

Discrimination Prevention Policy

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1. Purpose

- 1.1. This Policy aims to identify and address inappropriate behaviours which constitute discrimination and provide a mechanism to enable workers within CST to engage in mutual protection, support and encouragement.
- 1.2 Discriminatory behaviour in the workplace is unacceptable and will not be tolerated.

2. Scope

- 2.1. This Policy applies to all workers of Christian Schools Tasmania.
- 2.2. This Policy does not replace any legislation, and if any part of it is in conflict, the relevant legislation will take precedence.
- 2.3. This policy does not form part of a worker's contract of employment or engagement. CST may vary, replace or terminate this policy from time to time.

3. Policy

3.1. Guiding Principles:

- CST is a caring community, filled with people committed to serving each other and building one another up. We expect all relationships within CST to be built on justice, love and truth, and obedience to Christ.
- CST affirms the right of all workers to feel safe and to learn and work in an environment free from humiliation, intimidation and hurt. There is no place within the CST community for discrimination.
- CST recognises positive outcomes, physical health and emotional, psychological and spiritual wellbeing can be adversely affected by discrimination.
- CST is committed to the wellbeing, safety and health of all workers, and this commitment informs school policies, programs and actions.
- It is the responsibility of staff and other workers to work together to create a culture of appreciation and acceptance, free from any form of discrimination.
- A strong partnership, common understanding and effective communication between staff and other workers are central to the success of this process and the building of this culture.

3.2. Discrimination:

- 3.2.1. Unlawful discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic that is protected by the law. Discrimination does not have to be calculated or intentional to be unlawful – the intention of the person discriminating is irrelevant.
- 3.2.2. Discrimination on the basis of any characteristics below may be illegal, depending on which state or territory it occurs in:
 - age
 - breastfeeding
 - disability

- family responsibilities
- gender
- gender identity
- intersex status
- industrial activity
- irrelevant criminal record
- irrelevant medical record
- lawful sexual activity
- marital status
- relationship status,
- parental status
- political activity
- political belief or affiliation
- pregnancy
- race
- religious activity
- religious belief or affiliation
- sexual orientation
- association with a person who has, or is believed to have, any of the above attributes.

It is important to note the current Tasmanian Anti-Discrimination Act 1998 does contain some exemptions and exceptions, making it legal for organisations in Tasmania to discriminate on certain grounds. One of these exemptions relates to the employment of staff based on religion:

- A person may discriminate against another person on the ground of religious belief, affiliation, or religious activity in relation to employment if the participation of the person in the teaching, observance or practice of a particular religion is a genuine occupational qualification or requirement in relation to the employment.
- A person may discriminate against another person on the ground of religious belief or affiliation or religious activity in relation to employment in an educational institution that is or is to be conducted in accordance with the tenets, beliefs, teachings, principles or practices of a particular religion if the discrimination is in order to enable, or better enable, the educational institution to be conducted in accordance with those tenets, beliefs, teachings, principles or practices.

3.2.3. Any decisions made regarding a person's employment or engagement may be unlawful if they are based on any attributes identified in Section 4.4.2

3.2.4. Two types of unlawful discrimination can occur in the workplace (definition from the Victorian Human Rights Commission):

- Direct Discrimination is when a person treats or proposes to treat someone unfavourably because of a personal characteristic protected by law. Direct Discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do. For example, refusing to employ someone on the basis of their age because you think they are too old to learn new skills.

- Indirect Discrimination occurs when an unreasonable condition is imposed that disadvantages a person with a personal characteristic protected by law. Indirect Discrimination happens when a workplace policy, practice or behaviour seems to treat all workers the same way, but it actually unfairly disadvantages someone because of a personal characteristic protected by law. For example, a requirement for workers to work 12-hour shifts may appear to treat everyone equally. However, it may disadvantage an employee with family or caring responsibilities. If the requirement is not reasonable, this is indirect discrimination.

3.2.5. It is also unlawful to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

3.2.6. Examples of what could constitute discrimination at work:

- offensive jokes or comments about another team member's racial or ethnic background, sex, sexual preference, age, disability or physical appearance;
- making judgments about someone on the basis of their political beliefs rather than their work performance;
- using stereotypes or assumptions to guide decision-making about a person's career;
- undermining a person's authority or work performance because you dislike one of their personal characteristics;
- not promoting a worker because of their family/caring responsibilities.

3.2.7. There may be times where it is lawful to discriminate against a person in employment if decisions are made based on the inherent requirements of the role. This means that it may not necessarily be unlawful to refuse to employ a person if, because of their age or disability, they are unable to carry out the inherent requirements or essential duties of the job.

The inherent requirements of a job will vary depending on what the job is. They may include:

- the ability to perform tasks that are essential to performing a job productively and to the required quality; or
- the ability to work effectively in a team or other organisation; or
- the ability to work safely.

3.2.8. An example of when it may be lawful to discriminate against a person because they have a personal attribute protected by law is when a young person may not be able to meet the inherent requirements of a courier job if they are not yet eligible for a driver's license.

3.3. Duty of Care:

3.3.1 All workers must use every endeavour to keep themselves and others safe and well and therefore have a responsibility to report any instances of discrimination or suspected discrimination within the workplace.

3.3.2 The procedure to be followed to report an instance of discrimination or suspected discrimination within the workplace can be found in the CST Procedure for Dealing with Instances of Inappropriate Behaviour.

3.4. Procedure:

3.4.1 Workplaces will provide professional development and appropriate resourcing to meet the needs of the workers in developing and implementing strategies and practices which anticipate, identify and prevent all forms of discrimination.

3.4.2. In developing safe workplace culture, it is important to recognise deterring such behaviour requires a multi-faceted approach, which includes:

- a culture of appreciation and acceptance of individuals, modelling appropriate attitudes between staff and students;
- an ethos that models respect, compassion and cooperation;
- communication outlining firm action and appropriate consequences in cases where bullying and harassment are identified;
- appropriate supervision in schools of all students by staff;
- communication between staff and other workers.

3.5. Response:

3.5.1. Where any incident of discrimination is observed or reported, it will be responded to:

- in a timely manner. This will confirm our duty of care to protect all workers within our communities and also model what is appropriate and acceptable behaviour within the community;
- with sensitivity and confidentiality.
- When dealing with any such incident, the CST community will:
 - facilitate appropriate communication and mediation between those involved;
 - communicate adequately and appropriately with parents where required;
 - communicate adequately and appropriately as a staff body;
 - have systems in place to identify where a person may be subject to repeated inappropriate behaviour;
 - maintain confidentiality, only divulging information where absolutely necessary;
 - use procedurally fair processes where an investigation is required;
 - ensure that there is adequate and appropriate reporting, data collection and recording procedures in place when investigating incidents.

3.5.2. All incidents of inappropriate, discriminatory behaviour will be dealt with adequately and appropriately, recognising that the behaviours do often vary widely in severity and seriousness.

3.5.3. The response to all incidents of inappropriate or discriminatory behaviour will be proportionate with its level of severity and the specific circumstances surrounding the bullying behaviour.

3.6. Breach of the Discrimination Prevention Policy:

3.6.1. Any worker who is found to have breached this policy will be subject to disciplinary action in accordance with CST disciplinary policy, up to and including termination of employment or engagement.

3.6.2. Any worker who becomes aware of any actual or potential breach or breaches of this policy must report this information to CST as soon as the worker becomes aware of the actual or potential breach. Failing to report an actual or potential breach may result in disciplinary action in accordance with CST disciplinary policy, up to and including termination of employment or engagement.

4. References and Additional Related Documents

- CST Conflict Resolution Policy
- CST Grievance Response Policy
- CST Work Health and Safety Policy

5. **Record Keeping**

- 5.1. This Policy is to be kept for three (3) years until review, unless there is a significant legislative or organisational change requiring earlier review.
- 5.2. The master copy is kept in <https://www.cst.tas.edu.au/services> under Policy Documents, online in read-only in PDF form. Any printed or downloaded copies are deemed uncontrolled.

GENERAL DEFINITION OF TERMS:

Where referred to in this document:

Christian Schools Tasmania (CST) means an association of Christians who, through their Board of Directors, are legally responsible for Calvin Christian School, Channel Christian School, Emmanuel Christian School and Northern Christian School.

The School refers to the CST school to whom the Policy applies.

The Board means the Board of Directors of Christian Schools Tasmania.

Executive is a forum including the Chief Executive Officer, Principals and the Business Manager.

Chief Executive Officer (CEO) is the person appointed to the position of Chief Executive Officer of the Association, or a person acting from time to time in that position.

Principal means the person charged with responsibility for the operation of an Association school, or a person acting from time to time in that position.

Compliance Manager is the person appointed to the position of Compliance Manager of the Association, or a person acting from time to time in that position.

Business Manager is the person appointed to the position of Business Manager of the Association, or a person acting from time to time in that position.

Manager means a person appointed to a managerial position within CST.

Staff is any person either employed by CST either on a casual, part-time or permanent basis as well as volunteers, contractors and sub-contractors engaged in working at a CST School.

Parent is a person who is the legal guardian of a child enrolled at a CST school.

Child means any student enrolled at a CST school.