



Anti-Discrimination Policy

Relevant Legislation	Anti-Discrimination Act 1991 (Tas) (the Act) Australian Human Rights Commission Act 1986 (Cth) Age Discrimination Act 2004 (Cth) Racial Discrimination Act 1984 (Cth) Disability Discrimination Act 1992 (Cth) Equal Opportunity for Women in the Workplace Act 1999 (Cth) Fair Work Act 2009 (Cth)
Commencement Date	11 April 2018
Next Review Date	April 2021

1. Purpose

To create a safe and inclusive school free from discrimination and harassment where all persons are treated with dignity, courtesy and respect.

2. Scope

All employees, students, parents, contractors, volunteers and visitors to the School are required to act in accordance with equal opportunity, anti-discrimination, harassment and vilification legislation. We all have a responsibility to ensure the School is respectful, safe and inclusive and free of discrimination, harassment, vilification and otherwise unlawful and unacceptable behaviours.

3. Objectives

- To prevent unlawful discrimination on the basis of the attributes and areas listed under both State and Federal anti-discrimination legislation and Fair Work Act 2009
- To ensure that all persons covered by the scope of this policy are clearly aware that any behaviour which may constitute unlawful discrimination will not be tolerated in any form at The Hutchins School
- To provide a workplace that is free from behaviours, practices and processes that may constitute unlawful discrimination
- To outline the responsibilities of the School and staff and students.
- To encourage early reporting of discrimination allegations
- To provide support to any person experiencing unlawful discrimination
- To ensure complaints are dealt with in a sensitive, fair, equitable, timely and confidential manner, which ensures the person against whom complaints are made are accorded procedural fairness through the use of procedures that are impartial, open and fair to all parties
- To ensure as far as practicable that persons making complaints are protected from victimisation or reprisals for reporting the discrimination to the School.

4. Definitions

Unlawful discrimination	Occurs when someone, or group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin, sex, pregnancy or marital status, sexual preference, trade union activity, or some other characteristic specified under anti-discrimination or human rights legislation. ¹
Protected attributes	The protected attributes referred to in State and Federal anti-discrimination legislation (see below)
Procedural fairness	The rule against bias and the right to a fair hearing.
Worker	A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: an employee; or a contractor or subcontractor; or an employee of a contractor or subcontractor; or an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or an outworker; or an apprentice or trainee; or a student gaining work experience; or a volunteer; or a person of a prescribed class. ²

5. Policy Information

Hutchins School is committed to providing a safe working environment which is fair and free from discrimination and harassment. All workers, and other people with whom we come into contact as part of our work, will be treated professionally, fairly, and with respect.

Decisions regarding:

- Advertising, job descriptions, and selection procedures;
- Conditions of employment and pay;
- Training opportunities;
- Rostering and allocating of work;
- Performance management and termination procedures; and
- Promotion opportunities

will be done on the basis of merit and the inherent requirements of the job and reasonable operational requirements. Employees will not be disadvantaged because of irrelevant personal characteristics, or assumed irrelevant personal characteristics.

5.1 What is Discrimination?

It is unlawful to discriminate on the basis of the following attributes (characteristics)³:

- Age
- Race
- Disability
- Irrelevant medical records
- Gender
- Gender identity
- Intersex
- Breastfeeding
- Pregnancy

¹ *Anti-Discrimination Act 1988 (Tas)* and *Australian Human Rights Commission Act 1986*

² Refer section 7 of the *Work Health and Safety Act 2012*

³ *Anti-Discrimination Act 1988 (Tas)*

- Sexual orientation
- Relationship status
- Lawful sexual activity
- Marital status
- Family responsibilities
- Parental status
- Irrelevant criminal record
- Religious belief or affiliation
- Religious activity
- Political belief or affiliation
- Political activity
- Industrial activity
- Association with a person who has or is believed to have any of the other attributes

Direct discrimination occurs when a person is disadvantaged or treated less favourably than someone else because of a protected attribute.

Indirect discrimination occurs when a practice or policy appears to be fair because it treats everyone in the same way, but in effect it disadvantages a higher proportion of people possessing the attribute and is not reasonable under the circumstances.

5.2 What is not Unlawful Discrimination?

It is not unlawful to discriminate against a person on the basis of their being in one of the protected categories, provided it is based on a reasonable requirement of the job or operation.

6. Responsibilities

6.1 School Responsibilities

The Hutchins School takes reasonable steps to prevent discrimination and other behaviour in breach of this policy occurring at the School as follows:

- Develop and implement this anti-discrimination policy
- Educate and train relevant staff to assist in preventing any instances of discrimination or other behaviour in breach of this policy, and to appropriately respond should an alleged breach occur;
- Remove any discriminatory or offensive materials, rules and practices; and
- Encourage students and staff to contribute to a healthy school culture.

6.2 Managers and Supervisors Responsibility

Managers and supervisors (including Heads of School, Heads of Faculty) are responsible for ensuring that employees are treated fairly and with respect, and in particular:

- Model appropriate standards of behaviour;
- Take steps to educate and make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy for investigation; and
- Ensure staff who raise an issue or make a complaint are not victimised.

6.3 Workers Responsibility

All workers are expected to:

- Treat all workers, parent/carers, contractors, suppliers, and any other person in the course of their work, fairly, professionally and with respect;
- Avoid making decisions based on unlawful grounds of discrimination; and
- Where you have witnessed discrimination in the workplace you are encouraged to report this to the Chief Operating Officer, Deputy Headmaster, People, Culture and Safety Team or the Headmaster.

6.4 Student Responsibilities

All students are expected to:

- Contribute to the creation of an inclusive school culture;
- Adhere to the requirements of this policy; and
- Where you have witnessed discrimination in the workplace you are encouraged to report this to your Teacher.

7. Implementation

This policy is implemented through a combination of:

- Staff training;
- Student education;
- Effective incident notification procedures; and
- Initiation of corrective actions where necessary.

8. Reporting

Nobody 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 the Chief Operating Officer, Deputy Headmaster, People, Culture and Safety Team or the Headmaster.

9. Consequences for Breach of this Policy

Once reported, allegations that breach 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 applying the principles of Natural Justice.

A person who makes a complaint will not be victimised.

Disciplinary action, up to and including termination of enrolment or employment, may be taken against a student or staff member who is found 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.

10. Supporting Procedures/Guidelines

- Staff Code of Conduct
- Anti-Bullying Policy - Staff
- Anti-Bullying Policy – Students
- Complaints and Grievances Policy

11. Record Keeping

This procedure is to be kept for three (3) years until review unless there is a significant legislative organisational change requiring earlier review.

The master copy is kept on SharePoint and is read-only in PDF form. All printed copies are uncontrolled.

12. Policy Owner

Manager People, Culture and Safety

13. Policy Review Details

Date	Description
11 April 2018	Policy created and endorsed by The Hutchins School Board