

Anti-Discrimination Policy

Purpose:	South East Brisbane Steiner School (SEBSS) is committed to protecting students and staff from unlawful discrimination and responding appropriately to related complaints.	
Scope:	All staff are bound by this policy, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.	
Status:	Approved	Supersedes: Previous Policy
Authorised by:	Principal	Date of Authorisation: 23 October 2025
References:	• <u>Anti-Discrimination Act 1991 (Qld)</u> • <u>Australian Human Rights Commission Act 1986 (Cth)</u> • <u>Age Discrimination Act 2004 (Cth)</u> • <u>Disability Discrimination Act 1992 (Cth)</u> • <u>Disability Standards for Education 2005 (Cth)</u> • <u>Racial Discrimination Act 1975 (Cth)</u> • <u>Sex Discrimination Act 1984 (Cth)</u> • <u>Work Health and Safety Act 2011 (Qld)</u> and <u>Regulation</u> • <u>Queensland Human Rights Commission Employer Toolkit</u> • Guidelines for Complying with the Positive Duty under the <i>Sex Discrimination Act 1984 (Cth)</i>, AHRC • <u>Information Guide on the Positive Duty under the Sex Discrimination Act 1984 (Cth)</u> • SEBSS Sexual Harassment Policy • SEBSS Work Health and Safety Policy • SEBSS Staff Code of Conduct • SEBSS Complaints Handling Policy • SEBSS Whistleblower Policy • SEBSS Positive Behaviour Framework	
Review Date:	Every 2 years	Next Review Date: October 2027
Policy Owner:	Principal	

Policy Statement

All students and staff at South East Brisbane Steiner School (SEBSS) have the right to learn and work in an environment free from unlawful discrimination. SEBSS will provide a fair and safe teaching and learning environment where all students and staff are treated with dignity and respect and have equal opportunities.

SEBSS is committed to complying with its legal obligations under relevant State and Federal discrimination laws, including protecting persons from unlawful discrimination, responding appropriately to complaints and considering action against staff should discrimination be found to have occurred.

SEBSS has a legal obligation under the *Sex Discrimination Act 1984* (Cth) (**SD Act**), being a positive duty¹ to take reasonable and proportionate measures to eliminate, as far as possible, unlawful conduct that is sexual harassment, sex-based harassment, conduct that creates a hostile workplace environment on the ground of sex and victimisation. To fulfil this positive duty, SEBSS is committed to providing workers with a safe working environment and meeting the Guiding Principles and Standards in the Australian Human Rights Commission's Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth) (Guidelines). The SEBSS Sexual Harassment Policy provides further detail on this obligation.

Under both State and Federal discrimination laws, discrimination may be considered to be either direct or indirect discrimination. Direct discrimination 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 is or would be treated in circumstances that are the same or not materially different.

Under the State legislation (the *Anti-Discrimination Act 1991* (Qld)), indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term –

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

The meaning of indirect discrimination slightly differs under federal discrimination legislation.

SEBSS seeks to ensure that its staff do not discriminate against other staff and students on the basis of the protected attributes in the areas of activity listed in the *Anti-Discrimination Act 1991* (Qld).

The *Anti-Discrimination Act 1991* (Qld) prohibits discrimination in certain activity areas on the basis of the following **protected attributes**:

- (a) sex
- (b) relationship status
- (c) pregnancy
- (d) parental status
- (e) breastfeeding

¹ *Sex Discrimination Act 1984* (Cth), s47C

- (f) age
- (g) race
- (h) impairment
- (i) religious belief or religious activity
- (j) political belief or activity
- (k) trade union activity
- (l) sex work activity
- (m) gender identity
- (n) sexuality
- (o) family responsibilities
- (p) association with, or relation to, a person identified on the basis of any of the above attributes.

Federal legislation also prohibits discrimination in protected areas on the basis of certain attributes, for example, age, race, disability, sexual orientation, sex (including intersex status and gender identity). Unlawful discrimination under Federal laws also includes sexual harassment.

The activity areas that are most relevant to the school's activities are the education area and the work area as defined under the legislation and there are some circumstances where exemptions will apply. In particular, in the education activity area, SEBSS commits to ensuring that unlawful discrimination against students on the basis of a protected attribute does not occur by:

- failing to accept a person's application for admission as a student
- the way in which an application is processed
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student
- the terms in which a person is admitted as a student
- variation of the terms of a student's enrolment
- denial or limitation of access to any benefit arising from enrolment that the school supplies
- excluding a student
- treating a student unfavourably in any way in connection with the student's training or instruction.

In Queensland, the *Anti-Discrimination Act 1991* (Qld), the *Disability Discrimination Act 1992* (Cth) and the *Disability Standards for Education 2005* (Cth) regulate disability discrimination of students and their associates in schools, including but not limited to the areas of:

- enrolment
- participation in curricular and co-curricular activities and use of facilities and services
- curriculum development, accreditation and delivery
- student support services
- elimination of harassment and victimisation.

The school is also committed to ensuring that discrimination against staff does not occur in accordance with obligations under various State and Federal legislation; for example, requirements in the *Anti-Discrimination Act 1991* (Qld), *Fair Work Act 2009* (Cth), *Disability Discrimination Act 1992* (Cth), *Sex Discrimination Act 1984* (Cth), *Age Discrimination Act 2004* (Cth) and *Racial Discrimination Act 1975* (Cth).

Responsibilities

School Responsibilities

The legislation establishes a legal responsibility on SEBSS to provide a school and workplace free from discrimination.

SEBSS takes reasonable steps to prevent unlawful discrimination in the school as follows:

- Develop and implement an anti-discrimination policy to assist in preventing discrimination and a Sexual Harassment Policy to assist in meeting the positive duty under the SD Act.
- Educate and train relevant staff to assist in preventing discrimination and to appropriately respond to discrimination and to meet the positive duty under the SD Act.
- Establish a complaints procedure via the SEBSS Complaints Handling Policy to appropriately respond to instances of discrimination.
- Remove any discriminatory materials, rules and practices to assist in preventing discrimination.
- Encourage staff, students and parents to contribute to a healthy school culture to assist in preventing discrimination.

Staff Responsibilities

All staff contribute to maintaining a discrimination-free and inclusive workplace and a healthy school and workplace culture.

All staff at SEBSS have a responsibility not to engage in discriminatory conduct and to uphold this policy.

All staff have an obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly under the school's Complaints Handling Policy, Positive Behaviour Framework or Sexual Harassment Policy; monitor the school environment; and seek support for complex or serious matters.

Implementation

SEBSS will ensure it is implementing processes relating to anti-discrimination by ensuring staff are aware of the policy and their obligations and that students and parents are aware of the policy. The school will educate and train relevant staff to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination.

Staff and parents are made aware of this policy through The Staffroom, The Parent Lounge and in correspondence and staff meetings. An Anti-Discrimination Procedure is reviewed by the School Guardian and provides guidance to staff regarding its implementation.

Compliance and Monitoring

The school will monitor the Complaints Register and other related registers and data (for example student behaviour incidents) to identify any patterns in discriminatory behaviour by staff and implement appropriate improvement measures.

Complaints of non-compliance with this policy and any related processes are encouraged to be made under the SEBSS Complaints Handling Policy or where relevant, the SEBSS Sexual Harassment Policy.