



## Anti-Discrimination POLICY

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### DEFINITIONS AND ABBREVIATIONS

**MSSA:** Milkwood Steiner School Association

## Anti-Discrimination

PURPOSE.....	3
SCOPE .....	3
POLICY STATEMENT.....	3
1. Key terms and definitions relating to discrimination .....	3
2. Employment .....	4
3. Enrolment .....	4
4. Accountabilities .....	4
4.1 School Responsibility .....	4
4.2 Student and Staff Responsibility .....	5
5. Reporting .....	5
6. Consequences for Breach of This Policy .....	5

## PURPOSE

This policy outlines the responsibilities of MSSA and its staff to promote as fair and equitable an environment as possible within the capacity of our resources.

This policy gives general information pertaining to the prevention of discrimination at Milkwood Steiner School. For more thorough guidance, dealing with any form of discrimination, please refer to the various Discrimination Acts as legislated and cited in the reference documents at the end of this policy.

This policy includes, but is not limited to, consideration of disability, human rights, equal opportunity, industrial relations, racial discrimination and sex discrimination issues.

This policy excludes general grievances and general member rights.

## SCOPE

This document applies to all areas of the school, including the Milkwood Steiner School Association Board (the Board), staff, students, parents and carers, volunteers and visitors to the school.

This policy applies in all interactions while in school or off site, including school related functions such as excursions, camps, social events or conferences.

## POLICY STATEMENT

Discrimination in any form is unacceptable, and it is important that the legislative requirements relating to discrimination are upheld.

All staff employed at Milkwood Steiner School are responsible to provide teaching and learning environments that are free from discrimination. This includes discrimination because of race, colour, gender, sexual preference, marital status, parenthood, family or carers responsibilities, pregnancy, trade union or employer association activity, irrelevant criminal and/ or medical records, political opinion, affiliation or activity, physical or mental disability, impairment, religion, national extraction or social origin.

## GUIDELINES

### 1. Key terms and definitions relating to discrimination

**Discrimination** refers to any behaviour or practice based upon an assumption that one group is superior to another, any behaviour that disadvantages people on the basis of the real or perceived membership of a group, and includes behaviour such as less favourable treatment, unfair exclusion, and asking discriminatory questions.

Discrimination may be direct or indirect.

**Direct Discrimination** occurs when a person with a particular attribute is treated unfavourably due to that attribute.

**Indirect Discrimination** occurs when a person, or group of people, with an attribute is/are unreasonably disadvantaged as a result of a requirement, condition or practice being imposed on that person or group of people.

In both of the above, the motive for the discrimination is irrelevant.

**Vilification** is a public act that incites others to hate a person or group because of their race, religion, sexuality or gender identity and is unlawful. Where a person or their property is threatened with physical harm in a discriminatory manner is also an act of vilification and therefore unlawful.

### **Disability Harassment**

It is unlawful to harass a person because of their disability or their association with someone who has a disability. This includes but is not limited to; humiliating comments or insults about a person's disability; making comments which create a hostile environment; or overbearing or abusive behaviour towards others who have intellectual disabilities.

**Victimisation** occurs when a person is treated or threatened with detrimental treatment as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws.

Victimisation also occurs when a person is exposed to detrimental treatment because a person has, for example;

- Refused to take part in a breach of anti-discrimination laws;
- Helped to support the claim of another person;
- Supplied information or documents to a person performing a function under anti-discrimination laws.

In this instance, motive is irrelevant and a complaint of victimization can succeed even if the underlying complaint is not successful.

It is unacceptable and unlawful for any person to be treated differently because he or she decided to exercise their legal rights under anti-discrimination laws or to help someone do the same.

### **Other Unlawful Behaviour**

It is also unlawful to request or encourage a contravention of anti-discrimination laws or request unnecessary information which can be used to discriminate against a person unless it is genuinely required and for a non-discriminatory purpose.

## **2. Employment**

In employment circumstances, the MSSA reserves the right to consider the delivery of a Steiner education and the commitment and ability of an individual to work with the school ethos and guidelines such as employment contract, position description and *MSSA member code of conduct*. Where this raises tensions, from a discrimination point of view, further guidance will be sought from legislation, the Association of Independent Schools of the Northern Territory (AISNT), and other relevant bodies.

## **3. Enrolment**

The MSSA will consider, with respect to school enrolment, the capacity of Milkwood Steiner School to meet the student's needs and the duty of care to other staff and students. Where this raises tensions, from a discrimination point of view, further guidance will be sought from legislation, the Association of Independent Schools of the Northern Territory (AISNT), and other relevant bodies.

## **4. Accountabilities**

### **4.1 School Responsibility**

Milkwood Steiner School is responsible for developing and maintaining this anti-discrimination policy in line with current legislation to prevent any form of anti-discrimination occurring within its community.

This includes:

- Educating and training of relevant staff to assist in preventing any instances of discrimination and to appropriately respond to any reported instances of discrimination.
- Establish grievance and complaints procedures via its Complaints Policy to appropriately respond to any reported instances of discrimination.
- Remove any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination.
- Encourage employees, students and the wider Steiner community to contribute to a healthy workplace culture to aid in preventing any instances of discrimination.

#### **4.2 Student and Staff Responsibility**

All students and staff have a responsibility to:

- Comply with and support this policy.
- Contribute to the creation of an inclusive school culture.
- Report any alleged instances discrimination within the Milkwood Steiner community.
- Attend any training provided by the school to ensure a full understanding of this policy.

#### **5. Reporting**

No one should feel obliged to tolerate any behaviour in breach of this policy. Anyone who believes there has been a breach of this policy should report it immediately to the Principal, Business Manager or the Head Teacher.

A complaint may be made in writing and forwarded through the front office to the Board Chair.

Complaints can also be lodged with the Anti-Discrimination Commission Northern Territory or the Australian Human Rights Commission.

#### **6. Consequences for Breach of This Policy**

When allegations of a breach of this policy are reported, they will be investigated by the school as far as is reasonably possible:

- Confidentially;
- In a timely manner
- Fairly and impartially

Any person making such a report will not be victimised in any way.

If a person is found to have made a false or malicious report against another, then that person will be the subject of appropriate disciplinary action. Disciplinary action will follow the MSSA Discipline Policy and may involve termination of employment or enrolment for any member of staff or student who is found by the Principal or the Milkwood Steiner Board to have breached this policy.

This policy does not negate the possibility of legal action being taken by a complainant against a perpetrator who has breached the Anti-Discrimination Legislation of Australia or the Northern Territory.

## **REFERENCES AND LEGISLATION**

[http://humanrights.gov.au/info\\_for\\_employers/index.html](http://humanrights.gov.au/info_for_employers/index.html)

*Age Discrimination Act 2004 Cth*

*Disability Discrimination Act 1992 Cth*

*Racial Discrimination Act 1975 Cth*

*Sex Discrimination Act 1984 Cth*

*Australian Human Rights Commission Act 1986 Cth*

*Northern Territory Anti-Discrimination Act 1996 NT*

Disability Standards for Education 2005 Cth

Disability (Access to Premises – Buildings) Standards 2010 Cth

Disability Standards for Accessible Public Transport 2002 Cth s 351

Fair Work Act 2009 Cth