

ANTI-DISCRIMINATION POLICY 2020

Anti-Discrimination Policy

Purpose

St. Michael's 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.

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) Disability Discrimination Act 1992 (Cth)*
- *St. Michael's College Disability Discrimination Policy*
- *St. Michael's College Dispute Resolution (Complaints) Policy*
- *St. Michael's College Privacy Policy*
- *St. Michael's College HR Manual*
- *St. Michael's College Behaviour Management Policy*

Policy Statement

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

St. Michael's 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 St. Michael's College Dispute Resolution (Complaints) Policy.

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

In accordance with the relevant law, St. Michael's College prohibits unlawful discrimination against students in all facets of education at St. Michael's 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, St. Michael's 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

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.

- [Sex](#)
- [Age](#)
- [Race](#)
- [Impairment \(disability\)](#)
- [Relationship status](#)
- [Pregnancy](#)
- [Parental status](#)
- [Lawful sexual activity](#)
- [Gender identity](#)
- [Sexuality](#)
- [Intersex status](#)
- [Breastfeeding](#)
- [Family responsibilities](#)
- [Religious belief or religious activity](#)
- [Political belief or activity](#)
- [Trade union activity](#)
- [Criminal record](#)
- [Association with, or relation to, a person identified on the basis of a prohibited attribute](#)
- [Work](#)
- [Education](#)
- [Genuine occupational requirement](#)
- [Equity Contact Officer](#)

Policy

St. Michael's College is an equal opportunity organisation, which is committed to providing an environment that is safe for its staff and students.

The policy of St. Michael's College is to treat all staff and students on their merits, in an environment free of discrimination and harassment. St. Michael's College does not tolerate any form of discrimination.

If you feel that you have been discriminated against you should contact one of the following designated anti-discrimination officers in St. Michael's College who have been nominated to give advice and/or investigate complaints:

- Principal
- Deputy Principal

You are likely to be asked to put your complaint in writing. The Officer will carefully investigate your complaint and will report to you within 14 days on the results of his/her investigation.

If you are not satisfied with the manner in which your complaint has been dealt with then you have recourse to the Chairman of the St. Michael's College Board of Directors via post to the College address or email collegeboard@smccab.qld.edu.au

False and/or malicious complaints may lead to legal action being taken against the complainant. With regard to staff, disciplinary action may be taken against anyone who discriminates against a co-worker and may involve a formal warning, counselling, demotion or dismissal, depending on the circumstances. With regard to students, disciplinary action as per St. Michael's College Behaviour Management or Anti-Bullying Policies may be taken against a student who discriminates against another student.

Employment

Job descriptions

St. Michael's College clearly states the duties for all categories of employees at St. Michael's College in position descriptions. This includes the position responsibilities and to whom the person is responsible.

Selection Criteria for appointment and promotion

The qualities sought in an employee for a specific position are reflected in all position descriptions and refer to (at least) qualifications, skills, abilities, knowledge and experience. Once an employee is engaged then the same criteria apply in relation to promotion.

Interviews

The position selection criteria form the basis upon which questions are asked during interviews, but are not the only basis for employment.

Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to St. Michael's College:

- where there is a genuine occupational qualification required;
- where job capacity is restricted by impairment and special terms are imposed;
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on St. Michael's College; or
- where special circumstances or impairment would cause unjustifiable hardship.

Enrolment

Prospective students

St. Michael's College does not discriminate in:

- failing to accept a person's application for admission as a student;
- the way in which a person's application is processed;
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
- the terms on which a person is admitted as a student.

Current students

St. Michael's College does not discriminate:

- in any variation of the terms of a student's enrolment;
- by denying or limiting access to any benefit arising from the enrolment that is supplied by St. Michael's College; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

Relevant exemptions

The Act provides an exemption in the following areas:

- where selection criteria for an educational program are based on a minimum qualifying age;
- in relation to impairment where people with disabilities require special services or facilities that would impose unjustifiable hardship on St. Michael's College.

Students with Disabilities

This statement should be read in conjunction with the St. Michael's College Disability Discrimination Policy. When there are available places and a student with a disability seeks admission, particular care is taken to ensure that the application is properly considered.



In considering the application the following procedures are followed:

1. The application is discussed with the parents or caregivers and the student (depending on the age of the student).
2. Detailed notes are kept of this meeting and of all subsequent conversations and meetings.
3. The Principal or Registrar speaking with the parents or caregivers will advise them in an open, honest and straightforward manner of the services and facilities available within St. Michael's College and an inspection of the facilities at St. Michael's College's will be offered at the earliest opportunity.
4. The parent's views on the additional services and facilities that the student needs will be obtained with verification of this information sought where necessary.
5. The student seeking enrolment will be observed in his/her present setting and the teachers at the school presently attended will be consulted to ascertain the assistance the student is currently receiving. Advice will be sought about the services and facilities that may be required in the future.
6. The Learning Support Teacher, and a child psychologist if appropriate, will be involved at an early stage of the process. Formal assessment of the student may be conducted.
7. Any additional services and facilities that may be required will be quantified and costed.
8. It may be necessary to engage an Occupational Therapist, building consultant or architect to obtain detailed costing of modifications that may be needed.
9. It may be appropriate to obtain reports from any Medical Practitioners or other professionals involved in treating or assisting the student.
10. Enquiries will be made to determine if additional funding might be available from the Commonwealth or State Governments. This additional funding may be in the nature of recurrent or capital funding.

If the student requires additional services and facilities because of the disability and the provision of these services and facilities by St. Michael's College would cause unjustifiable hardship, the enrolment may be refused by the Principal on that basis. Before this step is taken, the family seeking enrolment will be given advised of St. Michael's College's preliminary view and offered the opportunity to comment.

Responsibilities

College Responsibilities

The legislation establishes a legal responsibility on employers to provide workplaces free from discrimination. St. Michael's College takes reasonable steps to prevent unlawful discrimination at St. Michael's College, 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 the St. Michael's College Dispute Resolution (Complaints) 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 St. Michael's College have a responsibility not to engage in discriminatory conduct and to uphold the St. Michael's College Anti-Discrimination Policy.

If students or employees believe that this type of behaviour is occurring at St. Michael's College, they should make a complaint under the St. Michael's College Dispute Resolution (Complaints) Policy.

Policy Release Details

Date of Policy:	Jan 2020	Supersedes:	Previous
Authorised by:	Principal	Date of Authorisation:	Feb 2020
Review Date:	Annually	Next Review Date:	Jan 2021
Policy Owner:	St. Michael's College.		