



Information for international students

> Know your rights

As an international student, you have rights under Victorian equal opportunity laws that protect people from discrimination, sexual harassment, racial and religious vilification, and victimisation.

What is discrimination?

Discrimination is treating, or proposing to treat, someone unfavourably, bullying or harassing them because of a personal characteristic protected by the law, such as:

- > race
- > religion
- > age
- > sex
- > disability.

Discrimination is against the law in Victoria in areas of public life including employment, accommodation, provision of goods and services and education.

What is race discrimination?

The *Equal Opportunity Act 2010* makes it against the law for someone to discriminate against you because of your race.

Race includes your colour, nationality, ethnic background and any characteristics associated with your race, such as your accent or overseas qualifications.

Racial vilification is also against the law in Victoria. See 'What is racial vilification?' on page 3.

Discrimination in employment

It is against the law in Victoria for an employer to treat you unfavourably because of your race, including your colour or nationality.

Discrimination is against the law in a wide range of employment situations including full-time, part-time, casual and contract work, and work paid by commission.

The law protects you from discrimination when it happens at all stages of employment. This includes:

- > the recruitment process – for example, in job advertisements or interviews
- > being offered unfair terms of employment
- > being denied access to training
- > being refused or having limited access to opportunities for promotion, transfer or other employment benefits
- > being unfairly dismissed, retrenched or demoted.

Example of race discrimination in employment

Li-Huei unsuccessfully applies for a job as a receptionist with a large hotel. When she calls the human resources manager to ask why she did not get the job, she is told that the manager doesn't want to employ a receptionist with an accent.

Discrimination on the basis of employment activity

It is against the law in Victoria for an employer to treat you unfavourably because you ask about your employment rights, such as your rate of pay or leave entitlements.

If you make a reasonable request about your entitlements, your employer cannot penalise you by:

- > cutting your hours or regular overtime
- > denying you annual leave
- > transferring you to undesirable duties
- > not granting you a promotion
- > not providing you with workplace training
- > terminating your employment.

Reasonable requests and concerns include:

- > What is my rate of pay?
- > How much leave do I have?
- > Can I vary my hours to pick up my child from school?
- > Am I entitled to maternity leave?
- > I'm worried that I'm not being paid overtime.

Example of discrimination on the basis of employment activity

Samuel works at a restaurant that has five employees. He asks the owner if he should be receiving penalty rates for time worked on weekends. Soon after this, Samuel stops getting weekend shifts.

Discrimination in accommodation

It is against the law in Victoria for an accommodation provider to treat you unfavourably because of your race, including your colour or nationality.

Equal opportunity laws cover a wide range of accommodation, including houses and flats, boarding houses, hostels, hotels and student accommodation.

Treating you unfavourably because of your race might include a real estate agent or landlord:

- > refusing to sell or rent you a property
- > processing your rental application differently from other applications for the same property
- > changing the terms upon which they offer you accommodation, such as charging you a higher bond
- > refusing to extend or renew your lease
- > evicting you
- > treating you unfavourably in other ways.

Example of discrimination in provision of accommodation

Rajit applies to rent a flat. The landlord tells him that he doesn't want to rent the flat to someone from his country as he's had trouble with people like Rajit before.

Discrimination in the provision of goods and services

In Victoria it is against the law for you to be treated unfavourably because of your race when accessing goods and services.

This can include:

- > providers of food and other consumer goods, such as shops, supermarkets and restaurants
- > entertainment providers, such as cinemas and nightclubs
- > financial services, such as banking and credit services
- > services provided by state government departments and authorities, such as health services, the police and the fire brigade.

Example of discrimination in the provision of goods and services

Hussein and his friends are waiting in line at a nightclub. When they get to the front of the line the security guard calls them racially offensive names and won't let them in because he says that people from their country "start all the fights around here".

Discrimination in education

It is against the law in Victoria for you to be treated unfavourably by education providers because of your race, including your colour or nationality.

Education providers include schools, colleges, universities and other institutions where training or education is provided.

Treating you unfavourably might include:

- > refusing to admit you as a student
- > denying or limiting your access to benefits available to other students, such as your exam results
- > expelling you
- > treating you unfavourably in other ways.

Example of discrimination in education

Mirjana is enrolled in a politics and international relations subject at university. Her class is currently studying the conflict in her home country and her tutor frequently makes derogatory comments about people of her nationality while looking and pointing at Mirjana. This makes her feel very uncomfortable.

What is sexual harassment?

The law also protects you from sexual harassment in the workplace.

Sexual harassment is unwelcome behaviour of a sexual nature. It can be physical, spoken or written. It occurs when someone does something that makes you feel offended, humiliated or intimidated.

Sexual harassment might include:

- > comments about your private life or the way you look
- > suggestive behaviour, like leering or staring
- > brushing up against you, touching, fondling or hugging
- > suggestive comments or jokes
- > displaying offensive screen savers, photos, calendars or other objects
- > continually asking you to go out with them
- > being hassled for sex
- > sexually explicit emails, text messages or posts on social networking sites.

Sexual harassment occurs in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

Sexual harassment is also against the law when it happens in an educational institution or in the provision of accommodation or goods and services.

Example of sexual harassment in accommodation

May lives in a rooming house and her landlord tells her that he is increasing her rent by \$50 a week. May says she can't afford to pay the extra rent. Her landlord tells her he won't charge her the extra rent if she agrees to have sex with him.

What is racial vilification?

The *Racial and Religious Tolerance Act 2001* makes it against the law to vilify a person or group of people on the grounds of their race or religion.

Vilification is behaviour that encourages others to hate, disrespect or abuse a person or group of people because of their race or religion.

Behaviour that is likely to be seen as racial or religious vilification includes:

- > speaking about a person's race or religion in a way that could make other people hate or ridicule that person
- > publishing claims that a racial or religious group is involved in serious crimes without any proof
- > repeated and serious spoken or physical abuse because of the race or religion of another person
- > encouraging violence against people who belong to a particular race or religion, or damaging their property
- > encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email.

It is also against the law to give permission or help someone to vilify others.

Example of racial vilification

Sanjeev is Indian and complains that a social networking site publishes offensive material that encourages violence against Indians in Victoria.

Serious vilification

Serious racial or religious vilification includes:

- > physical harm and assault, or threats of physical harm and assault
- > damage to property or threats of damage to property
- > deliberately encouraging others to harm people or damage their property.

Serious vilification is a criminal offence that is investigated and prosecuted by Victoria Police.

What is victimisation?

Victimisation is treating someone unfairly because they spoke up about their rights, made a complaint or helped someone else make a complaint.

It is against the law to victimise a person for making a complaint about discrimination, sexual harassment or racial or religious vilification.

Example of victimisation:

Omar is fired from his job after he complained that his co-workers called him a terrorist and told him to go back to his own country.

What can you do?

If you think you have experienced discrimination, sexual harassment, racial or religious vilification, or victimisation you can make a complaint to the Commission, or someone else can make a complaint for you. We will help resolve your complaint through our free, fair and timely dispute resolution service.

You can contact us for confidential information about making a complaint. We can provide information over the phone, in person or via email and we offer a free interpreter service. You can also submit your complaint online.

The Commission does not act for people making a complaint. If we cannot deal with the complaint we will contact you and explain why.

1300 292 153

or (03) 9032 3583

enquiries@veohrc.vic.gov.au

humanrightscommission.vic.gov.au

Level 3, 204 Lygon Street, Carlton Vic 3053

Fax 1300 891 858

TTY 1300 289 621

Interpreters 1300 152 494

Online complaint form:

humanrightscommission.vic.gov.au/complaints

Chat with us online:

humanrightscommission.vic.gov.au/chat



Victorian Equal Opportunity
& Human Rights Commission

Need more information?

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583

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TTY 1300 289 621

Email enquiries@veohrc.vic.gov.au

Website humanrightscommission.vic.gov.au

We welcome your feedback!

Were these resources useful? Easy to use?
Would you like to see something else included?
Please email us at research@veohrc.vic.gov.au

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