



Tracking Your Rights: Women

The United Nations *Convention on the Elimination of All Forms of Discrimination against Women* condemns discrimination against women in all forms and requires adherence to the principal of equality of men and women. (Article 2)

What does the *Anti-Discrimination Act 1991* say about women?

The Act protects women from discrimination (in their public lives) and sexual harassment (wherever it occurs). It is unlawful to discriminate against a woman because:

- she is a woman (sex discrimination)
- she is pregnant (pregnancy discrimination)
- she is breast feeding a baby (breast feeding discrimination)
- she is a parent (parental status discrimination)
- she has family responsibilities (family responsibilities discrimination)
- she is single, married, separated, divorced, widowed or a de facto partner (relationship status discrimination).

Public life includes: at work, school or educational institution, obtaining goods or services, renting premises, buying or selling real estate, obtaining membership of clubs and dealing with state and local government.

What is discrimination?

Direct discrimination happens when you are treated worse than someone else because of your: race, age, **family responsibilities, parental status, relationship status, pregnancy, breastfeeding**, impairment (a disability), religious belief or activity, **sex** (male/female), gender identity, sexuality, lawful sexual activity (as a sex worker), trade union activity, political belief or activity, or association with or relation to, a person identified on the basis of any of the above attributes.

Relationship status & parental status discrimination in accommodation

Jasmine is a single mum with children aged 5 and 7 years, and has a job as a teacher aid. She saw a house for rent near her children's school which she could afford and enquired at the estate agency. She was told that the owner would only rent to a married couple because single mums were unreliable.

Parental status discrimination in work

Jenny applied for a job which involved trips to country towns to top up stock and get new orders. Jenny and Bill have two small children and live with Bill's mum who looks after the children. Jenny didn't get the job and was told that it was because they wanted 'someone with no kids' because of the travel.

Sex discrimination in work

Myra got a job in a large firm and was settling very well into her job. Six months later, the firm took on a male worker to do the same work as Myra. They got on well together and one day were discussing money. Myra found out that her male colleague was being paid more than her and had a car allowance, even though he had no more qualifications or experience and did the same work.

Pregnancy discrimination in work

Belinda worked as a casual in a shop and always received positive feedback about her work. There was plenty of work to do and she was always busy. When she became pregnant, she told her supervisor. From that point on she was pressured to resign, but refused to do so. Her hours of work were reduced, and finally she was taken off the roster. At the same time, a new assistant commenced duties to cover the hours Belinda once worked.

Breastfeeding in goods and services

Nerida has a young baby. She met her mum at a coffee shop for lunch. After a while, the baby started crying. Nerida started to breast feed discreetly. The manager stormed over to them and said they had to leave, because the breastfeeding would 'put the customers off'.

Pregnancy discrimination in education

Meg is in year 11 at high school and has an unplanned pregnancy, but wants to complete her schooling. When the school heard that Meg is pregnant the principal asked her to leave school 'for the sake of the school's reputation'.

Family responsibilities in work

Mary works at a supermarket checkout and cares for her elderly mother who lives in a granny flat at her home. In the middle of her shift she received a call from a neighbour saying that her mother has had a serious fall. Mary told the boss that she had to go straight away. The boss said that she couldn't just walk out in the middle of a shift; and that if she did walk out, she may as well not come back.

What is indirect discrimination?

Sometimes a rule or practice seems to be the same for all people. However if it disadvantages a particular group of people more than others, in a way



that is not reasonable, it may be indirect discrimination.

Indirect pregnancy discrimination at work

Seranna works at a fast food outlet and wears the uniform supplied by her employer. When she found out that she was pregnant, she told her manager that she planned to work until 6 weeks before the birth. The manager said that she must continue to wear the standard uniform supplied at all times; if she could not do that, she would no longer have a job at the outlet.

Sexual Harassment

Sexual harassment is unwelcome sexual behaviour directed at you, which makes you feel offended, humiliated or intimidated, and in the circumstances, it is reasonable to feel that way. Both men and women can sexually harass and be harassed. It has nothing to do with mutual attraction and friendship between people. It can include:

- physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as deliberately brushing against a person
- sexual propositions
- unwelcome and uncalled for remarks or insinuations about a person's sex or private life
- suggestive comments about a person's appearance or body
- offensive telephone calls or text messages (because of their sexual content)
- indecent exposure
- the display of obscene material directed at you

Sandy is a barmaid at the local hotel. One of the regular customers keeps asking her out, but she is not interested. The customer boasts about his sexual prowess to her in crude terms and says he wants to show her what she's missing out on. When she clears the tables, he makes rude sexual comments to her. She can't get away from him and she's scared.

Debbie rents a flat with other friends. The land lord comes round each fortnight to collect the rent. The landlord tried to grope Debbie a couple of times and suggested that she can reduce her rent by having sex with him.

Kylie works in an office and is the only woman employee. The men send pornographic emails round the office and Kylie gets them too. She told the men she doesn't like it, and to stop sending them to her. They just laugh and say that they are 'educating' her.

Domestic violence against women

Violence against women and girls whether physical, verbal, psychological or sexual is a violation of that person's human rights and is unacceptable. Help should be sought from specialist agencies listed in the 'Other agencies' section.

Other important/useful information

The Australian Human Rights Commission (formerly HREOC) has produced a set of resources for Aboriginal and Torres Strait Islander women called *Get the facts: Know your rights*.
http://www.hreoc.gov.au/sex_discrimination/publication/get_the_facts/leaflet.html

Contact the ADCQ for more information

- phone on 1300 130 670 (or TTY 1300 130 680) from anywhere in Queensland and your call will be taken by the closest office
- ADCQ has Aboriginal and Torres Strait Islander staff and you can ask to speak with one of these officers.
- send an email to info@adcq.qld.gov.au
- visit the website www.adcq.qld.gov.au

ADCQ offices are located at:

Brisbane – level 17, 53 Albert St, Brisbane City.
Rockhampton – level 1 James Larcombe Place, 209 Bolsover Street
Townsville – 155 to 157 Denham Street
Cairns – McLeod Chambers, 78 Spence Street

Other agencies

Aboriginal & Torres Strait Islander Women's Legal & Advocacy Service (ATSIWLAS)
07 3392 3177
1800 442 450

Aboriginal & Torres Strait Islander Women's Legal Service North Qld (Townsville)
1800 082 600

dv connect womensline
<http://www.dvconnect.org/>
1800 811 811

Legal Aid Queensland
www.legalaid.qld.gov.au
1300 651 188 (General)
1300 650 143 (Indigenous Hotline)

North Queensland Women's Legal Service
www.nqwls.com.au
1800 244 504
Townsville 4772 5400
Cairns 4041 0066

Qld Working Women's Service
www.qwws.org.au
07 3211 1440
1800 621 458

Women's Legal Service (Brisbane)
<http://www.wlsq.org.au/>
07 3392 0670
1800 677 278