



# Information on discrimination

## > Know your rights, resolve your complaints

### Discrimination

Victorian law protects people from discrimination, sexual harassment, victimisation, and racial and religious vilification.

Discrimination is treating someone unfavourably because of:

- race, colour, descent, nationality, ancestry or ethnic background
- religious belief or taking part in religious activity
- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example because they are responsible for caring for children or other family members
- age, whether young or old, or because of age in general
- sex
- employment activity, for example because they ask questions or raise concerns about their rights or entitlements at work
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- physical features, such as height, weight, size, hair or birthmarks
- pregnancy and breastfeeding
- lawful sexual activity
- sexual orientation or gender identity, whether heterosexual, gay, lesbian, bisexual, transsexual, transgender or queer

- marital status, whether married, divorced, unmarried or in a de facto relationship
- political belief or taking part in political activity, or not taking part in political activity at all
- any association with someone who has, or is assumed to have, one of these personal characteristics.

Sexual harassment is also against the law. This includes comments or emails of a sexual nature, unwanted touching or requests for sex, and inappropriate displays of sexual material.

### Where discrimination is against the law

In Victoria, discrimination is against the law when it happens in:

- accommodation
- clubs
- education
- employment, including part-time, full-time, casual, contract and probationary workers, as well as trainees and apprentices
- goods and services
- land sales and transfers
- local government
- sport.



## Types of discrimination

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

George doesn't get an interview for a job he thinks he is well qualified to do and believes it is because of his ethnic background.

Indirect discrimination happens when treating everybody the same way disadvantages someone because of a personal characteristic.

A store manager asks all customers for their driver's licence before approving personal cheques but Ramesh doesn't have a licence because he is vision-impaired.

## Discriminatory requests for information

It is against the law to ask for information about any protected personal characteristics if it could be used in a discriminatory way.

At a job interview Ally is asked whether she is married and if she plans to have children. Although she is the best person for the position, Ally doesn't get the job.

## Vilification

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

This includes spoken, written, online or physical behaviour towards a particular race or religious group that encourages others to ridicule them, be hateful or violent towards them, damage their property, and make false claims against them.

It is also against the law to give permission or help someone to vilify others, for example by publishing or distributing information about them.

Some behaviour may not be vilification, if it is reasonable and done in good faith, such as publishing a media report about racist behaviour. Some comments or jokes about a person's race or religion may not be vilification, but they could still be discriminatory if they happen in one of the eight areas of public life covered by the law, such as at work.

## Victimisation

Victimisation is subjecting someone to a detriment because they spoke up about their rights, made a complaint, or helped someone else make a complaint. Victimisation is also against the law.

## Make a complaint to the Commission

If you think you have been discriminated against, sexually harassed, victimised or vilified, [contact us](#). We can send you information about the complaint process. If we can't help you we will try to refer you to someone who can help.

You can also make a complaint to us by sending us a letter or email or filling in our [online complaint form](#). You can make a complaint in your preferred language or you can call us and we can help you write the complaint down. It does not cost anything to make a complaint to us and you do not need a lawyer to make a complaint.

The Commission will try to help you resolve your complaint, but we do not advocate for you or for the person or organisation you are complaining about.

When you lodge a complaint we will contact you to talk about your complaint and we may ask you for more information. We may talk to you about trying to resolve the complaint through conciliation and how you want to resolve it.



Generally, the Commission will contact the person or organisation you are complaining about, give them a copy of your complaint and ask for their comments. We will let you know what they have said in response to your complaint.

In some cases we may decide we can not deal with your complaint. If this happens we will contact you and explain why.

In many cases we will help you and the person or organisation you are complaining about try to find a way to resolve the complaint by conciliation. Conciliation can take place in a face-to-face meeting, by telephone conference or by emails or messages through the conciliator. Complaints can be resolved in many different ways, for example by an apology, a change in policy, staff training or compensation.

## About the Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws:

- *Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*

## The Commission services include:

- a free telephone Enquiry Line
- a free and fair dispute resolution service
- information and education about equal opportunity, racial and religious vilification and the Charter of Human Rights and Responsibilities
- education, training and consultancy services.

Please contact us for information about equal opportunity and human rights.

## Contact us

**Enquiry Line:** 1300 292 153

**Telephone:** 1300 891 848

**Fax:** 1300 891 858

**TTY:** 1300 289 621

**Interpreters:** 1300 152 494

**Email:** [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)

**Website:** [humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)

**Online complaint form:** [humanrightscommission.vic.gov.au/complaints](http://humanrightscommission.vic.gov.au/complaints)

