



Tracking Your Rights: Youth

The *Convention on the Rights of the Child* requires governments to give children and young people protection without discrimination (Article 2)

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

The Act protects all people in their public lives, regardless of their age, from discrimination, sexual harassment and vilification in Queensland. Public life includes when you are: at school or studying, at work, obtaining goods or services, buying or selling real estate, renting premises, obtaining membership of clubs or dealing with state or local government. You can make a complaint, just as an adult would. Also, the Act specifically protects you against age discrimination. This means being discriminated against because you are a young person.

Stereotypes

Sometimes people make assumptions about you purely on the basis that you are a member of a particular group; for example, if you are a young person, an Aboriginal or Torres Strait Islander person, a parent, a female, a gay or lesbian. If these assumptions (stereotypes) are based on prejudice they can lead to discrimination.

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.

Race discrimination in work

Tony grew up on a property and knows about stock, fencing and hard work. He was referred to a farm hand position by a job agency and was asked to come for an interview. When he arrived, the boss said that he was too late. He had given the job away 10 minutes ago.

Tony rang the agency to see what was going on. His case manager telephoned the boss and asked whether the position had been filled. The boss said the position had not been filled, but went on to say that he had seen Tony, and wouldn't employ an Aboriginal.

Sex discrimination in work

Trudie is an outdoors girl looking for a job. She saw that a tree lopping business needed someone to work as an off-sider. Trudie is strong and can use tools, so she went along to see the owner.

He refused to take her on, was patronising, called her 'sweetie' and said that it was 'man's work' and that she would 'break her nails doing this kind of work.'

Age discrimination in work

Jamin applied for a casual job as a front counter attendant in a store. He was unsuccessful and was told that they wanted a 'mature' person because a young person would not have adequate customer skills to do the job. Jamin's family have a small business and he has helped with serving customers for a number of years.

Impairment discrimination in goods and services

Billy was involved in a car accident and had a serious head injury. As a result, he now speaks very slowly. He went to a café for lunch and was placing his order at the counter. The manager came up to him and told him he'd have to leave because they don't serve drunks. Billy tried to explain that he has an impairment and show his concession card, but the manager would not listen.

Parental status discrimination in accommodation

Aaron and Nikki have lived together in a 2 bedroom unit for a year. Nikki has just had a baby and the landlord won't renew their lease because he has a 'no kids' policy.

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.

Age discrimination in accommodation

A real estate agent requires that all people applying to rent property provide two references from previous landlords or real estate agents. Danny, Eric and Sam are moving out of home. They all have jobs and can afford to rent a house and have saved up money for the bond. They have offered character references and proof of income, but the agent will have nothing to do with them because they can't comply with his rule – because they are young and haven't rented before.

Pregnancy discrimination in education:

Tahlia is in year 10 at school and is pregnant. The principal has said that all students must wear full school uniform at all times, and this includes Tahlia. Failure to comply with this rule means suspension or exclusion. Tahlia cannot comply because of her pregnancy.

What is vilification?

Vilification is publicly inciting others to hate, have serious contempt for, or severely ridicule people because of their race, religion, sexuality or gender identity. Vilification is unlawful.

Lachlan attends the local high school and is gay. He is often subjected to name calling by boys and girls at school, but one boy in particular has it in for him. While a group were waiting at the bus stop after school one day, the boy started revving the others up. He said: 'Poofers are just perverts and deviants and ought to be exterminated. You fags will get AIDS because of your filthy ways. Come on; let's put the boot in. We shouldn't have to put up with scum like you.'

If the incitement involves threats of physical harm to people or their property, it is a criminal offence.

What is 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 males and females can sexually harass and be harassed. It has nothing to do with mutual attraction and friendship between people. It includes the following behaviour:

- subjecting you to an unsolicited act of physical intimacy (touching, patting, pinching, brushing up against you in a sexual way)
- requesting sexual favours from you (sexual propositions)
- making remarks with sexual connotations about you (suggestive comments or questions about your appearance, body or private life)
- being subjected to any other unwelcome conduct of a sexual nature which is directed at you (insults or taunts based on your sex; indecent exposure; sexually explicit phone calls, text messages and emails)

Cassie works in the deli department of the local supermarket after school and on week-ends. The duty manager always tells her rude jokes, makes vulgar gestures with salamis and regularly asks her for a 'quickie' in the cold room. She has done nothing to make him think that she's interested in him and has told him to stop it, because she doesn't like it.

Kieran obtained an apprenticeship after leaving school and when he commenced work was the subject of a 'workplace initiation' incident. He was approached by his older co-workers and restrained while they pulled down his trousers and covered his genitals with grease. He was embarrassed, intimidated and humiliated.

Other important / useful information

LGBTI (lesbian gay bi-sexual , transgender and intersex) issues

Young lesbians, gays and transgender people may come up against discriminatory attitudes, stereotyping and blatant homophobia. Experiences may include ridicule or singling out by teachers, name-calling, harassment and bullying by other students. Using words like 'poof', 'dyke', 'fag', 'lesso', and 'acting gay' as terms of abuse, may be so entrenched that no-one complains about it. Much of this behaviour is against the law. Schools and workplaces are required to be discrimination and harassment free.

Pregnant and parenting young people


Students who are pregnant and students who are parents (both mothers and fathers) are entitled to the same level of educational opportunity as other students.

It is discrimination if a school:

- refuses to enrol, or directs a young woman to distance education as a result of her pregnancy
- requires a pregnant student to participate in inappropriate activities
- refuses to accommodate child care needs into the school day routine of student parents

Young people and police

If you feel that you have been discriminated against by a police officer because of your age, race (or any other attribute discussed in 'What is discrimination' above) you may be able to bring a complaint of discrimination in the administration of state laws and programs. For more information relating to juvenile detention, arrest, court appearance, bail, and police move-on powers; is available on the Legal Aid website, at the Legal Aid for Young People page <http://www.legalaid.qld.gov.au/Legal+aid+for+young+people/>



Meeting in public places

Parks, malls and shopping centres are popular meeting places. Young people have a right to use public spaces, so long as they stay within the law. Sometimes police may direct young people to 'move on'. Police and security guards must ensure they don't discriminate when they give a 'move on' direction.

Youth wages

It is not discrimination to pay a worker under the age of 21 years a rate of pay according to the worker's age. However, all workers should be paid at the award rate. Wageline is an awards and wages information service provided by the Queensland Department of Employment and Industrial Relations. Call 1300 369 945 or access the website <http://www.wageline.qld.gov.au/>

What the Act does not cover

A complaint of discrimination can only be made to the Anti-Discrimination Commission Queensland if is discrimination because of your race, age, family responsibilities, parental status, relationship status, pregnancy, breastfeeding, impairment, religion, sex, 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. You cannot complain if you have been discriminated against because you:

- have tattoos (unless cultural)
- have body piercings
- are a smoker
- have criminal convictions
- don't meet grooming standards or dress code
- are obese (unless due to a medical condition – an impairment)

Age of complainants

If you wish to make a complaint to the Anti-Discrimination Commission Queensland and you are over 18 years old you can make the complaint in your own right. If you are under 18 you have a number of choices:

- Your parent/s or guardian can make the complaint on your behalf.
- You can make the complaint in your own right if you are 16 years old or over.
- If you are under 16 years old, depending on all the circumstances, you may be able to bring the complaint yourself. Alternatively, the ADCQ may ask if you would like to authorise your parent, guardian or another adult to act on your behalf.

Parents or guardians on behalf of a child

For young children, parents or guardians may bring a complaint on behalf of their child. It should be remembered that the complaint is the child's complaint.

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

Young Workers Advisory Service (YWAS)
1800 232 000
<http://www.ywas.org/index.htm>

Workplace Rights Ombudsman

1300 737 841

<http://www.workplacerights.qld.gov.au/index.htm>

Wageline (Dept Employment and Industrial Relations)
1300 369 945

<http://www.wageline.qld.gov.au/>

Open Doors (supporting LGBT youth)
07 3257 7660

www.opendoors.net.au

Legal Aid Queensland

www.legalaid.qld.gov.au

1300 651 188 (ask for the Youth Advocate)

1300 650 143 (Indigenous Information Line)

Lawstuff website (legal information for young Australians)

www.lawstuff.org.au

Play by the Rules website

<http://www.playbytherules.net.au/site/home.jsp>

Kids Helpline

1800 551 800

www.kidshelp.com.au

Youth Emergency Service (YES)

07 3357 7655

<http://www.youthemergencyservices.org.au/index.php>