

BALANCING THE ACT

Mabo Oration 2007

Please note your diaries for Friday 15 June 2007, the date of the next Mabo Oration.

This year's Mabo Oration will be delivered by well-known Aboriginal leader, Professor Larissa Behrendt. Prof Behrendt is Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning at the University of Technology, Sydney. She is also a Judicial Member of the Administrative Decisions Tribunal, Equal Opportunity Division and the alternate Chair of the Serious Offenders review Board. She has published on property law, Indigenous rights, dispute resolution and Aboriginal women's issues.

Larissa is also an author, a Board Member of the Museum of Contemporary Art, a Director of the Sydney Writer's Festival and the Bangarra Dance Theatre.

This year's Mabo Oration will be held at the Playhouse, Queensland Performing Arts Centre, Brisbane, on Friday 15 June, between 5.30 and 7.30 pm.

The event will include entertainment by well-known Aboriginal singer Kev Carmody, and drum and didgeridoo players.

Tickets are \$15.00 (plus \$1.50 booking fee), and are available from QTIx on 13 62 46. Light refreshments will be available before the Oration.

The event will be signed by Auslan interpreters.



Photo of Eddie Mabo reproduced with permission from The Age Photo Sales. Photographer: Jim McEwan.

Disclaimer: The contents of this newsletter are for information purposes only, and should not be seen as legal advice.

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Commissioner's report:

What do Queenslanders really think about racism and discrimination?

Over the years there have been many who have said that Queensland is a racist place.

Until recently there was no way of knowing whether Queensland was really different from other places.

Now, two research reports have directly considered people's attitudes and experience of racism, offering the prospect that good research will help build strong, effective anti-racism strategies.

The first research report is a comprehensive survey of attitudes to racism by Associate Professor in Geography at the University of New South Wales, Kevin Dunn. This survey looked at attitudes to various groups within the community, and analysed the data by regions. Dr Dunn found that in Queensland a significant proportion of the population either self-identify as racist or have expressed quite high levels of anti-Indigenous sentiment. This is similar to some other parts of Australia.

But it is not all bad news.

While Dr Dunn found that there was above-average antipathy towards Aboriginal and Torres Strait Islander people in south east Queensland, it was much less so in the far north and north west Queensland.

It is hard to know exactly why people hold racist attitudes. Dr Dunn makes a couple of suggestions.

- In places where people know and live with Aboriginal and Torres Strait Islander people, they expressed less racist attitudes than those who did not have firsthand experience with A&TSI people.
- In places like south-east Queensland, where people are less likely to work and live with Aboriginal and Torres Strait Islander people, attitudes are more

likely to be based on media reports, rather than lived experience, and there is likely to be greater antipathy.

What of those media reports? Over recent times I have had lots of calls from Aboriginal and Torres Strait Islander people. Many have expressed genuine hurt at media commentary. They felt stereotyped: they weren't drunks, they contribute to their community and they are not violent. Positive stories of success in the community and stories about Indigenous families living an ordinary life are less likely to be reported. Callers wondered if stereotyping like this would ever change in Queensland.

The second report comes from the *Confronting Racism in Communities Project*, a joint undertaking of the University of the Sunshine Coast and Centre for Multicultural Pastoral Care, financially supported by the Queensland Government's *Multicultural Affairs Queensland*.

The report documents 145 racist incidents throughout Queensland. The research found that people from culturally and linguistically diverse backgrounds are experiencing various forms of racism including racially and religiously motivated violence, destruction of personal property, threats of physical violence, verbal harassment and other forms of offensive speech and behaviour. The report also details racial and religious discrimination in various areas of public life.

The researchers found that people from culturally and linguistically diverse backgrounds are reluctant to report racist incidents to authorities.

This is consistent with our experience at the ADCQ. I am often told about racist incidents but complaints are only rarely made to the ADCQ.

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Susan Booth at a recent interview with radio 4EB, with Bep Torkington.

There is no point in pretending racism doesn't exist. But building a culture of blame does not help build stronger, more harmonious communities.

These two research projects begin the journey to firstly understand racism in Queensland.

The next step is to address racism in a positive way.

It is exciting that both these research projects intend to use their data to build anti-racism strategies – and my sense is that strategies based on real views have the greatest chance of success.

The ADCQ is taking positive steps, too, including presentation of the foremost opportunity for exchange of ideas about Indigenous issues, the *Mabo Oration*. This year our orator is one of Australia's outstanding young leaders Professor Larissa Behrendt, Professor

of Law, Director of Research at the Jumbunna Indigenous House of Learning, award-winning author and much more.

See page 1 for more about ADCQ's Mabo Oration

Finally, I have been disturbed by reports of material supporting the Ku Klux Klan circulating in Cairns and Toowoomba. My sense is this is only a handful of people but my message is clear. This material is unlawful and has no place in Queensland.

Susan Booth
Anti-Discrimination Commissioner Queensland

Q&A

Every year we accept hundreds of complaints. We also reject a significant number for a range of reasons. Below are some questions and answers about accepting and not accepting complaints.

Question: I want to make a complaint about discrimination. What are the main things I need to do?

Answer: A good first step is to give us a call on 1300 130 670 to discuss your complaint. Our enquiries staff can explain the complaint process and send you any forms or brochures that might be helpful. The complaints form is also available from our website at www.adcq.qld.gov.au

The main things to keep in mind are that your complaint needs to:

- be on the basis of one of the grounds under the Act
- be in one of the areas covered by the Act
- be in writing
- include your details and your address for service
- perhaps include a general statement of what happened and over what time, then list as many examples of what happened as you can
- show why you were targeted or treated this way, or why you were disadvantaged because of the ground (under the Act) eg your sex or age
- what happened – who did what, what happened, when it occurred and where
- be made within a year of the treatment you received.

Once you've done this, we can assess your complaint and the process goes on from there. Our brochure 'Making a Complaint' gives more details. It's available from the website or from any of our offices.

Question: I sent you a complaint a while ago and you knocked it back. You said I didn't have enough information to show a breach of the Act. I put in dates,

times and I explained what happened when I didn't get the job. What else do you need?

Answer: I think I know the case you're talking about. The reason we didn't accept this case as a complaint is that you needed to show that the reason you didn't get the job was *because* of your disability. You mentioned in your complaint that you have a vision impairment and that you thought you'd get the job because you'd done that sort of work before. You explained the interview and the questions you were asked. You also mentioned the phone call advising that you'd been unsuccessful.

However, it's not enough that you think or suspect discrimination happened. There was nothing in the information you sent us to show that you didn't get the job *because of your disability*.

For us to accept the complaint, we'd need to have some evidence linking your treatment (not getting the job) with your impairment. This might be something like a comment from the interviewer saying that you couldn't do the job because of your impairment, or that someone without an impairment would be easier to work with, or that providing you with equipment to meet your needs would be too expensive, or that if the interviewer had known earlier about your disability you wouldn't have been offered an interview. It could also be a range of other things.

It may well be that you didn't get the job because of your disability, but you need to *show* in your complaint why you think this is the case.

If you have any more information you can send us to show this, we'd be happy to look at it, as we mentioned in our letter.

Question: Every day I face discrimination about being overweight – at work, doing the shopping, on the bus, even when I’m exercising. Why can’t I lodge a complaint about it?

Answer: The Commission can only take complaints that are covered by the Act. The Act covers 16 different types of discrimination, four types of vilification, as well as sexual harassment and victimisation. Not every kind of unfair treatment is covered, and if it’s not, we just can’t take a complaint.

Things like criminal record, appearance, out of state incidents and bullying (generally) aren’t covered in Queensland.

The only way we could take a complaint from you about your weight is if it’s a medical condition, for example a thyroid condition. If this is the case, we could look at a complaint on the basis of impairment, which includes illnesses.

Please give us a call if you’d like to discuss this further.

Question: My complaint was rejected by you, but I’m sure I was discriminated against because of my race, I just can’t prove it.

Answer: The Anti-Discrimination Act says that, while you don’t have to *prove* discrimination in a legal sense, you do need to give us enough information to show that someone’s breached the Act.

Feelings or beliefs or suspicions aren’t enough I’m afraid, despite how well-founded they are – you need to be able to provide the link between your race and the unfair treatment. You need to show us that you were treated worse because of your race, than someone else (of a different race) in the same situation was, in an area (such as work or goods and services) that’s covered by the Act.

An example might be that you were told by a real estate agent that a flat wasn’t available when you met him to inspect it. When you asked a non-Aboriginal friend to go to the office to check on the same flat, she was told it was available for rent, and was offered an inspection.

Question: How will I know if someone’s made a complaint about me?

Answer: You’ll only hear about a complaint if we accept it, and then we’ll send a copy to you.

If this is the case, it doesn’t mean we’ve made a decision that you’ve discriminated against, sexually harassed, asked unnecessary questions, vilified or victimised someone. It simply means that someone has made an allegation and there was enough information in the complaint to indicate a breach of the Act.

If you do receive a complaint, you can respond to it in writing. You may also need to attend a conciliation conference. More details about this can be found in our brochures from the website or our offices.

If we don’t accept the complaint, you won’t hear from us. We reject complaints for a range of reasons including:

- not providing enough information to indicate a breach of the Act
- not lodging it within twelve months of the incident/behaviour or
- the incident not being within the meaning of discrimination as per the Act.

You’re welcome to call us for more information about this.

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Free penholder available from the Anti-Discrimination Commission Queensland

Training courses

Brisbane courses	Date	Time	Venue	Cost
Investigating Complaints	23 May	9.00-1.00	Commission offices, Milton	\$138 per person
Disability issues and the Act	20 June	9.00-1.00	Commission offices, Milton	\$138 per person
<i>Getting in on the Act</i> – Representing parties	12/13 September	9.00-4.15	Marriott Hotel Brisbane	\$590 per person
<i>Getting in on the Act</i> – Representing parties – the finer points	23 May and 18 October	9.00-4.15	Marriott Hotel Brisbane	\$295 per person
Rockhampton courses	Date	Time	Venue	Cost
Harassment-free sport – Member Protection – Management briefing	12 June	1.00-4.00	Commission offices, Rockhampton	Free
Harassment-free sport – Member Protection – overview workshop	12 June	6.30-9.30	Rockhampton Leagues Club, Cambridge St	Free
Harassment-free sport – Complaint and Conflict Resolution for Clubs workshop	13 June	1.00-4.00 or 6.30-9.30	Commission offices Rockhampton Leagues Club, Cambridge St	Free
Harassment-free sport – Defusing Conflict and Anger in Sport	14 June	1.00-4.00 or 6.30-9.30	Commission offices Rockhampton Leagues Club, Cambridge St	Free
Harassment-free sport – Member Protection Information Officer (2 day course)	29/30 June	9.00-4.00	Rockhampton Leagues Club, Cambridge St	\$150 per person
Townsville courses	Date	Time	Venue	Cost
Discrimination Law – an introduction to the Act	23 July	12.30-4.30	Commission offices, Townsville	\$138 per person
<i>Fairness – Everyone’s Business</i> How to present a session on discrimination issues	24 July	9.00-4.00	Commission offices, Townsville	\$276 per person
The Contact Officer – introduction	25 July	9.00-1.00	Commission offices, Townsville	\$138 per person
The Contact Officer – Advanced	26 July	9.00-1.00	Commission offices, Townsville	\$138 per person
Investigating Complaints	27 July	9.00-1.00	Commission offices, Townsville	\$138 per person

For more information on any of these courses, please check our website on www.adcq.qld.gov.au or call the Commission on 1300 130 670.

New brochures

The Commission has produced an expanded range of new brochures. In the biggest overhaul since opening for business ten years ago, we've re-written, re-designed, increased the amount and improved the quality of information available.

The aim of the new brochures is to provide the information in a tiered way – so that as people move through the complaint process (for example), and need more specifics and detail, there's a brochure to fit.

The first level is the basic brochure, suitable for everyone and containing very brief detail. The second series covers individual attributes and the complaints process, while the third set is designed for those who need specific detail on particular aspects of the Act. These four brochures (on vicarious liability, exemptions, victimisation and direct/indirect discrimination) are available only from the website, while the other 16 are available from either the website or in printed form from our offices. Charges may apply for large quantities.

6 Conciliated Outcomes

HERE ARE SOME EXAMPLES OF CONFERENCE OUTCOMES. A CONFERENCE IS HELD ONCE A COMPLAINT HAS BEEN ACCEPTED BY THE COMMISSION. PEOPLE INVOLVED IN THE COMPLAINT MUST ATTEND. THE CONFERENCE IS RUN BY THE COMPLAINT HANDLER AND IS A CHANCE FOR PEOPLE TO SETTLE THE COMPLAINT IN AN INFORMAL, CONFIDENTIAL WAY.

SOME OF THE DETAILS IN THESE CASES HAVE BEEN CHANGED TO ENSURE THE ANONYMITY OF THE PARTIES.

IMPAIRMENT IN STATE LAWS AND PROGRAMS

A man with an impairment lodged a complaint about a range of access issues in his local shire. He alleged poor placement of tactile surface indicators at crossings, lack of zebra pedestrian crossings, speed limits set too high for the area, poor choice of shrubbery on roundabouts (too tall for good vision) and unsafe parking locations (on a slope) for disability taxis.

At the conference, parties negotiated a number of changes including:

- undertaking to assess usage of crossings for possible placement of pedestrian crossings

- agreement to consider the re-location of tactile surface indicators
- agreement to keep shrubbery trimmed for improved vision on roundabouts
- reduction of some speed limits in the area

IMPAIRMENT IN GOODS AND SERVICES

A man with a mobility impairment lodged a complaint after having difficulty negotiating increased distances between his car and an airport terminal. (The longer distances came as a result of tighter security arrangements at the airport, which made it more difficult to access the building).

The man's particular issue was that, although he had some mobility, the increased distance meant that he needed to use a wheelchair. The issue was made more complicated by the fact that the airline provided the wheelchair, but only as far as the entrance to the building. Beyond that, no wheelchair provision was made.

At the conciliation conference, the parties agreed to access improvements including:

- signage changes to include information about the availability of wheelchairs
- inclusion of this information on the airline and the airport authority websites
- use of the wheelchair as far as the carpark (and return to the airport area by a friend/carer).

IMPAIRMENT IN GOODS AND SERVICES – GENERAL ISSUES

Many venues have increased their security precautions in response to perceived terrorist threats. We've received a number of enquiries and complaints about being refused entry to these venues, and from people being asked to provide extra identification. In some cases, venue policies require the removal of any headgear (including caps, beanies, berets and wraps) so that security cameras have an unimpeded view of patrons.

One complaint involved the wearing of a turban and another concerned a headwrap worn as a result of chemotherapy.

Both issues were settled once venue staff explained the policy and process.

Generally, they said, where people need to wear headgear for religious or medical reasons, a photo is taken of them with the headwear and filed at the venue for identification purposes. Then when that person comes to the venue, they're able to be identified, and can gain access without removing their headwear.

Regional reports

Central Queensland

In the latter part of 2006 Liz Bond, Aboriginal and Torres Strait Islander Unit Coordinator, visited the region to consult members of the Aboriginal and Torres Strait Islander community. She also ran *Tracking Your Rights* training for representatives of local organisations. This training centred around skilling up Aboriginal and Torres Strait Islander organisations and individuals to advise community members of their options in relation to discrimination issues.

An awareness session about the Anti-Discrimination Act was also held at the Woorabinda Aboriginal community. While numbers were small, the session was well received, and the office is planning to conduct *Tracking Your Rights* sessions in Woorabinda in the near future.

Conciliator and past Regional Manager Denise Flanagan retired after a long career serving central Queensland as a solicitor, then a public servant with the ADCQ.

Rockhampton office has a new Regional Manager. Julie Davies started the new year with a new career, having worked previously as a political scientist and an environmental scientist. Her background in legislative development and public service management and her life-long volunteer work with disadvantaged groups gave her the skills needed for the diverse job of managing an ADCQ regional office. But it was her recent fiftieth birthday that gave her the motivation to make the career change so that she could make a real difference to the community in her last decade of paid employment. She is already enjoying both the challenges and rewards of working with the ADCQ.



Julie Davies, regional manager Central Queensland.

Far North Queensland

One of the highlights to close the year for 2006 was a visit to Thursday Island. Commissioner Susan Booth, the Regional Manager and the Aboriginal and Torres Strait Islander consultant to the Commission held a very successful public meeting and several smaller meetings, to hear from community members and to introduce the Commission and the legislation it administers.

Over recent months the region has been able to respond to requests for training in several of the more isolated workplaces in the region. Staff have provided sessions to more than one hundred employees in two centres in the mining industry. Feedback from trainees, managers and organisers of the training has been overwhelmingly positive, with a commitment to continue with follow up sessions.

Several visits have been made to outlying centres such as Ravenshoe and Mt Garnet. The visits have been beneficial to the ongoing focus in the region of meeting with community members and organisations.

In December the Regional Manager contributed to a one day workshop hosted by Disability Services Queensland. The workshop was well attended with more than one hundred participants actively discussing and identifying what could be achieved in the sector for 2007. Ideas and issues were presented at a series of facilitated discussion tables culminating in an evaluation document that "prioritised" the "priorities" for 2007.

Complaint handling continues to be a strong focus for the region. 74% of the complaints lodged for the year to date have been settled at the conciliation conference.

North Queensland

The Townsville office hosted the HREOC (Human Rights and Equal Opportunity Commission) *National Enquiry into Discrimination Against People in Same-Sex Relationships* in October. Thirty attendees from across the region including Cairns told their stories of discrimination, which included non-recognition of parental and couple benefits. Townsville was the only centre visited outside Brisbane due to the activism of the local LGBTI network.

We welcome Lorelei Billing who has been employed as a Cadet under the National Indigenous Cadetship Project. She is a law student at James Cook University and is busy learning about all aspects of the Commission including administration, conciliations and training. Lorelei has been visiting local Aboriginal and Torres Strait Islander organisations.

Indigenous radio station 4KIG interviewed Lorelei during one of the Commission's weekly spots on discrimination featuring the Regional Manager, Royalie Walters. Topics covered included discrimination, the Commission's processes and conciliation.

NAIDOC Week was recognised by Townsville staff who

participated in the march and held an information stall at Central Park. As well as dancers and performers, a talent competition was held. Achievements within the community were recognised with awards.

Annual training will be held in the Townsville office from 23 to 27 July 2007. Contact the Townsville office on 1300 130 670 to register for the northern region's courses.

Aboriginal and Torres Strait Islander Unit

Travel has been a feature of the work of the Unit over the last six months. Staff have visited Rockhampton, Cairns, Toowoomba, Cherbourg and Sydney to deliver training, consult with communities and participate in discussions.

An important roundtable discussion was hosted by the Human Rights and Equal Opportunity Commission on the emergence of 'New Racisms'. All state and New Zealand anti-discrimination agencies were represented at the meeting, which involved discussion of a research proposal about strategies for dealing with racism, especially in Aboriginal and Muslim communities. The proposal includes development of racism topologies for each state, so that training strategies can include some analysis of the geographic perspectives of racism.

It's OK to complain

The Anti-Discrimination Commission, Office of the Ombudsman, Health Quality and Complaints Commission and the Commission for Children and Young People and Child Guardian are developing a new initiative in the It's OK to complain project.

This phase of the work will focus on Arabic, Dari and Farsi-speaking communities throughout Queensland, with the aim of increasing awareness of the work of each of our agencies within culturally and linguistically diverse communities.

About a year ago, this group conducted a similar project with the Vietnamese community. The evaluation of this project has encouraged us to undertake further work targeting specific communities.

The Commissions group will produce an information package to be sent to communities. The information focuses on the message that it's OK to complain, and reinforces the notion that people's rights are our concern.

Information will be produced in Arabic, Farsi and Dari, a marketing and media campaign will be launched, and community services announcements will be developed. Articles will be written for various community publications and letters sent to community leaders.

We are keen to promote our services to ensure that everyone has access to complaints services and that those services are of a high standard, are culturally appropriate and are improved wherever possible. We see this project as one of the ways to meet all these aims.

2 May function

Five staff members of the Commission were acknowledged for their ten years of commitment to human rights, in a function held in May.

The five have various claims to fame in the human rights field, and included probably the most experienced human rights librarian in Australia, someone who's worked with more Commissioners than anyone else over the years, probably the longest-serving Aboriginal staff member in the country, one of the most experienced trainers in the sector and someone whose work in various human rights jurisdictions has contributed uniquely to this Commission.

Each was presented with a memento to celebrate the occasion which was attended by staff and guests.



Tribunal Decisions

Virgin Blue Airlines Pty Ltd v Hopper & Ors Supreme Court of Queensland 5 April 2007

Virgin Blue appealed to the Supreme Court against a finding of the Queensland Anti-Discrimination Tribunal that it discriminated against a number of flight attendant applicants on the basis of age.

The Supreme Court upheld the original finding of direct discrimination.

The Tribunal had found that Virgin Blue directly discriminated against the applicants because the assessors in the selection process unconsciously preferred younger people. An appeal against a Tribunal can be made to the Supreme Court only on a question of law. Virgin Blue argued that the Tribunal erred in a number of ways, the most significant being that:

- Virgin blue had been denied procedural fairness in that it did not have notice of the case made against it; and
- the Tribunal wrongly interpreted the Act by finding that direct discrimination can be unintentional or unconscious.

Both Virgin Blue and the flight attendants were represented by lawyers during the proceedings and the hearing in the Tribunal. They had filed pleadings to identify and clarify the issues in dispute. As is common in the Tribunal, the flight attendants argued they had been subjected to both direct and indirect discrimination by Virgin Blue.

The Supreme Court examined the pleadings and how the hearing proceeded in the Tribunal, and pointed out it was apparent the case was run on the basis that the discrimination was unintentional.

The Supreme Court also found that the issue raised in direct discrimination was whether the consequence of a decision is discriminatory. Therefore the Tribunal was correct holding that direct discrimination could be unintentional or unconscious.

Banks v Jon le Court Pty Ltd Member Boddice SC 13 December 2006

Ms Banks worked as an apprentice hairdresser in a Jon le Court salon, and resigned sixteen months after starting work.

She alleged that after she told her manager about her pregnancy, she was subjected to constant criticism, chastisement, told she was lazy, and was given menial jobs. She also said she'd been led to believe she was in line for promotion, but was then told she wasn't 'fast enough or good enough', and that she wasn't given new clients or even the same number of clients. Prior to this, she'd received frequent praise for her work.

Ms Banks also said she'd requested that she work only an 8 hour shift on Thursdays (instead of a 12 hour shift), and had provided a letter from her gynaecologist

in support. She was told the salon couldn't afford to employ someone who couldn't work a 12 hour day.

She was then offered work as a 'floater'. A 'floater' is someone who has no regular salon, but is told each day which salon to attend. This was not acceptable to her, so she resigned and took up a new job.

Finally, following her resignation, she alleged that the salon delayed in signing off the apprenticeship papers.

The respondent, Jon le Court, denied the allegations and said Ms Banks didn't complain to the Apprenticeship Board or anyone higher in the organisation, and that she was prepared to continue to work at the salon, indicating there was no discrimination.

The member found that Ms Banks was at the time of her notification of pregnancy, 'a well regarded employee'. No evidence was offered of a change in her ability and he said 'The only change was her pregnancy'.

He also found that the requirement that Ms Banks become a 'floater' was less favourable treatment. It was never suggested that the 'floater' position was a short term measure until another suitable salon was found. This was not normal practice.

The member held that Jon le Court was vicariously liable, as they had failed to take reasonable steps to prevent the discrimination. While there were various policies in place concerning discrimination, none dealt specifically with the issue of pregnancy, no attempt was made to investigate allegations of discrimination in the original resignation, and there were no procedures in place for proper investigation.

The member found that while the lateness in dealing with the apprenticeship papers caused inconvenience, it was easily rectified once a key person became involved, and there wasn't enough evidence to find discrimination.

Ms Banks was awarded \$9,257.50 comprising general damages, economic loss and interest.

Edwards v Hillier; Educang Ltd; Forest Lake College Member Dalton SC, President 11 August 2006 EOC 93-446

Ms Edwards worked as a Registrar for five years at Forest Lake College before taking maternity leave for five months in 2002.

A few months after returning to work, her job was restructured to a job-share position, where she worked half time. About six months after that, a senior staff member reported her dissatisfaction with the job share arrangement, saying that complaints had been received about Ms Edwards, but positive feedback was given about the other job share person. It was at this time too that Ms Edwards learned that she was pregnant again.

Shortly after this, it was announced that the Registrar's position would be returned to a full-time, sole-occupant job, and expressions of interest were sought.

Ms Edwards was unsuccessful in her application, and was offered the debt clerk's job. She asked about teaching positions as an option, but was offered only the debt clerk position.

A week later, Ms Edwards' solicitors wrote to the school seeking damages for dismissal, and about a month after this, the school claimed that she had abandoned her job by not turning up for work.

The school said they wanted the Registrar's position as a full-time, sole-occupant job because one full-time person was in a better position to develop a continuing and strong relationship with parents of prospective students, people were put off having to tell their story over again and the school couldn't afford to lose prospective students.

The President found the following:

- the complainant was effectively dismissed in failing to win the Registrar's job, and in being offered the debt clerk position (at less than half the salary of the Registrar's position, the complainant wasn't an accounts person and there was no preparedness to offer her anything other than this job)
- returning the Registrar's job to a full-time position was not discrimination on the grounds of pregnancy, parental and family responsibilities (it was a genuine decision based on the requirements of the Registrar's job)
- that Ms Edwards didn't get the Registrar's job for a number of reasons, including her preference to work part-time, personal dislike for her and selectors thinking the other person was the better candidate
- requiring the Registrar to work full-time indirectly discriminated against parents with responsibility to care for children. In considering the reasonableness of this requirement, she found that it wasn't reasonable because: the complainant had the right to work part-time and been encouraged to by her employer: she'd been given a part-time job; while the decision to return the job to full-time was not unreasonable 'it was unreasonable to impose a term that the complainant must work full-time to keep her job as Registrar in all the circumstances of this case'.
- the respondent's refusal to offer the complainant any employment except for the debt clerks' job was discrimination on the grounds of pregnancy. She found that the woman's pregnancy was used as 'a convenient excuse to treat her less favourably'.
- refusing to offer other suitable teaching positions was also discriminatory. Having done away with her part-time job, the school refused to offer her suitable work 'which she was able and willing to do, and work which the second respondent needed done'.

Ms Edwards was awarded a total of \$47,250 comprising general damages, economic loss and interest.

Harassment-free sport training

The next set of *harassment-free sport* training will be held in Rockhampton in early June. See the training schedule for details, or check our website at www.adcq.qld.gov.au

The five courses are:

Harassment-free sport management briefing (3 hours) – for decision-makers to have a clear understanding of their obligations in establishing effective policies and strategies to ensure their sport is free of discrimination, harassment and abuse, including child abuse

Harassment-free sport overview workshop (4 hours) – for anyone from club to national level who is interested in obtaining basic information and an understanding of harassment, discrimination and child-protection issues

Complaint resolution for clubs workshop (3 hours) – for committee members and others involved at club level. The workshop focuses on how to effectively handle complaints and issues that arise among people before they escalate to a formal complaint

Member Protection Information Officer course (2 days) – covers state anti-discrimination and child-protection legislation, the role of a Member Protection Information Officer, complaint processes, practical skills for receiving complaints from adults, skills and processes to follow when receiving a complaint from or about a child, and alternative dispute resolution.

Defusing conflict and anger in sport (3 hours) – provides strategies to redirect hostile people and defuse confrontational situations.

Email newsletter

If you'd like to receive this newsletter by email, please contact us at info@adcq.qld.gov.au or by phone on 1300 130 670

Anti-Discrimination Commission Queensland

The Commission has a two-fold role.

One is to deal with complaints of alleged discrimination, sexual harassment, vilification or victimisation. The other is a broad education role where we offer a range of training programs at your place or ours, and where we engage with communities in a range of ways on a number of issues.

Complaints:

We can deal only with complaints which are covered by the Queensland *Anti-Discrimination Act 1991*.

To lodge a complaint, you need to show you've been dealt with less fairly than someone else in a similar situation, because of one of the grounds mentioned in the Act. The unfair treatment also needs to have happened in one of the areas covered by the Act.

Grounds

- sex
- impairment
- relationship or parental status
- race
- religious belief or activity
- political belief or activity
- trade union activity
- lawful sexual activity
- pregnancy
- breastfeeding needs
- family responsibilities
- gender identity
- sexuality
- age

Areas

- work (including pre-work)
- goods and services
- education
- accommodation
- superannuation and insurance
- disposition of land
- club membership and affairs
- administration of state laws and programs
- local government

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Sexual harassment is against the law whenever and wherever it happens, as is vilification on the basis of race, religion, sexuality and gender identity. It is also unlawful to victimise someone because they are involved in, or are thinking of lodging, a complaint.

Training

The Commission offers a range of courses which we can present in your workplace, or in our offices. They include

- an overview of the Act
- the contact officer role and work (three courses)
- investigating complaints
- educating staff
- discrimination law for community organisations

We can modify courses to suit your needs.

Unlawful dismissal because of **discrimination, sexual harassment** and / or **vilification** is covered under **anti-discrimination law**

Call us for more information

adcq ANTI DISCRIMINATION
COMMISSION QUEENSLAND

Statewide 1300 130 670 TTY 1300 130 680 www.adcq.qld.gov.au



Poster available from the Anti-Discrimination Commission Queensland