



# RACE AND RELIGIOUS DISCRIMINATION

## What is Discrimination on the basis of Race or Religious belief or activity?

Under the Victorian Equal Opportunity Act 1995, it is unlawful to discriminate against someone or treat them unfairly because of their actual or assumed:

### ■ RACE

which includes colour, descent, nationality, ethnic background or any characteristics associated with a particular race.

### ■ RELIGIOUS BELIEF OR ACTIVITY

which includes:

- holding or not holding a lawful religious belief or view; or
- taking part, not taking part or refusing to take part in a lawful religious activity.

Discrimination on the basis of race or religious belief or activity may be **direct** or **indirect**.

Direct discrimination on the basis of race or religious belief or activity means treating a person of any age less favourably than a person who is of a different race or religious belief, in the same or similar circumstances.

*Pedro unsuccessfully applied for a position with a construction company. When Pedro telephoned the company's personnel manager to ask why he did not get the position, he was told "We've employed people from your country before. You lot simply don't have our concept of work responsibility. We won't make that mistake again".*

*The company is **directly** discriminating against Pedro on the basis of race. Pedro could lodge a complaint with the Victorian Equal Opportunity Commission.*

Indirect discrimination happens when a requirement, condition or practice which does not appear to be unfair, in fact does discriminate against people of a particular race or religious belief or activity.

*An employer refused to allow employees to wear any headgear in the workplace. This may be **indirect** discrimination against job applicants whose religious beliefs require that they must cover their hair or wear a particular form of headgear.*

## Where is Discrimination on the basis of Race or Religious belief or activity Unlawful?

It is unlawful to discriminate on the basis of a person's actual or presumed race or religious belief or activity in the areas of:

### ■ ACCOMMODATION

which covers renting, buying, offering or providing temporary or permanent accommodation such as business premises, a house, flat, hotel or motel room, boarding house or hostel, caravan, mobile home or camping site.

*However a person may restrict accommodation in a hostel or similar institution, established wholly or mainly for the welfare of persons of a particular racial or religious group, to persons of that particular group.*

### ■ CLUBS & CLUB MEMBERS

which covers social, recreational, sporting or community service clubs that are located on Crown land or receive any financial assistance from the Government or a municipal council.

*However a club may restrict membership to people of a particular race or religious belief if the club exists primarily to preserve a minority culture or to prevent disadvantage suffered by a particular racial or religious group.*

### ■ EDUCATION

which includes refusing to admit a student to an educational institution, setting unfair entry terms, denying or limiting access to benefits, expelling the student or subjecting the student to any other unfair treatment because of their race or religious belief or activity.

*Deb and Max are Kooris. They telephoned a local kindergarten to see if there were any places for their son Henry. "Yeah sure there's plenty of room" they were told. But when Deb took Henry to the kindergarten, the manager said "look all the other kids are white, why don't you take him to a place where he'll fit in." Deb lodged a complaint with the Commission claiming discrimination in education on the basis of race. Possible outcomes might include an apology, accepting Henry at the kindergarten and an undertaking by the kindergarten to implement a staff equal opportunity training program.*

*However, an educational authority which operates and educational institution or program wholly or mainly for students of a particular may exclude people who are not of the particular race or religion from that institution or program.*

### ■ EMPLOYMENT

which includes job applicants, employees and contract workers.

*However, an employer may offer employment to a person of a particular race or religious belief if the work involves providing services to promote the welfare or advancement of people of a particular race or religion and these services can be provided most effectively by people of the same race or religious belief.*

*However, an employer may offer employment to a person of a particular race if it is necessary to do so to maintain authenticity or credibility in dramatic, artistic, entertainment, photographic or modelling performances or work.*

### ■ GOODS & SERVICES & DISPOSAL OF LAND

which includes refusing to supply a person with goods or services, supplying a person with goods or services on less favourable terms or subjecting a person to any other unfair treatment because of their race or religious beliefs or activities. It does not matter whether the goods and services are provided for money or not.

### ■ SPORT

which includes refusing to select a person for a sporting team or excluding them from participating in a sporting activity.



## DEALING WITH DISCRIMINATION

### Where is discrimination unlawful in Victoria?

Under the Victorian Equal Opportunity Act 1995, it is against the law to discriminate directly or indirectly against someone because of their:

- Age
- Carer status
- Disability
- Lawful sexual activity / sexual orientation
- Personal association with a person who could be discriminated against because of any of the characteristics listed here
- Physical features
- Political or Industrial activity or beliefs
- Pregnancy, Parental or Marital status
- Race
- Sex

or

- To sexually harass another person

It is unlawful to discriminate against someone on the basis of any of these personal characteristics or attributes or to sexually harass them in the areas of:

- Employment
- Goods and services and disposal of land
- Education
- Accommodation
- Clubs and club memberships
- Sport

### What can you do if you have been discriminated against?

The first step is to tell the person who is treating you unfairly that such discrimination is unlawful.

If you are unable to do so or if they still refuse to treat you fairly, you should contact the Victorian Equal Opportunity Commission for free and confidential advice about how to deal with the situation.

You can also lodge a formal complaint of discrimination with the Commission under the Victorian Equal Opportunity Act or federal anti-discrimination laws.

The complaint will be dealt with through the Commission's confidential, impartial and free complaints resolution service.

Most complaints are settled through conciliation, where you and the person who discriminated against you are brought together with a conciliator from the Commission to discuss the problem and try to work out a solution. This may include job reinstatement, an agreement to provide what was previously refused, an apology, policy changes or compensation.

If conciliation is not successful, you can ask to have the matter referred to the Victorian Civil and Administrative Tribunal or the federal Human Rights and Equal Opportunity Commission for a public hearing. The Tribunal has the power to hear evidence and to make an order to resolve the situation.

It is also against the law for anyone to hassle or "victimise" a person because they have lodged a complaint with the Commission.

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### How to contact the Victorian Equal Opportunity Commission

Level 3  
380 Lonsdale St  
Melbourne  
VIC 3000  
eoc@vicnet.net.au

**Enquiries line**  
(03) 9281 7100  
**Fax**  
(03) 9281 7171  
www.eoc.vic.gov.au

**Toll free country calls**  
1800 134 142  
**TTY**  
(03) 9281 7110

Free interpreters and Aboriginal Commission staff are available on request.