

The BUSY School Ltd

Anti-Discrimination/Inclusion Policy

Purpose:	The BUSY School 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:	N/A
Authorised by:	Board Chair	Date of Authorisation:	26/04/2023
References:	<ul style="list-style-type: none"> • <i>Anti-Discrimination Act 1991</i> (Qld) • <i>Australian Human Rights Commission Act 1986</i> (Cth) • <i>Age Discrimination Act 2004</i> (Cth) • <i>Disability Discrimination Act 1992</i> (Cth) • <i>Racial Discrimination Act 1975</i> (Cth) • <i>Sex Discrimination Act 1984</i> (Cth) • The BUSY School (TBS) Sexual Harassment Policy • TBS Workplace Bullying Policy • TBS Disability Discrimination Policy • TBS Student Code of Behaviour • TBS Employee Code of Conduct • TBS Complaints Handling Policy • TBS Recruitment and Selection Policy 		
Review Date:	Bi-Annually	Next Review Date:	26/04/2025
Policy owner:	The BUSY School Ltd - Board of Directors		

Policy Statement

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

The BUSY School 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 BUSY School Complaints Handling Policy.

In accordance with relevant law, The BUSY School 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 The BUSY School. Both direct and indirect unlawful discrimination are prohibited.

In accordance with the relevant law, The BUSY School prohibits unlawful discrimination against students in all facets of education at 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 regarding training or instruction

In accordance with the relevant law, The BUSY School 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.

Attributes of unlawful discrimination

State and Commonwealth law set out “attributes” on which unlawful discrimination is based, including:

- Sex
- Age
- Race
- Impairment (disability)
- Relationship status
- Pregnancy
- Parental status
- Lawful sexual activity
- Gender identity
- Sexuality
- Intersex status
- Breastfeeding
- Family responsibilities
- Religious Beliefs
- Trade union activity
- Criminal record
- Association with, or relation to, a person identified on the basis of a prohibited attribute.

The Queensland Human Rights Commission provides definitions for the above attributes.

<https://www.qhrc.qld.gov.au/your-rights/discrimination-law>

Exemptions: Not all treatment that may appear unfair is necessarily unlawful. The *Anti-Discrimination Act 1991* lists some exemptions that allow conduct that would otherwise be discriminatory. Whether or not an exemption applies will depend on individual circumstances. Below are some exceptions:

- *Welfare and equal opportunity measures:* ‘Special measures’ provisions are designed to benefit or promote equal opportunity for a member of a disadvantaged group or a person with particular needs – for example, special tertiary education entry programs for Indigenous Australians recognise the severe disadvantage they experience compared to others in terms of access to education.
- *Educational institutions:* Educational institutions for students of a particular sex or religion, or for students who have general or specific impairment, can lawfully exclude students who are not of the particular sex or religion or who do not have a general or the specific impairment.
- *Qualifying age:* Students may be selected for educational programs on the basis of a minimum qualifying age.
- *Supplying special services or facilities:* It can be lawful to discriminate on the basis of impairment where special services or facilities are needed for a person or people with an impairment, and supplying these would impose an unjustifiable hardship on the educational institution. Factors that are relevant include the nature of the special service or facility, cost of supplying it, the number of people to benefit, the financial circumstances of the organisation, the disruption that the supplying of those services or facilities might cause and the nature of any benefit or detriment to all people concerned.

Definitions

Discrimination occurs when a person is treated less or more favourably than another person on the grounds that the person possesses any of the above attributes.

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

Implementation

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

The BUSY School takes reasonable steps to prevent unlawful discrimination in the school, as follows:

- Develop and implement an anti-discrimination/inclusion policy and disability discrimination policy to assist in preventing any instances of discrimination.
- Educate and train relevant employees and students 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 BUSY School Complaints Policy and Procedures 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/school culture to assist in preventing any instances of discrimination.
- Curriculum content will be free of discriminatory content, but will analyse the effects of discrimination and assist students to develop attitudes and skills that discourage, challenge and report discriminatory practices.
- Support student and staff wellbeing as a priority
 - Support and counselling is available by confidential assistance to staff through AccessEAP and students through the Education Youth Worker and access to external providers. Students and staff are encouraged to seek support.
- Ensure respectful arrangements are made that consider the needs of all students.
- Implement strategies to ensure the student is not discriminated against, either directly or indirectly.
- Maintain privacy and confidentiality of student information, including information about education adjustments (consider what information needs to be shared about the student and with whom).
- Ensure consent is obtained, as required, if student information needs to be shared.

Student and Employee Responsibilities-

All students and employees at The BUSY School have a responsibility to engage in non-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 BUSY School Complaints Policy.

Compliance and Monitoring

The BUSY School will keep appropriate records, monitor and report on discrimination issues. The BUSY School is committed to protecting students and staff from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under The BUSY School Complaints Policy.

Version Control

Version no.	Date Effective	Approved by	Changes
1.0	April 2023		Initial draft version