



# Know your rights in employment

## > Information for Jewish employees

### You have a right to equal treatment

Under the law, everyone has the right to a fair go. In Victoria, equal opportunity and vilification laws protect your rights.

These laws make discrimination, sexual harassment, victimisation, and racial and religious vilification against the law. The *Equal Opportunity Act 2010* protects against discrimination on the basis of race and religion.

### Discrimination in employment

Discrimination is treating someone, or proposing to treat someone, unfavourably because of a personal characteristic that is protected by law. This includes bullying someone because of a protected characteristic.

In Victoria, the Equal Opportunity Act makes it against the law for employers to discriminate against you because of a range of personal characteristics including your race, religious belief or religious activities, age, sex and disability.

Discrimination can be direct and indirect.

**Direct discrimination** happens when someone is treated unfavourably because of a personal characteristic protected by the law.

**Example of direct discrimination:** Nathan, who wears a yarmulke, attends an interview for a job at an engineering company and is not chosen. When he calls the company's human resources manager to ask for feedback, she tells Nathan: 'We've employed Jews before. You people take too many religious holidays'.

**Indirect discrimination** happens when a requirement, condition or practice is imposed that disadvantages a person or group because of a personal characteristic, and is not reasonable.

**Example of indirect discrimination:** John works in retail and is regularly rostered on for late shifts on Fridays. When he asks to be rostered on earlier on Fridays so he can attend his synagogue for Shabbat services, he is told all employees must work the shifts they have been allocated, even though there are other people who could swap shifts with him.

An employer or potential employer cannot discriminate against you for holding a particular religious belief or engaging in lawful religious activity. All employers have to follow the law.

Discrimination can include things like:

- not getting a job because you are Jewish
- getting more than your fair share of the unpopular jobs or shifts
- being paid less
- missing out on, or being excluded from, training and meetings
- not being given the resources you need to do your job well
- not being considered for promotion because you are Jewish
- not being given reasonable opportunity to practice your religion, and
- being dismissed for a discriminatory reason.

## When you apply for a job

When you apply for a job, it is against the law for the employer or employment agency to discriminate against you because you are Jewish and/or might observe Jewish customs and practices.

**Example of discrimination when applying for a job:** Freda applies for a job and the employer is keen to interview her as she has some really relevant skills and has done a similar job in the past. But when she goes to the interview, Freda is told she won't be needed because they can't have people wearing headscarves representing their company.

## When you are in a job

The law protects all types of workers, including full-time, part-time and casual employees, contract workers, trainees and apprentices. You are entitled to practice any of your religious beliefs and actions without fear of discrimination, provided it is reasonable to do so in all the circumstances.

**Example of discrimination in the workplace:** Daniel works for a graphic design firm and asks for annual leave well in advance of certain religious holidays he would like to attend during the year. Daniel's employer refuses because the leave falls during busy periods and is unwilling to discuss it because the firm says it does not want to 'give him special treatment'.

As part of their equal opportunity responsibilities, your employer should try to accommodate reasonable requests for flexibility in a role.

**Example of accommodating religious practices at work:** Zach works as a data analyst. When he started with his new employer, he spoke to his boss about being Jewish and asked if it would be okay to start earlier on Fridays so he could leave work earlier to attend Shabbat services at his Synagogue. Zach's supervisor agreed that this would be okay and was a reasonable change to his work arrangements.

Your employer is required under Equal Opportunity laws to protect you from discrimination in the workplace. This means, that an employer can be responsible under the law if he or she does not do something about circumstances where other employees maybe discriminating against you. For example, other employees are not entitled to make offensive or hurtful comments about your religion or customs you observe – this can be unfavourable treatment under the law.

## Victimisation

The law protects you from discrimination and you are entitled to speak up or make a complaint about it.

Victimisation is when someone punishes you because you spoke up about your equal opportunity rights, made a complaint, helped someone make a complaint or refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation is also against the law. It doesn't matter who does it – your boss, manager, co-workers or anyone else in your workplace.

**Example of victimisation:** Joel works as a casual, with regular shifts. He makes a complaint of discrimination because his co-workers keep harassing him about his yarmulke and making derogatory comments about Jewish people. After Joel makes the complaint, his shifts are reduced because his boss doesn't like people who complain.

## Racial and religious vilification

Vilification is public behaviour that encourages others to hate, disrespect or abuse a person or group of people because of their race or religion. The legal definition is conduct that 'incites hatred, serious contempt, revulsion or severe ridicule'.

Racial and religious vilification is against the law and it can happen in the workplace.

Some behaviour may not be vilification if it is reasonable and done in good faith. This includes art or a performance, discussion or debate in the public interest, and a fair and accurate report in the media.

**Example of vilification:** People at Tali's work put up a poster on the work noticeboard encouraging people to attend an upcoming protest at a local shop to demand that the orthodox Jewish owners move out of the neighbourhood. The poster has images that demean people who follow orthodox practices.

## How the Commission can help?

You can contact the Commission to find out more about your rights and responsibilities.

The Commission also has a free dispute resolution service to help people resolve disputes about discrimination, sexual harassment, victimisation, and racial and religious vilification. This service is free, fair, information and confidential. You don't need a lawyer.

In many cases, we will help you resolve the problem through conciliation.

In conciliation, we help the people involved talk through the issues and try to reach an agreement about how to resolve them. Conciliation can take place in a face-to-face meeting, by telephone or through a conciliator.

Through conciliation, people agree to resolve disputes in many ways. For example, they might agree to have an apology, a change in policy, staff training or compensation.

Conciliation is very successful. Most people who use our service say it is fair, informal and easy to understand.

## More information

For more information ring us, or visit [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au).



**Victorian Equal Opportunity  
& Human Rights Commission**

### Need more information?

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Online [humanrightscommission.vic.gov.au/education](http://humanrightscommission.vic.gov.au/education)

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583  
Fax 1300 891 858  
TTY 1300 289 621  
Interpreters 1300 152 494  
Email [employers@veohrc.vic.gov.au](mailto:employers@veohrc.vic.gov.au)  
Website [humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)

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### We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at [communications@veohrc.vic.gov.au](mailto:communications@veohrc.vic.gov.au).

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Disclaimer: This information is intended as a guide only. It is not a substitute for legal advice.