

ANTI-DISCRIMINATION POLICY

# PURPOSE OF THE POLICY

Balance Foundation Ltd. is implementing this Policy to ensure that all persons connected with the organisation are aware of their right to be treated with equity and fairness, and without discrimination.

# SCOPE

This Policy applies to all persons, including martial arts students, symposium participants, parents, instructors, volunteers, or visitors to an event or activity of the organization, or who is in any way connected and engaged with the Balance Foundation Ltd., or its subsidiaries, Balance Martial Arts and Balance Tae Kwon Do.

# RESPONSIBILITY

Instructor reporting to the Board of Directors

# LEGISLATION AND REFERENCES

[*Anti-Discrimination Act 1991 (Qld)*](https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrimA91.pdf)

[*Anti-Discrimination Regulation 2005 (Qld)*](https://www.legislation.qld.gov.au/LEGISLTN/REPEALED/A/AntiDiscrR05_01A_090901.pdf)[*Australian Human Rights Commission Act*](http://www.comlaw.gov.au/Series/C2004A03366)[*1986 (Cth)*](http://www.comlaw.gov.au/Series/C2004A03366)

[*Age Discrimination Act 2004 (Cth)*](http://www.comlaw.gov.au/Series/C2004A01302)[*Disability Discrimination Act 1992 (Cth)*](http://www.comlaw.gov.au/Series/C2004A04426)[*Racial Discrimination Act 1975 (Cth)*](http://www.comlaw.gov.au/Series/C2004A00274)[*Sex Discrimination Act 1984 (Cth)*](http://www.comlaw.gov.au/Series/C2004A02868)

# DEFINITIONS

Discrimination is treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit*.*

Direct discrimination: 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.

Subject to the specific exemptions detailed in State and Federal Anti-Discrimination Laws, discrimination on the following grounds is against the law:

1. sex;
2. relationship status;
3. pregnancy;
4. parental status;
5. breastfeeding;
6. age;
7. race;
8. impairment;
9. religious belief or religious activity;
10. political belief or activity;
11. trade union activity;
12. lawful sexual activity;
13. gender identity;
14. sexuality;
15. Intersex status;
16. criminal record;
17. family responsibilities;
18. association with, or relation to, a person identified on the basis of any of the above attributes.

Indirect discrimination: if a person imposes, or proposes to impose, a term –

* + with which a person with an attribute does not or is not able to comply; and
	+ with which a higher proportion of people without the attribute comply or are able to comply; and
	+ that is not reasonable.

Whether a term is reasonable depends on all relevant circumstances of the case, including for example:

* + the consequences of failure to comply with the term; and
	+ the cost of alternative terms; and
	+ the financial circumstances of the person who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination. ‘Term’ includes condition, requirement to practice whether or not written.

Unlawful discrimination: direct or indirect discrimination which would amount to a breach of State or Federal Anti-Discrimination laws.

# POLICY STATEMENT

Balance Foundation Ltd. is an equal opportunity organisation, which is committed to providing an environment that is safe for its staff and students.

The Policy of the organisation is to treat all persons on their merits, in an environment free of discrimination and harassment. In accordance with the relevant law, the organisation prohibits direct and indirect unlawful discrimination against persons in all facets of our activities

In accordance with the relevant law, the Balance Foundation Ltd. prohibits direct and indirect unlawful discrimination against any persons undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

* + recruitment
	+ terms and conditions
	+ training
	+ promotion
	+ termination of employment

Any instances of unlawful discrimination should be reported under the organisation’s *Complaints Handling Policy and Procedure*.

The Board of Directors shall respond appropriately should such discrimination occur, including possible disciplinary action.

* + With regard to staff, and instructional members disciplinary action may be taken against anyone who discriminates and may involve a formal warning, counselling, demotion or dismissal, depending on the circumstances.
	+ With regard to students, disciplinary action as per the ***Behaviour Management Guidelines or Anti-Bullying Policy*** may be taken against a student who discriminates against another student.

False and/or malicious complaints may lead to legal action being taken against the complainant.

* 1. **STUDENTS WITH DISABILITIES**

Balance Foundation Ltd. will not unlawfully discriminate, harass or victimise a student on the ground of the student’s disability or a disability of any associate of a student.

# RESPONSIBILITIES

The organisation takes reasonable steps to prevent unlawful discrimination as follows:

* + - Provide training for all students and instructors in both their rights and obligations and the organisation’s policies and procedures relevant to discrimination issues;
		- Ensure that students and instructors are aware of their right to equitable treatment;
		- Treat seriously and investigate promptly any reports of discrimination;
		- Investigate all reports impartially and, as far as is possible, confidentially;
		- Ensure that people/students/instructors who make complaints, or witness an instance of discrimination, are not victimised in any way;

All students, instructors, parents, and other associated persons have a responsibility not to engage in discriminatory conduct and to uphold this policy.

If they believe that this type of behaviour is occurring in the organisation, they should make a complaint under the Complaints Handling Policy and Procedure.

# IMPLEMENTATION

Balance Foundation Ltd. undertakes reasonable steps to prevent unlawful discrimination, including the following:

## Awareness

The organisation regularly makes all associated persons aware of the need to avoid discrimination, harassment and victimisation by the development and implementation of the *Anti-Discrimination and Disability Discrimination policies* and via the promotion of these policies by instructors and membersof the Board of Directors.

## Training

The organisation regularly provides professional development to ensure all relevant persons have sufficient information and expertise concerning non‐discriminatory methods of service delivery.

## Dispute resolution

The Balance Foundation Ltd. promotes the *Complaints Handling Policy and Procedure* ensuring that complaints are properly and effectively dealt with in accordance with the policy and procedure.

# COMPLIANCE AND MONITORING

The organisation shall keep appropriate records, monitor and report on discrimination issues to the Board.