



Anti-Discrimination Policy

PURPOSE

Good Shepherd Lutheran College is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur. Staff and students need to be aware of their right to be treated with equity and fairness, and without unlawful discrimination.

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.

DEFINITIONS

“Direct Discrimination¹” 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, or would be treated in circumstances that are the same or not materially different.

“Discrimination” is treatment or consideration of, or making a distinction in favour of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit.

Subject to the specific exemptions detailed in State and Federal Anti-Discrimination Laws, discrimination on the following grounds is against the law:

sex	trade union activity
pregnancy	breast-feeding
age	race
impairment	religion
political belief or activity	lawful sexual activity
parental responsibility	gender identity
social origin	sexuality

association with, or in relation to, a person identified based on any of the following attributes:

- marital status
- parental status
- race
- religion (continued on next page)
- lawful sexual activity
- social origin

¹ Anti-Discrimination Act 1991 (Qld) s10

POLICY RELEASE DETAILS

STATUS: Adopted

VERSION: 2017

REVIEW DATE: ANNUALLY

DATE ADOPTED: 19/7/17

RESPONSIBILITY: College Council

NEXT REVIEW DATE: JULY 2018

“Indirect Discrimination²” on the basis of an attribute happens if a person imposes, or proposes to impose a term:

- with which a person with an attribute does not or is not able to comply; and
- with which a higher proportion of people without the attribute comply or are able to comply; and
- that is not reasonable.

Whether a term is reasonable depends on all relevant circumstances of the case, including for example:

- the consequences of failure to comply with the term; and
- the cost of alternative terms; and
- the financial circumstances of the person who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination. ‘Term’ includes condition, requirement to practice whether or not written.

“Unlawful Discrimination” is Discrimination (Direct or Indirect) which would amount to a breach of State or Federal Anti-Discrimination laws.

LEGISLATION

The *Anti-Discrimination Act 1991* (Qld) and the Commonwealth anti-discrimination legislation establishes a legal responsibility on schools to provide environments free from discrimination. In accordance with the legislation, all schools need to take reasonable steps to prevent discrimination towards students and employees.

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)

POLICY STATEMENT

Good Shepherd Lutheran College is an equal opportunity organisation, which is committed to providing an environment that is safe for its staff and students. All students and employees at Good Shepherd Lutheran College have the right to learn and work in an environment free from unlawful discrimination. Good Shepherd Lutheran College will provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

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

² Anti-Discrimination Act 1991 (Qld) s11

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

Good Shepherd Lutheran College is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action.

Any unlawful discrimination concern/s can also be directed to one of the following Good Shepherd Lutheran College contacts:

- College Principal
- College Counsellor

The Principal or Counsellor will explain the options available for resolution under the applicable Good Shepherd Lutheran College Grievance/Complaints Policy and Procedure. If the matter is serious, it may be necessary to lodge the concern/complaint in writing in accordance with the Good Shepherd Lutheran College Complaints Policy and Procedure.

False and/or malicious complaints may lead to legal action being taken against the complainant.

In the event that an unlawful discrimination concern is found to be substantiated, it may be dealt with under an applicable College process or contract, appropriate management or disciplinary action or as prescribed under an applicable Annexure to the Enterprise Agreement.

With regard to staff, disciplinary action may involve (but is not limited to) a formal warning, counselling, demotion or dismissal, depending on the circumstances.

With regards to students, disciplinary action as per the College's Positive Climate for Learning and Personal Development Policy or Anti-Bullying Policy may be taken against a student who unlawfully discriminates against another student.

Employment

Job Descriptions

Good Shepherd Lutheran College keeps a record that clearly states the duties for all categories of employees in the College. 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 job 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.

Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to Good Shepherd Lutheran College:

- where there is a genuine occupational qualification required;
- in educational institutions with a religious purpose;³
- 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 the school; or
- where special circumstances or impairment would cause unjustifiable hardship.

Enrolment⁴

Prospective students

Good Shepherd Lutheran College does not unlawfully 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

Good Shepherd Lutheran College does not unlawfully 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 the College; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

³ Anti-Discrimination Act 1991 (Qld) s25

⁴ Anti-Discrimination Act 1991 (Qld) 4 S2

Relevant exemptions

The Act provides an exemption in the following areas:

- in relation to sex or religion if a school operates wholly or mainly for students of a particular sex or religion;
- 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 the College.

STUDENTS WITH DISABILITIES

This statement should be read in conjunction with the Students with Special Needs and Disabilities Policy and Enrolment 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 care-givers 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 the College and an inspection of the College's facilities 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 Head of Learning Enrichment, 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 the school would cause unjustifiable hardship, the enrolment may be declined by the Principal on that basis.

RESPONSIBILITIES

School Responsibilities

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

Good Shepherd Lutheran College taken reasonable steps to prevent unlawful discrimination in the College, as follows:

- Develop and implement an Anti-Discrimination Policy to assist in preventing any instances of discrimination
- Ensure that employees and students are aware of their right to equitable treatment
- Treat seriously any reports of unlawful 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 to appropriately respond to any instances of discrimination
- Remove any discriminatory or offensive materials, rules or practices to assist in preventing any instances of unlawful discrimination
- Encourage employees and students to contribute to a healthy workplace culture to assist in preventing any instances of discrimination
- Ensure that people/students who make complaints, or witness an instance of unlawful discrimination are not victimised in any way
- Guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

Student and Employee Responsibilities

All students and employees at Good Shepherd Lutheran 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 College's Grievance Policy and Procedure.

FURTHER ACTION

Where a staff member or student believes that they have not received Natural Justice as a result of the completed process at the College, they may send a signed, written complaint to the appropriate external authority, in the following order:

- Executive Director, Lutheran Education Queensland
- The Bishop, Lutheran Church of Australia, Queensland District
- The Bishop, Lutheran Church of Australia

The procedures that are utilised in conjunction with this policy do not pre-empt, limit, prevent or delay the parties' rights to pursue other avenues for resolution of grievances such as direct application to the Queensland IR Commission or the Queensland Anti-Discrimination Commission. Where alternative avenues are chosen, the student or staff member will no longer have access to the College's grievance procedures.

ASSOCIATED DOCUMENTS

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)
GSLC Workplace Bullying and Harassment Policy
GSLC Students with Special Needs and Disabilities Policy
GSLC Positive Climate for Learning and Personal Development Policy
GSLC Employee Code of Conduct
GSLC Grievance Policy and Procedure
GSLC Anti-Bullying Policy
GSLC Child Protection Policy and Procedures
GSLC Enrolment Policy
Queensland Lutheran Schools Single Enterprise Agreement 2016