



BRISBANE GRAMMAR SCHOOL

# Anti-Discrimination Policy

(V1.2 1808)

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# ANTI-DISCRIMINATION POLICY (V1.2 1808)

## 1. Purpose and application

Brisbane Grammar School (the **School**) is committed to creating an environment which is free from discrimination and where all persons are treated equally and fairly, and with dignity, courtesy and respect. Victimisation, vilification and disability harassment are also unlawful and will not be tolerated by the School.

This policy applies to all students.

This policy also applies to all staff members of the School, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements (**Staff**).

This policy applies to all students and Staff:

- In all their interactions with each other and members of the broader School community; and
- While in the School or off site, including at School-related events (such as sporting events) or functions (including social functions), while on trips or excursions, and when attending conferences.

Members of the broader Brisbane Grammar School community, including parents/guardians, are also required to comply with and support this policy.

## 2. Commitment

All students and Staff at the School have the right to learn and work in an environment free from discrimination and other unlawful behaviour. The School will strive to provide an inclusive, supportive and safe (physically and emotionally) learning and teaching environment, where all students and Staff have equal opportunities and where diversity is appreciated, understood and accepted.

In accordance with relevant anti-discrimination laws, it is unlawful to discriminate against students and Staff, on the basis of “protected attributes” relevant to the School, whilst students and Staff are engaging in their education and work at the School. Both direct and indirect discrimination are prohibited, as well as victimisation, disability harassment and vilification.

## 3. Definitions

### 3.1. What is discrimination?

Not all discrimination is against the law. Anti-discrimination legislation determines what kind of discrimination may be unlawful by identifying particular “areas” and “protected attributes”.

### 3.2. What are the relevant “areas” for the School?

#### 3.2.1. Education

Discrimination can occur in relation to students in all facets of education, including:

- Admission and enrolment applications;
- Terms of admission and enrolment;



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- 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; or
- Treatment of a student in regard to training or instruction.

### 3.2.2. Employment

Discrimination can occur in relation to Staff undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, consultant or contractor, and in every aspect of work, including:

- Recruitment;
- Terms and conditions;
- Training;
- Promotion; and
- Termination of employment.

### 3.3. What are protected attributes?

The protected attributes referred to in anti-discrimination legislation vary between State and Federal legislation, and include:

- Sex;
- Relationship status (means whether a person is single, married, married to another person, but living separately and apart from the other person, divorced, widowed, a de factor partner or a civil partner);
- Pregnancy or potential pregnancy;
- Parental status (whether or not a person is a parent);
- Breastfeeding;
- Age;
- Race (includes colour, descent or ancestry, ethnicity or ethnic origin, and nationality or national origin)
- Impairment;
- Religious belief (holding or not holding a religious belief) or activity (engaging in, not engaging in or refusing to engage in a lawful religious activity);
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity;
- Gender identity (where a person identifies, or has identified, as a member of the opposite sex by living or seeking to live as a member of that sex, or is of indeterminate sex and seeks to live as a member of a particular sex)
- Sexuality (heterosexuality, homosexuality or bisexuality) or sexual orientation;
- Intersex status (the status of having physical, hormonal or genetic features that are neither wholly female nor wholly male, or a combination or female and male, or neither female nor male);
- Family responsibilities (responsibilities to care for or support a dependent child or other member of immediate family in need of care or support)
- Criminal record;
- Medical record;
- Social origin; and
- Association with, or relation to, a person identified on the basis of any of these attributes.



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There are some exemptions in anti-discrimination legislation that may apply in certain circumstances.

### 3.3.1. Exemptions

The School provides education to boys between grades 5 and 12. The School is able to operate as a single sex school because of the exemption that allows an educational institution to operate wholly for students of a particular sex.<sup>1</sup>

Nevertheless, the School recognises that gender identity is the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person, with or without regard to the person's designated sex at birth.

If a student's gender identity is not the same as that student's designated sex at birth, or if a student's gender identity changes over the course of the student's enrolment at the School, the School will work with the student on a case by case basis, in consultation with the student's parents/guardians, medical practitioners and with regard to expert advice as required from time to time, to determine the most suitable management and support plan for the student's wellbeing.

The School will similarly, on a case by case basis, work with and provide support to Staff with respect to gender identity.

In all cases, Staff and student wellbeing is a priority and ensuring respectful arrangements are made that consider the needs of all parties.

### 3.4. Types of discrimination

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 persons, with an attribute is unreasonably disadvantaged as a result of a requirement, condition or practice being imposed on that person or group of persons.

In respect of both direct and indirect discrimination, the motive for the unfavourable treatment is irrelevant.

### 3.5. What is vilification?

Vilification on the basis of race, religion, sexuality or gender identity is unlawful.

Vilification is a public act or statement that incites others to hate a person or their group because of their race, religion, sexuality or gender identity.

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<sup>1</sup> Section 41 of the *Anti-Discrimination Act 1991* (Qld) and section 21(3) of the *Sex Discrimination Act 1984* (Cth).



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Vilification where a person or their property is threatened with physical harm is also a criminal offence.

### 3.6. What is disability harassment?

It is unlawful to harass a person in relation to a disability, or based upon a relative or associate having a disability. Examples of harassment on disability grounds include:

- Humiliating comments or action about a person's disability, such as insults;
- Comments or action which create a hostile environment; or
- Overbearing or abusive behaviour towards staff or students with intellectual disabilities.

### 3.7. What is victimisation?

Victimisation occurs when a person is treated or threatened to be treated in a detrimental manner as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws. Victimisation can also occur when there is detrimental treatment because a person has:

- Refused to do something that might breach anti-discrimination laws;
- Supported the complaint of another; or
- Supplied information or documents to a person performing a function under anti-discrimination laws.

As with discrimination, motive is irrelevant. A complaint of victimisation can be successful even if the underlying complaint does not succeed.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under anti-discrimination laws or to help someone else to do the same.

### 3.8. Other prohibited 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 genuinely required for a non-discriminatory purpose.

Sexual harassment and workplace harassment are also prohibited – refer to the School's ***Sexual Harassment Policy*** and ***Workplace Harassment Policy***.

## 4. Responsibilities

### 4.1. School Responsibilities

Brisbane Grammar School takes reasonable steps to actively prevent discrimination and other behaviour in breach of this policy occurring at the School, including as follows:

- Develop and implement this anti-discrimination policy and other materials and/or awareness activities to promote the purpose of this policy;



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- Educate and provide appropriate resources to Staff to improve their knowledge and understanding, 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;
- Educate and provide appropriate resources to students and parents/guardians to improve their knowledge and understanding and to assist in preventing any instances of discrimination or other behaviour in breach of this policy;
- Remove any discriminatory or offensive materials, rules and practices; and
- Encourage students and Staff to contribute to a healthy School culture.

The School may be held responsible for the behaviour of Staff if it is found that it did not take all reasonable steps to ensure that all places where the School conducts its business were free of discrimination, victimisation, vilification, and disability harassment.

The School is also responsible to provide a mechanism for complaints to be addressed and resolved – see section 7.

### 4.2. Student and Staff Responsibilities

All students and Staff contribute to the creation of an inclusive School culture. All students and Staff have a responsibility to comply with this policy.

All students and Staff are required to attend any training provided by the School to ensure they fully understand all aspects of this policy and the School's commitment to it.

## 5. References and Related Documents

Relevant Legislation	Related School Policies
<ul style="list-style-type: none"> <li>• Age Discrimination Act 2004 (Cth)</li> <li>• Anti-Discrimination Act 1991 (Qld)</li> <li>• Australian Human Rights Commission Act 1986 (Cth)</li> <li>• Disability Discrimination Act 1992 (Cth)</li> <li>• Fair Work Act 2009 (Cth)</li> <li>• Racial Discrimination Act 1975 (Cth)</li> <li>• Sex Discrimination Act 1984 (Cth)</li> <li>• Workplace Gender Equality Act 2012 (Cth)</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour Management Policy (Staff)</li> <li>• Behaviour Management Policy (Students and Parents)</li> <li>• Bullying Policy</li> <li>• Child Protection Policy and Child Risk Management Strategy</li> <li>• Code of Conduct (Staff)</li> <li>• Code of Expectations and Behaviour (Students)</li> <li>• Sexual Harassment Policy</li> <li>• Workplace Harassment Policy</li> </ul>



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### 6. Consequences for Breach of This Policy

Disciplinary action, up to and including termination of enrolment or employment, may be taken against a student or Staff member who is found, by the Headmaster or the Board (as appropriate), 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.

### 7. Reporting Policy Breaches

No one should feel obliged to tolerate behaviour in breach of this policy. Do not ignore it and hope it will go away as silence may give the impression that the behaviour is acceptable.

Anyone who believes there has been a breach of this policy should report it immediately to a *Contact Officer* (Section 8) or the *Chief Financial Officer or Deputy Headmaster - Staff*.

The Contact Officers:

- Are available to answer questions about this policy or about what constitutes behaviour that might breach this policy;
- Can discuss concerns and assist understanding of the rights and options;
- Can provide support to resolve concerns in a manner appropriate to the nature and seriousness of the matter; and
- Will not be responsible for investigating concerns or determining resolutions.

Once reported, allegations of breach of this policy will be investigated by the School, so far as is reasonably possible:

- On a confidential basis and having regard to privacy requirements;
- In a timely way; and
- In a fair and impartial manner.

A person who makes a complaint will not be victimised.

Action taken by the School following investigation will be decided by the Headmaster or the Board (as appropriate) and may include, but is not limited to, implementing reasonable corrective action (see section 6), and providing students, parents/guardians and Staff with appropriate counselling and resources.

A complaint can also be lodged with an external agency such as the Anti-Discrimination Commission Queensland ([www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)) or Australian Human Rights Commission ([www.humanrights.gov.au](http://www.humanrights.gov.au)).



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### 8. Contact Information

If you have any questions regarding this policy please contact:

- Contact Officers:
  - Justin SHEARS
  - Jean WALKER
  - Kim GROENEWALD
  - Nick BYRON
- Deputy Headmaster – Staff
- Chief Financial Officer

### 9. Policy Management

The School may, from time to time, review and update this document to take account of new laws and technology, changes to the School’s operations and practices and to make sure it remains appropriate to the changing school environment.

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