



ANTI DISCRIMINATION
COMMISSION QUEENSLAND

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BALANCING THE ACT

New poster

Walking Together for our Future is a story about all people working and walking together in honour of and respect for our Sacred Land. Under Aboriginal Land Law the most important thing in life is to protect the land and in return for this protection and respect 'She' will provide us sustenance and health.

The painting depicts three areas of Queensland: the Coastal people of the south-east, the Coastal people of the Rainforest/wetlands region and the Freshwater people of the Desert/Central regions.

It has been depicted this way to describe the different land associations within each region. All areas work with land and sea restrictions and protections through European Law with Aboriginal People and Torres Strait Islanders having their own Land and Sea Laws to protect totemic systems as well.

The Rainforest wetlands people include the Gulf, the Torres Strait, and the Cairns, Cape regions that live within the wet and dry

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Please see page 12 for a larger view of the poster, and call 1300 130 670 to order copies

Change to the Act

Changes to the Queensland *Anti-Discrimination Act 1991* took effect from 28 September 2007.

The most significant change is the removal of two sections of the Act relating to trade union activity.

Prior to the change, the Commission was limited in its ability to deal with complaints of discrimination on the basis of trade union activity in the work and pre-work areas, if the Freedom of Association provisions of the *Industrial Relations Act 1999* applied.

If the alleged discriminatory conduct occurred before 28 September, these two sections will still apply.

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

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Fairness – Everyone's Business

Fairness – Everyone's Business is a ready-to-go training cd-rom.

It includes all the information, activities, handouts and visual scenarios you'll need to present a dynamic two hour session in your own workplace.

We've also developed a promotional version of the cd-rom, which includes examples of each of the resources.

For your free sample copy, please call 1300 130 670.



Commissioner's Report

International Human Rights Day is celebrated on 10 December every year.

This year, we'll mark the occasion by launching one of a new series of rights cards.

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The four rights cards have been produced for young people, Aboriginal and Torres Strait Islander communities, LGBTI (lesbian, gay, bi-sexual, transgender and intersex) communities and Muslim communities.

We'll launch the Muslim communities card with the assistance of the community, and will also publicise the new page on our website, called Let us Know.

I'm hoping both these initiatives will go some way towards meeting a couple of objectives. One is to ensure that Muslim communities have some information about their rights and what they can do to exercise those rights. The other is to provide a conduit for people to give us their views, and tell us their stories, without lodging a formal complaint.

The rights cards are a credit-card size, with basic information, designed to fit into a wallet or purse. The cards can act as a reminder that anyone can give us a call to discuss issues of possible discrimination, vilification or victimisation. We can then give them information, either about making a complaint, or contacting another organisation which might be able to help, or referring them to our website.

The other initiative, the Let us Know page, is designed so people can give us information about what might have happened to them, whether it's been abuse from a passing car, or having something thrown at them, or being told to 'go back where you came from'.

I've conducted a range of community consultations about this proposal for a web page, and there's a lot of support for it, particularly from women and young people.

While in some cases, we could take complaints of vilification in these types of situations, we often can't, because the perpetrators can't be identified (or for other reasons). Also, in some cases, people don't want to make a complaint – they simply want to pass on the information, or let someone else know what's happened to them. Providing a web page for this can sometimes be enough for someone to help them deal with harassment or abuse.

We hope these two ideas, together with our cards on vilification in four community languages, will address some of what we see as the need for us to stay informed about what's happening in the community.

Depending on the response, we could let the Queensland government know some of the details from the Let us Know page. Although the information gathered will not identify individual people, it's likely that the responses will identify particular areas where incidents do occur. This information may assist Multicultural Affairs Queensland to fund a cross-cultural worker in that area.

Do check our website soon for the Let us Know page.

Susan Booth



When does work life stop and private life start?

Dealing with inappropriate conduct outside work hours

Anti-discrimination legislation across Australia contains provisions that unless an employer has taken reasonable steps to prevent harassment and discrimination, they will be legally liable for the conduct of their employee who has done the harassing.

Workplace rules and codes of conduct can govern employees' behaviour during working hours and in the workplace. Employers have the right to expect certain standards of behaviour of their employees, and they have the right to impose disciplinary sanctions, including in some cases dismissing an employee, when those standards of behaviour are transgressed.

The tricky issue confronting employers is **how far outside normal working hours, and the usual workspace is an employer legally responsible for the conduct of their employees?**

Let's have a look at a few cases which could clarify some of these issues.

Xmas Parties

There is clear support that the conduct of staff at the staff Xmas Party is conduct within the course of a worker's work, and that an employer can be vicariously liable for any harassment that occurs at the party. The employer has the right to discipline an employee for engaging in sexually harassing behaviour at a Xmas party.

In *Thomas & Westpac Banking Corp (1995) EOC 92 – 742* a worker was dismissed following a serious act of sexual harassment at the staff Xmas party. The bank had clear sexual harassment guidelines that outlined several possible disciplinary measures in the case of inappropriate behaviour. The Industrial Relations Court of Australia upheld the dismissal.

What about the party that kicks on after a Staff Xmas party has finished?

Unfortunately, the law in this area is less clear.

Some of you will be familiar with the case which recently received a lot of media attention, where Telstra was found to have unjustly sacked one of its young female employees due to her conduct following a belated Xmas Party [see *Streeter v Telstra Corp Ltd (2007) AIRC 679*].

A function had been arranged, and a number of staff had booked a hotel room nearby where they planned to stay overnight. After the main function had finished three female staff checked into the room and went to sleep. The female employee in question, Ms S, who was very drunk, arrived shortly afterwards, and a number of incidents occurred during the evening involving her and two male Telstra employees. She was summarily dismissed following an investigation into her conduct. The reasons given for her termination were –

- She sexually harassed a fellow Telstra employee, Ms H, by being naked in the bath of the hotel room with other naked Telstra employees in Ms H's presence,

- She failed to treat Ms H with respect, by being present whilst she went to the toilet,
- She sexually harassed Ms H, Ms B and Ms A, all 3 of whom were Telstra employees by engaging in sexual intercourse just metres from where they were with two different men on two occasions in their presence.

Ms S argued that Telstra did not have a valid reason to terminate her employment for the alleged serious misconduct, as there was no nexus to her employment. This argument was rejected by the Commissioner.

However, while he found that the conduct was inappropriate and inconsiderate, most of the conduct did not constitute sexual harassment as defined in the Sex Discrimination Act, or did so in a relatively marginal way.

Most of the behaviour occurred well away from the workplace, after rather than during a work function, in a hotel room that was booked and paid for privately.

The AIRC found that in all the circumstances Ms S's conduct was not so serious as to constitute a valid reason for terminating her employment.

What about conduct in the lunch hour?

A New Zealand case, *Smith and Christchurch Press (2000) NZCA 341*, has looked at the situation of two employees working together. The male employee asked the female employee if she'd like to have a few drinks at lunchtime. She accepted the offer. She was surprised when he collected her in his car and drove to his house.

After some sandwiches and drinks he suggested they move to the bedroom. She alleged she made it clear she did not wish to engage in sexual activity with him. She was embraced by him while he fondled her. They then returned to work.

The New Zealand Court of Appeal found that there was ample basis for the conclusion that was a sufficient nexus between the dismissed worker's conduct and his employment to warrant his dismissal for sexual harassment. The Court said "the conduct was between two present employees, arose out of the work situation and more importantly, had the potential to adversely affect the work environment." The Court said it was irrelevant that the actual sexual conduct had occurred outside the workplace at lunchtime.

It constituted sexual harassment and it occurred in the course of employment.

The drinks after work cases

There are some contrasting decisions in this area, and you'd have to conclude the law is not as clear as you would wish on when an employer's responsibility ceases for this type of after hours conduct.

Two cases have found after hours drinks are not conduct that occurs in the course or work, while one recent case has found this is work-related.

The expression 'in the course of work' in the context of anti-discrimination legislation has a broad meaning and is one of practical application. The acts have to be in some way related to or associated with the work or employment.

In a 2005 Queensland Industrial Relations Commission case, *Johnson v Department of Justice (2005) QIRC 188* the conduct occurred on a Friday night outside the State Law Building in Brisbane. The conduct included a male officer from the Department of Justice placing a hand on a female colleague's buttock, making a comment with sexual connotations to the same colleague. The officer concerned admitted each of the allegations made by his female colleagues.

Commissioner Blades said that although the comments were vile, lewd and stupid they were made while the officer was substantially intoxicated, and the conduct was not serious enough to permit the employer to interfere in out of work behaviour.

Tichy v Department of Justice – Victoria (2005), also found after hours drinks were private in nature and were not employment-related. In the case of *NSW Attorney-General Department v Miller (2007) NSWIR Comm 33*, however, the NSW IRC did find sexual harassment by a supervisor of several of his staff at a hotel out of work hours was incompatible with his duty as an employee.

Attendance at conferences

These cases take a fairly consistent approach.

A number of cases show that where employees were attending conferences, and were staying in accommodation paid for by the employer, employees who "after hours" sexually harassed another colleague also attending the conference were found to have been doing so "in connection with work".

Employees are at a conference being paid for by their employers, and are put in a situation of proximity to each other as a result of this factor.

In these situations, employers have been found to have acted reasonably in dismissing the harassing employees. Employers have also been found to be vicariously liable for their employee's harassing conduct, and ordered to pay damages (see *Markharm v Graincorp (2002) AIRC 1318* and *Leslie v Graham (2002) FCA 32*).

Staff accommodation

In relation to staff accommodation, a case where a male employee, entered uninvited, a female employee's room at about 3am and engaged in sexual advances or requests for sexual favours, the Federal Court held the conduct occurred in accommodation occupied because of their common employment. It could not be said the common employment was unrelated or merely incidental to the sexual harassment.

The accommodation was provided by the employer. The employee's rooms were in close proximity to each other and they were accessible. The conditions in part created an opportunity in which the conduct could occur. It was "in connection with" the employment, and the employer was vicariously liable. The female employee was awarded damages (see *South Pacific Resort v Trainer (2005) FCAFC 130*).

Unsolicited phone calls after work

A case *McManus v Scot Charlton (1996) 904 FCA 1*, involved a federal public servant, whose superiors had

ordered him to desist in making out of hours telephone calls that were unwelcome and sexually harassing to the home of a fellow female employee. Mr McManus challenged the legality of the order, saying it was not work related conduct. The Federal Court upheld the employer's right to make the order.

To sum up:

The expression 'in the course of work' in the context of anti-discrimination legislation has a broad meaning and is one of practical application. The acts have to be in some way related to or associated with the work or employment.

Overall Guiding Principles

Recent cases show that out of work conduct can become the employer's business and responsibility if the harassment –

- can reasonably be said to be a consequence of the relationship of the parties as co- employees (that is it is employment related); and
- the harassment has had and continues to have substantial and adverse effects on workplace relations and workplace performance because of the proximity of the harasser and the harassed person in the workplace.

Suggestions for Employers

Prevention is the best strategy:

- put in place clear codes of conduct and equal opportunity policies
- ensure the workplace policy on appropriate behaviour is kept up to date and implemented
- train existing and new staff on appropriate behaviour in the workplace
- train supervisors and managers and regularly update their knowledge in discrimination and harassment law.

If harassment occurs:

- have in place a process to deal with complaints quickly, privately and seriously
- seek expert advice, especially if the harassing behaviour occurs out of hours
- ensure the discipline is proportionate to the seriousness of the conduct (dismissal is not always the appropriate or only disciplinary option that should be pursued). Consider issuing warnings, ordering counseling, requiring closer supervision of the offending employee, transferring the employee or demoting the employee permanently or for a period of time



Neroli Holmes
Deputy Commissioner

Q&A - Accommodation

Question:

I work with an organisation which helps newly-arrived refugees and migrants with housing.

Sometimes, when we go to look at a house, we're told by the agent that the house is too small for the number of kids the family has. For example, we might have a family which has one parent, four kids and several other family members. The agent might say that a three bedroom house is too small for eight people, but they need to understand that the family would be quite happy in a house this size, and that refugee or migrant families (or other large families for that matter) might organise their living arrangements differently from smaller families.

Do you have any suggestions for how we deal with this?

Answer:

It sounds as though you're talking to the agents to help them understand that in some families, not every person needs their own bedroom. This is a good first move.

If this doesn't work, you might want to consider asking the family whether they'd lodge a complaint with us. It could be an issue of indirect discrimination on the basis of race.

Indirect discrimination can happen where there's a rule or policy that impacts on some groups of people more than others, and where that policy is not reasonable. For example, if there's some sort of policy in the real estate sector that says that five member families need a three bedroom house, and it's less likely that a refugee family is able to comply with this, it may be that the practice is discriminatory.

If we were to receive a complaint about this, it might come down to the issue of the reasonableness of the policy to limit the number of occupants in the house.

If you'd like to talk more about this with someone from our office, give us a ring on 1300 130 670.

Question:

I'm seventeen at the moment, and I've started looking for a unit to rent. Every time I see one I like, the agent asks me for references from other places I've rented, but I've never done this before, so how can I get references?

The other thing is that the longer I wait, the more rents go up, so if I don't get one soon, I'll never get one.

Answer:

I'm afraid we can't do anything about increases in rent, but I can give you a bit more information about asking for references.

References can be asked for as long as everyone is asked for a reference and as long as this doesn't end up being indirectly discriminatory eg for young people or first-time tenants.

As in the first case, some groups might be adversely impacted by this sort of policy, and unless it's a reasonable policy, it could be (in your case) indirect discrimination on the basis of age.

An option for the landowner is to ask you for a general reference from someone who knows you, and can vouch for your character as a potential tenant.

Please give us a ring to discuss this a bit more.

Question:

I have a disability that means it's getting harder and harder for me to go up steps and to use my hands on small things like taps.

I've been living in (renting) my house for a few years now, and I'm at the point where I need to make some modifications to it, to make my life a bit easier. I want to put in a ramp at the back, change the taps and put in a concrete path to the clothes line. Before I mention it to the owner, I wanted to check with you to see if it's OK.

Answer:

From the point of view of discrimination law in Queensland, yes, it's OK to make reasonable alterations to the property to meet the needs of your impairment.

You can do this only if the alterations don't affect the structure of the house or other houses, if you agree to remove the alterations when you move out, and if you pay for the installation and removal.

Property agents and owners have the right to demand that tenants remove alterations at their own expense when they leave.

The path and ramp you mentioned could be difficult to remove if/when you leave the house, so, as you said, talk to the owner before you do any work.

Question:

I own a unit which I've just rented out to a person with a guide dog. Is there anything I need to do about this?

Answer:

Tenants who have a guide dog can't be asked to keep the dog outside the house or to pay extra because the dog is living there. It's also an offence punishable by a fine for someone to separate a person from their guide dog.

However, if the dog causes damage to the unit, the tenant will be liable.

Reporters Inc

Peter Lindley (Better Hearing Australia Deafness Forum) and Sandy Clark (Reporters Inc) at the Anti-Discrimination Commission's Disability Advisory Committee.

Reporters Inc offers real-time captioning services for people with a hearing impairment. The service provides instant transcription of dialogue, which is projected onto a laptop or a wall screen.



Award Presentation

Royalie Walters, Regional Manager of our North Queensland office, was recently presented with the Public Service Award for service.

Royalie has had an outstanding public sector career, for the last decade heading up our Townsville office. Prior to working with the Commission, Royalie worked as a pre-school teacher, an advisory teacher and in the Department of Education's equity office.

Strong on social justice and fairness, Royalie's wealth of experience is invaluable in assisting the Commission's work throughout Queensland.



Royalie Walters (Regional Manager North Queensland) and Susan Booth (Commissioner) at the award ceremony

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seasons. They work with issues around wild rivers, tropical diseases, rainforest habitats, the reef and cyclonic conditions within and around major World Heritage areas.

The Coastal people of the south-east Region work with growing populations and the burgeoning use of land for housing and sea for food, the lack of rainfall within the dam systems, the damming of rivers and pollution of estuaries.

The Desert and Central or Freshwater people are dealing with drought or floods, people moving off land reducing populations and therefore loss of small businesses in small towns, loss of native habitats through growing domestic animal numbers and massive shifts in land through dust storms and floods. All these issues need people to work together strategically if they are to be addressed sufficiently to 'grow the land'.

This painting is a 'singing-up ceremony' to start people working together to address Land issues for the benefit of all. Working together in harmony and keeping peace is the 'First Law' of any Aboriginal Camp.

Working together to harmonise the Earth - starting with Queensland - should be the aim of all and the support of the Anti-Discrimination Commission is paramount to address the most important issue of all - working together in harmony.

Colleen Wall, Artist



North Queensland report

Palm Island featured with a visit by the Commissioner, Susan Booth, the Manager of the Aboriginal and Torres Strait Islander Unit, Liz Bond and Regional Manager, Royalie Walters. The group met with the Council and the Men's Group, and also visited the Justice Group, Ferdy's Haven and Kootana Women's Centre.

As a follow up to the visit, the Commission conducted training sessions in discrimination law for Ferdy's Haven and the community. Community members welcomed the opportunity to attend the courses which were provided at no charge.

Over the years, the Townsville office has built up a service for businesses and employers in preventative advice. We field a significant number of enquiries from owners and employers who are concerned that potential policies or decisions could be discriminatory. We also provide this policy advice for lawful discrimination - under the Act it is lawful

in certain circumstances to establish and advertise Identified Positions for EEO groups including women and Aboriginal and Torres Strait Islander employees. Employers and advertisers regularly access this service.

Townsville staff celebrated NAIDOC Week this year, participating in the annual march from Magani Mali Kes and through the city to Central Park where we set up our information stall at the Central Park gathering and festivities. Speeches were interspersed with traditional Aboriginal and Torres Strait Islander songs and dances ensuring a successful day.

Annual training was held in the Townsville office in July with a suite of courses offered including Contact Officer, Discrimination Law and our new course for trainers, Fairness - Everyone's Business, which has a CD Rom package for purchase. Organisations now plan in advance for this annual training. Mark your diaries for next year's generic training during the week 18-22 August 2008.

Statistics from the annual report 2006-07

Training charts

Training

Delivery of training by sector

	South-East	Central	North	Far North	Total
Private	90	16	11	20	137
Public	57	19	21	5	102
Community	17	4	2	11	34
Sport	8	-	-	-	8
In-house	17	-	6	-	23
Total	189	39	40	36	304

Training

Delivery hours/participants

	Hours	Participants
SE Qld	567	3419
Central	82	723
North	116.5	680
Far North	107	397
Totals	872.5	5219

Accepted complaints (by area)

	2006-07	%	2005-06	%
Work	326	58.0	358	59.6
Goods and services	88	15.7	100	16.6
State laws and programs	51	9.1	49	8.2
Pre-work	27	4.8	0	0
Education	24	4.3	18	3
Other (no area required)	22	3.9	34	5.7
Accommodation	18	3.2	34	5.7
Insurance	2	0.4	4	0.7
Local government	2	0.4	1	0.2
Club membership and affairs	1	0.2	3	0.5
Pre-accommodation	1	0.2	0	0
Disposal of land	0	0	0	0
Superannuation	0	0	0	0
Total	562	100	601	100

Accepted complaints (by ground)

	2006-07	%	2005-06	%
Impairment	226	27.5	197	24.3
Sexual harassment	120	14.6	107	13.2
Sex	93	11.3	105	12.9
Race	70	8.5	92	11.3
Victimisation	64	7.8	56	6.9
Family responsibilities	47	5.7	30	3.7
Age	41	5	46	5.7
Pregnancy	41	5	35	4.3
Unnecessary information	26	3.2	24	3
Sexuality	24	2.9	16	2
Association with/attribute	11	1.3	13	1.6
Racial vilification	9	1.1	14	1.7
Trade union activity	9	1.1	6	0.7
Religious belief or activity	8	1	9	1.1
Relationship status	7	0.9	7	0.9
Gender identity	6	0.7	10	1.2
Sexuality vilification	6	0.7	14	1.7
Parental status	5	0.6	13	1.6
Encouraging contravention	2	0.2	7	0.9
Lawful sexual activity	2	0.2	5	0.6
Breastfeeding	1	0.1	2	0.2
Gender identity vilification	1	0.1	1	0.1
Political belief or activity	1	0.1	0	0
Religious vilification	1	0.1	2	0.2
Discriminatory advertising	0	0	1	0.1
Totals	821	100	812	100

Tribunal decisions

Exemption application re: Miami Recreational Facilities Pty Ltd

The operators of a residential complex for people over 50 applied for an exemption from operation of the Anti-Discrimination Act for a period of five years to allow them to discriminate on the basis of age.

The complex is run for the benefit of its residents, and comprises 134 units. Each unit is sub-leased from the administering body subject to conditions including occupancy by people over 50. Facilities are provided for residents including a community hall, pool, croquet lawn, bowling green, golf putting green and caravan storage.

The applicant submitted that:

- the complex had been running successfully since 1980
- the wider community would not be disadvantaged because other affordable housing is readily available on the Gold Coast, and
- the complex provides for the needs of residents in their senior years, including 'the association of like-minded people of similar ages in similar circumstances'.

The Member was satisfied that the exemption should be granted, but not for five years. He said that 'circumstances relevant to the availability of accommodation within the community are so changeable that it is inappropriate for the exemption to be for as long as five years. I consider three years to be appropriate.'

Exemption application by Brisbane Housing Company Ltd

The applicant is a charitable organisation established to provide affordable housing to low income people in Brisbane. A need was identified for low income single person accommodation in the inner city following the closure of 43 boarding houses which had traditionally catered for this need.

The exemption was sought to allow the housing company to operate a 104 unit building catering exclusively for single person households. A separate section was to be reserved for women in crisis situations.

The applicant had conducted community consultations and said that:

- they were responding to a real need
- other accommodation within the vicinity is available for two or more person households, and

- they had provided significant accommodation for aged people with an impairment at other premises.

President Dalton SC granted the exemption, finding that it was 'appropriate and reasonable'.

'Further', she said 'there are compelling social reasons for granting the exemption which seems to me to be very much in the public interest. The exemption sought does not seem to me to conflict with the evident objects of the Anti-Discrimination Act.'

The applicant was granted the exemption for five years, until March 2012.

RK v State of Queensland

The complainant is a career public servant of 25 years. Her complaint alleges indirect discrimination in that she could not comply with a requirement to provide training to staff because of her impairment (an anxiety disorder). She also alleges direct discrimination in that she was dismissed because of her impairment.

The State of Queensland applied for orders that various medical practitioners and a hospital produce documents relating to treatment of the complainant. Member Savage said that the purpose of producing such documents would be to inform the Tribunal of some relevant matter. It was then in the Tribunal's power to make orders to allow parties to inspect the documents. He promoted an approach based on 'common sense and common fairness'.

The Member tried to get back to the point at issue, namely the allegations of indirect and direct discrimination at work. He questioned the making of orders which would result in 'exploring in detail the complainant's entire medical history'. He noted that it would also mean 'very significant expense and considerable delay for no obvious benefit.' He also referred to the application as 'a fishing exercise of large proportion.' He strongly encouraged the parties to consider how this matter might be resolved without the need for a final hearing.

The application was dismissed, and the parties personally were ordered to attend a directions hearing at which a time and date for a conciliation conference to be held before Member Savage would be set. No order for costs was made.

Legal help for racial and religious hatred victims

Victims of racial and religious hatred can call Legal Aid Queensland's free telephone service to get information about their legal rights, and free legal advice.

Legal Aid Queensland's anti-discrimination lawyer Yasmin Gunn said she was concerned victims of racial and religious hatred weren't aware of the protection available to them under the law.

'It's against the law and it should not be tolerated,' Ms Gunn said. 'Our law clearly states anyone inciting racial and religious hatred of others can be complained about to the Anti-Discrimination Commission Queensland.'

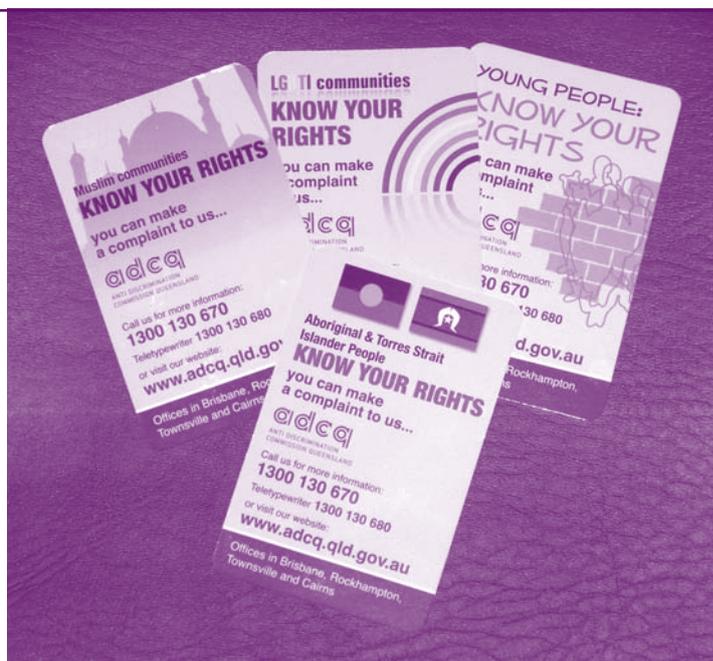
Ms Gunn said it was unlawful for people to incite racial and religious hatred by using chatrooms, text messages, emails, hate-mail, hate-speech and a number of other types of communication.

'If you are unsure of your legal rights you can call Legal Aid Queensland's free legal information and advice line on 1300 65 11 88 for the cost of a local call.'

Rights cards

The Commission has developed four new rights cards in a handy, credit card style.

The rights cards, for Muslim communities, young people, Aboriginal and Torres Strait Islander communities, and lesbian, gay, bi-sexual, transgender and intersex communities are available free by calling 1300 130 670.



Newsletter via email

If you'd prefer to receive this newsletter via email, please contact us at info@adcq.qld.gov.au or call 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

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

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