



**PERTH WALDORF  
SCHOOL**  
Steiner Education

**Bibra Lake & Parkerville Campus**

**DISABILITY DISCRIMINATION  
POLICY (formerly known as Anti-  
Discrimination Policy)**

**V3.0**

**website**

<b>Disability Discrimination Policy</b>	
Date first approved:	2013 (previous format)
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Compliance interactions: and Internal Policy	Complaints & Grievance Policy Enrolment Policy Health & Safety Policy
Area of the School /Scope	Student
Delegated Policy Owner (Custodian)	Administrator
Procedures and forms:	Not applicable
Supporting documents:	Not applicable
PWS Website:	Yes
Links:	<a href="http://www.equalopportunity.wa.gov.au">http://www.equalopportunity.wa.gov.au</a> <a href="http://www.slp.wa.gov.au">http://www.slp.wa.gov.au</a> <a href="http://www.hreoc.gov.au">http://www.hreoc.gov.au</a>
Legislation:	Disability Discrimination Act 1992 (Cth) Disability Standards for Education 2005 Equal Opportunity Act WA 1984 Human Rights and Equal Opportunity Commission Act 1986 (Cth) Occupational Safety and Health Act 1997 School Education Act WA 1999 Workplace Relations Act 1996 (Cth)
1) Circulation:	Pabulum & staff newsletter
2) Feedback:	pws@pws.wa.edu.au
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## Disability Discrimination Policy

Perth Waldorf School (PWS) is committed to a policy of inclusion and responding to students' & employees' diverse needs. It aims to increase access and engagement in learning for all students and staff by identifying and removing barriers. It provides a safe place of work for all employees.

It will not discriminate in its enrolments or staff recruitment on the basis of gender, sexuality, race, religion or disability.

1. Perth Waldorf School will not tolerate racial, sexual, gender, religious, or disability discrimination of any form within the school environment and will act swiftly to eradicate it.
2. Perth Waldorf School will implement a curriculum which, through comprehensive, realistic and age-appropriate lessons/material educates students to the harm of discrimination based on gender, sexuality, race, religion or disability.

### Definitions:

#### Disability (Impairment):

- a) total or partial loss of a person's bodily or mental functions; or
- b) total or partial loss of a part of a body; or
- c) the presence in the body of organisms causing disease or illness; or
- d) the presence in the body of organisms capable of causing disease or illness; or
- e) the malfunction, malformation or disfigurement of a part of a person's body; or
- f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour, and includes a disability that:
- h) presently exists; or
- i) previously existed but no longer exists; or
- j) may exist in the future; or
- k) is imputed to a person.

**Disability (Impairment) Discrimination:** It is unlawful to discriminate (directly or indirectly) against a person because of a disability or an impairment.

**On the same basis:** A student with a disability is treated by the education provider 'on the same basis' as a student without a disability if the student has opportunities and choices, which are comparable with those offered to other students without disabilities, to enable:

- admission or enrolment; and
- participation in courses or programmes and use of facilities and services.

**Reasonable adjustments:** Reasonable adjustments are made so that the student with a disability is treated on the same basis as a student without a disability.

**Unjustifiable hardship:** A specific exception in both the Federal and State legislation

applying to both employers and education providers. It provides that it is not unlawful to refuse or fail to accept a person's application for a job where the person, if the successful applicant, would require services or facilities that are not required by other staff who do not have a disability and the provision of which would impose unjustifiable hardship on the employer.

## **1. Relevant Legislation**

The Disability Discrimination Act 1992 (including the Disability Standards for Education 2005) and the Equal Opportunity Act WA 1984 are the two main pieces of legislation in Western Australia concerning disability discrimination.

### **1.1 Discrimination in Employment**

PWS does not discriminate against a person because of a disability in certain areas including education, employment, access to public places, vehicles and sport. People involved in recruitment at PWS are aware of equal employment opportunity issues.

### **1.2 Discrimination in Education**

- PWS does not discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates:
  - (a) by refusing or failing to accept the person's application for admission as a student; or
  - (b) in the terms or conditions on which it is prepared to admit the person as a student.
- It is unlawful to discriminate against a student on the grounds of the student's disability or a disability of any of the student's associates:
  - (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority; or
  - (b) by expelling the student; or
  - (c) by subjecting the student to any other detriment.

### **1.3 Exemptions**

Both Acts allow for exemptions where it is not considered unlawful to do an act that would otherwise be considered discriminatory.

The Disability Discrimination Act covers the specific exceptions to employment of not being able to fulfil the inherent requirements of the job and unjustifiable hardship in section 15 and unjustifiable hardship in education in section 22.

The general exceptions are covered in ss45-58 of the Disability Discrimination Act and also in Part 10 of the Disability Standards for Education 2005.

Section 45 Special measures. This Part does not render it unlawful to do an act that is reasonably intended to:

- (a) ensure that persons who have a disability have equal opportunities with other persons in circumstances in relation to which a provision is made by this Act; or
- (b) afford persons who have a disability or a particular disability, goods or access to facilities, services or opportunities to meet their special needs in relation to:
  - (i) employment, education,
  - (ii) the provision of goods, services, facilities or land; or

- (iii) the making available of facilities; or
  - (iv) the administration of Commonwealth laws and programs; or
  - (v) their capacity to live independently.
- (c) afford persons who have a disability or a particular disability, grants, benefits or programs, whether direct or indirect, to meet their special needs in relation to:
- (i) employment, education, accommodation, clubs or sport; and
  - (ii) the provision of goods, services, facilities or land; or
  - (iii) the making available of facilities; or
  - (iv) the administration of Commonwealth laws and programs; or
  - (v) their capacity to live independently.

### **1.3.1 Reasonable adjustments and unjustifiable hardship**

In some cases, it is not considered unlawful to discriminate against a disabled person. One of the times this occurs is when ‘unjustifiable hardship’ can be shown.

For employment of staff, only ‘reasonable adjustment’ and ‘unjustifiable hardship’ apply.

For the education of students, the term ‘on the same basis’ is included and have widened the scope of ‘unjustifiable hardship’.

- admission or enrolment in an institution; and
- participation in courses or programmes and use of facilities and services.

## **2. Policy breaches:**

Perth Waldorf School ensures that reasonable steps are taken to ensure its employees do not discriminate against students or staff. It does so by:

- Issuing and distributing this policy to all staff;
- Having a fair and effective Grievance Policy;
- Raising awareness with all employees;
- Providing training to those responsible for dealing with complaints or enquiries;
- Monitoring the working and learning environment;
- Continuing education on disability discrimination;
- Providing a safe place of work for all employees.

Should the school be notified of a breach, it will investigate and respond in a timely manner.

Information for help can be found:

**WA Equal Opportunity Commission**

Level 2, 141 St. George's Terrace, Perth

Ph: 9216 3900 or 9216 3934

Education Officer: 9216 3937

Website: <http://www.equalopportunity.wa.gov.au>

Email: [eoc@equalopportunity.wa.gov.au](mailto:eoc@equalopportunity.wa.gov.au)

**Equal Opportunity Act 1984**

Website: <http://www.slp.wa.gov.au>

Select 'Online Publications' then 'Statutes – Acts and Regulations' then 'Statutes A-Z Browse' and select under 'E'.

**Human Rights and Equal Opportunity Commission Act 1986**

Website: <http://www.hreoc.gov.au>

Available under the 'Human Rights' heading on the front page.

**Disability Discrimination Act 1992**

Website: <http://www.hreoc.gov.au>

Available under 'Disability Rights' heading on the front page.