

# HORIZONS COLLEGE – POLICY & PROCEDURE

## ANTI-DISCRIMINATION POLICY



- Purpose:** Horizons 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
- References:**
- *Anti-Discrimination Act 1991 (Qld)*
  - *Australian Human Rights Commission Act 1986 (Cth)*
  - *Age Discrimination Act 2004 (Cth)*
  - *Disability Discrimination Act 1992 (Cth)*
  - *Racial Discrimination Act 1975 (Cth)*
  - *Sex Discrimination Act 1984 (Cth)*
  - Horizons College Sexual Harassment Policy
  - Horizons College Workplace Bullying Policy
  - Horizons College Disability Discrimination Policy
  - Horizons College Staff Code of Conduct
  - Horizons College Complaints Handling Policy
  - Horizons College Complaints Handling Procedures
  - Horizons College Student Bullying Policy
  - Horizons College Work Health and Safety Policy
  - Horizons College Positive Behaviour Support Policy
  - Horizons College Complaints and Incidents Register

<b>Policy Name:</b>	Anti-Discrimination Policy	Version 202206_01	
<b>Policy Type:</b>	School Operations		
<b>Supersedes:</b>	Anti-Discrimination Policy – Version 202107_01		
<b>Authorised by:</b>	Principal	<b>Date of Authorisation:</b>	June 2022
<b>Review Date:</b>	Every 2 Years	<b>Next Review Date:</b>	June 2024
<b>Policy Owner:</b>	Principal		

Note: Policy types marked with asterisks as follows are:

\* published on school website

\*\* only mandatory for schools incorporated through the *Corporations Act 2001 (Cth)*



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### Policy Statement

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

Horizons 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 Horizons College Complaints Handling Policy.

In accordance with relevant law, Horizons 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 Horizons College. Both direct and indirect unlawful discrimination are prohibited.

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

Not all treatment that seems unfair is unlawful discrimination under the Act.

For conduct to be unlawful discrimination under the *Anti-Discrimination Act 1991*, it must:

1. Be based on an attribute listed in the Act;
2. Take place in an area of activity listed in the Act; and
3. Result in you being treated less favourably than someone without that attribute.

The *Anti-Discrimination Act* prohibits discrimination on the basis of the following attributes:

- [sex](#)
- [relationship status](#)
- [pregnancy](#)
- [parental status](#)
- [breastfeeding](#)
- [age](#)
- [race](#)



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- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with, or relation to, a person identified on the basis of any of these attributes.

### Exemptions

The Act contains some exemptions that are specific to an area of activity, as well as some general exemptions. These are situations where the conduct is not unlawful.

General exemptions include but are not limited to:

- Workplace health and safety
  - Something done to protect the health and safety of people at work. For example, ensuring a worker is fit to return to work after a long absence due to injury or illness.

Specific exemptions include but are not limited to:

- Education
  - *Special services or facilities*

Educational institutions are required to make reasonable adjustments for students with impairments. However, it can be lawful to discriminate on the basis of impairment where special services or facilities are needed for a student with an impairment, and supplying the special services or facilities would impose unjustifiable hardship on the educational institution. Whether supplying special services or facilities creates an unjustifiable hardship depends on:

- the type of service or facility being requested;
- the cost of providing this;
- the number of people who'd benefit or be disadvantaged by it;
- the disruption that might be caused by providing the service or facility; and
- the type of benefit or detriment to everyone concerned.

### Definitions

- **Direct discrimination:** Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.
- **Indirect discrimination:** Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term –
  - a) with which a person with an attribute does not or is not able to comply
  - b) with which a higher proportion of people without the attribute comply or are able to comply
  - c) that is not reasonable.



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### Responsibilities

#### School Responsibilities

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

Horizons College will take 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 Horizons College Complaints Handling 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 Employee Responsibilities

All students and employees at Horizons 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 the school's Complaint Handling Policy.

### Implementation

Horizons College will:

- Provide training for all employees and volunteers in both their rights and obligations and the College policies and procedures relevant to discrimination issues.
- Ensure that students are aware of their right to equitable treatment.
- Ensure that people/students who make complaints, or witness an instance of discrimination, are not victimised in any way.
- Investigate promptly any reports of discrimination in an impartial manner and, as far as reasonably possible, confidentially.
- Guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

### Compliance and Monitoring

Horizons College will ensure ongoing compliance and monitoring of anti-discrimination by ensure ongoing training and awareness for students and staff.

This will be carried out by:

- Induction for new staff and ongoing training and awareness during staff/team meetings and professional development and training days.
- Reminding students at morning assemblies of their responsibilities not to engage in discriminatory conduct and to uphold the school's policy.
- School community reminders via newsletters, parents/carers emails.
- Recording all complaints of discriminatory behaviour in the school's Complaints and Incidents Register, including the outcome of all investigations.