassment on disability grounds include:

- Humiliating comments or action about a person's disability, such as insults;
- Comments or action which create a hostile environment; or
- Overbearing or abusive behaviour towards staff or students with intellectual disabilities.

Victimisation

Victimisation occurs when a person is treated or threatened to be treated in a detrimental manner as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws. Victimisation can also occur when there is detrimental treatment because a person has:

- Refused to do something that might breach anti-discrimination laws;
- Supported the complaint of another; or
- Supplied information or documents to a person performing a function under anti-discrimination laws.

As with discrimination, motive is irrelevant. A complaint of victimisation can be successful even if the underlying complaint does not succeed.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under anti-discrimination laws or to help someone else to do the same.

Other Prohibited Behaviour

It is also unlawful to:

- Request or encourage a contravention of anti-discrimination laws; or
- Request unnecessary information which can be used to discriminate against a person, unless genuinely required for a non-discriminatory purpose.

Sexual harassment and workplace harassment are also prohibited – refer to Wisdom College’s Sexual Harassment Policy and Workplace Bullying Policy.

Responsibilities

School Responsibilities

The legislation establishes a legal responsibility on employers to provide workplaces free from discrimination.

Wisdom College takes reasonable steps to prevent unlawful discrimination in the school, as follows:

- Develop and implement an anti- discrimination policy to assist in preventing any instances of discrimination.
- Educate and train relevant employees to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination.
- Establish appropriate grievance and complaints procedures via its Wisdom College's Dispute Resolution Policy to appropriately respond to any instances of discrimination.
- Remove any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination.
- Encourage employees and students to contribute to a healthy workplace culture to assist in preventing any instances of discrimination.

Student and Staff Responsibilities

All students and employees at Wisdom College have a responsibility not to engage in discriminatory conduct and to uphold the school's policy.

If students or employees believe that this type of behaviour is occurring in the school, they should make a complaint under Wisdom College's Dispute Resolution Policy.

All students and Staff are required to attend any training provided by the School to ensure they fully understand all aspects of this policy and the School's commitment to it.

Implementation

Reporting

No one should feel obliged to tolerate behaviour in breach of this policy.

Anyone who believes there has been a breach of this policy should report it immediately to a School Coordinator or the Business Manager or Principal. They;

- are available to answer questions about this policy or about what constitutes behaviour that might breach this policy.
- can discuss concerns and assist understanding of the rights and options.
- can provide support to resolve concerns in a manner appropriate to the nature and seriousness of the matter.
- will not be responsible for investigating concerns or determining resolutions.

A complaint can also be lodged with an external agency such as the Anti-Discrimination Commission Queensland (www.adcq/qld/gov.au) or Australian Human Rights Commission (www.humanrights.gov.au).

Consequences

A person who makes a complaint will not be victimised.

Once reported, allegations breach of this policy will be investigated by the School, so far as is reasonably possible:

- On a confidential basis;
- In a timely way; and
- In a fair and impartial manner.

Disciplinary action, up to and including termination of enrolment or employment, may be taken against a student or Staff member who is found, by the School Principal or the Chair of the School Board, to have breached this policy.

If a person is found to have raised a false or malicious complaint against another person in order to prejudice that other person, they may be subject to appropriate disciplinary action.

Where a person is alleged to have breached anti-discrimination legislation, it is also possible that legal action could be taken against them personally.