

Racial Hatred

Under the Racial Discrimination Act 1975, it is also against the law to act in a way that encourages racial hatred in a public place. This includes:

- writing racist graffiti in a public place
- making racist speeches at a public rally
- racist abuse in a public place, including shops, workplaces, public transport.

Ahmed works at the head office of a chain of clothing stores. When the managers return from buying trips overseas, they gather the employees and tell them about the latest trends.

One manager regularly uses these meetings to tell the workers about his opinions of Arabs.

“Europe is falling apart because of the Arabs. They are a dirty, lazy, violent people who always resort to terrorism to get their way”.

Ahmed could lodge a complaint with the Commission alleging racial hatred. At any conciliation, possible outcomes might include a public apology and participation in cultural awareness education.

Victimisation

Victimisation means that it is also against the law to *hassle* or to punish a person because they have lodged or intend to lodge a complaint with the Commission.

Making a Complaint

If you believe that you have been treated unfairly you can make a complaint with the Commission. The Commission will investigate your complaint and most cases are settled through conciliation, where both parties are brought together with a conciliator from the Commission to discuss the problem and to try to work out a solution.

If conciliation is not successful, the person making a complaint may have the matter referred to the Victorian Civil Administrative Tribunal. The Tribunal is like a court of law and open to the public. Both sides present evidence and the Tribunal then makes a decision.

Contacting the Equal Opportunity Commission

Commission staff can organise a language interpreter at no cost for telephone conversations or meetings. You can also contact the Commission directly by telephoning the Telephone Interpreter Service on 131 450.

If you have an appointment with Commission staff you may bring a family member, friend or community worker for support.

It is not necessary to have a lawyer to make a complaint with the Commission.

Hours of Operation

The Commission’s enquiries line is open between 10am and 4pm on weekdays closed at 2pm Wednesday. To make an enquiry call (03) 9281 7100. Country callers toll free line 1800 134 142.

For more information please contact the

VICTORIAN EQUAL OPPORTUNITY COMMISSION

Level 3
380 Lonsdale Street
Melbourne 3000
Victoria

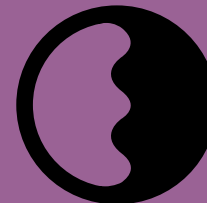


- Enquiries (03) 9281 7100
- Country Calls 1800 134 142
- Facsimile (03) 9281 7171
- TTY (03) 9281 7110

EQUAL OPPORTUNITY

KNOW YOUR RIGHTS

This guide explains what Equal Opportunity means and how it is protected by law.



equal
opportunity
commission
victoria

Australia is a country where the right to live free from unfair treatment is protected by law. This is called the right to Equal Opportunity. This right is protected under Victorian law by the Equal Opportunity Act 1995. This right is also protected under three Federal laws:

- The Racial Discrimination Act 1975
- The Sex Discrimination Act 1984
- The Disability Discrimination Act 1992

■ RIGHTS

Everyone in Australia has the Right to Equal Opportunity including:

- citizens
- permanent residents
- those applying for citizenship or permanent residence,
- visitors to Australia

In Australia both the State and Federal Governments

- are elected by the people
- serve the will of the people, and
- are expected to uphold the Rights of the people - including the right to Equal Opportunity

If a person is denied their Right to Equal Opportunity in Victoria, they can lodge a complaint with the Equal Opportunity Commission.

Lodging a complaint can

- stop the unfair treatment
- prevent unfair treatment in the future

Lodging a complaint cannot

- lead to trouble
- affect immigration status
- lead to police or government departments taking action against you
- cause any rights to be taken away

■ EQUAL OPPORTUNITY

The unfair treatment prevented by both Victorian and Federal law is

- discrimination
- sexual harassment
- racial hatred

Discrimination

Discrimination means treating a person who has a certain personal characteristic less favourably than a person who does not have that personal characteristic.

It is against the law to discriminate on the basis of the following personal characteristics

- Race
- Religious Belief or Activity
- Sex
- Age
- Disability
- Industrial Activity
- Lawful Sexual Activity / Sexual Orientation
- Marital, Parental or Carer Status
- Physical Features
- Political Beliefs or Activity
- Pregnancy
- Personal association with a person who has one of these personal characteristics.

Sexual Harassment

It is unlawful to sexually harass another person.

Sexual Harassment is any unwelcome

- sexual advance
- request for sexual favours, or
- other conduct of a sexual nature

Where are Discrimination and Sexual Harassment Prohibited?

The law does not try to control what people think or do in private. The law prohibits Discrimination and Sexual Harassment in a number of areas of public life

- employment
- accommodation
- education
- provision of goods and services
- clubs
- sport

Employment

In accordance with her muslim religious beliefs, Nadine wears long flowing clothes which cover her body and a scarf to cover her hair.

She applied for a job in a retail shop. She was told by the shop owner "I'm not giving you work because while you can dress like that at home it's inappropriate at work".

Nadine could lodge a complaint with the Commission claiming discrimination on the basis of her religious belief. At any conciliation conference possible outcomes might include an apology, a promise to re-assess Nadine's application only on the merits and compensation.

Accommodation

Ali and Solmaz visited a real estate agent to see what rental properties were available in their area. The real estate agent told the couple "Somalis have a reputation for not looking after property. I don't want your business." The couple could lodge a complaint with the Commission alleging discrimination in the provision of accommodation.

At any conciliation conference possible outcomes might include an apology by the real estate agent and a promise to help the couple look for suitable rental accommodation.