

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.

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 the outcome you want to achieve.

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 instances we may decide we cannot 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 contact 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*.

Commission services include:

- Enquiry Line service available by telephone, email or webchat
- a free, fair and timely 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 more information.

1300 292 153 or (03) 9032 3583

enquiries@veohrc.vic.gov.au

www.humanrightscommission.vic.gov.au

Level 3, 204 Lygon Street Carlton Vic 3053

Fax: **1300 891 858**

Hearing impaired (TTY): **1300 289 621**

Interpreters: **1300 152 494**

Online complaint form: **www.humanrightscommission.vic.gov.au/complaints**

Follow us on: **Twitter @VEOHRC**

Find us at: **www.facebook.com/VEOHRC**

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

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Victorian Equal Opportunity
& Human Rights Commission

Information for Aboriginal Victorians

> Know your rights



humanrightscommission.vic.gov.au

Discrimination is against the law

The rights of Aboriginal and Torres Strait Islander people are protected by law

Have you ever:

- had comments made about your race at a job interview?
- been knocked back by a real estate agent or property owner because you are Aboriginal?
- been subjected to racist comments, slogans or pictures in public places?
- experienced sexual harassment at work, at a school, when renting or going shopping?

You have a right to equal treatment

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

Discrimination, sexual harassment, victimisation, and racial and religious vilification are against the law.

What is race discrimination?

Discrimination is treating someone unfairly, or proposing to, because of a personal attribute protected by Victoria's *Equal Opportunity Act 2010*.

Discrimination can also happen if an unreasonable policy or practice is applied that can, or does, disadvantage someone because of a personal attribute. It can still be discrimination if the policy or practice is proposed; it doesn't have to be put into action.

It is against the law to discriminate against someone because of their race, colour, descent, nationality, ancestry, ethnic background or any attributes associated with a particular race. This includes Aboriginal and Torres Strait Islander people.

Example of discrimination

Luke and his girlfriend Ciara are Aboriginal Victorians who decided to go out to a restaurant for dinner. After sitting outside and waiting for 30 minutes to be served, Luke goes inside to grab a menu when the waiter tells him that he isn't going to serve 'his kind', so he may as well leave.

Where discrimination can happen

Victoria's Equal Opportunity Act makes discrimination against the law when it happens in:

- accommodation, including access to premises
- clubs
- education
- employment
- goods and services
- land sales and transfers
- local government
- sport.

What is vilification?

Vilification is behaviour that encourages others to hate, severely ridicule, have serious contempt for or feel revulsion of a person or group of people because of their race or religion.

This might be comments to you at work, while playing sport, information on a website, newspaper articles or media comments.

Some comments, jokes or other acts related to the race or religion of a person may not be vilification, but they could still be the basis for a complaint of discrimination if they happen in one of the eight areas of public life covered by the law.

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

Spray back against hate

The Commission has developed the Anti-Hate website to give people a way to do something about racist and other hateful behaviour. To find out more visit www.antihate.vic.gov.au.

Victimisation

It is against the law to punish or threaten to punish someone because they have:

- asserted their rights under equal opportunity law
- made a complaint
- helped someone else make a complaint
- refused to do something because it would be discrimination, sexual harassment or victimisation.

The legal definition of victimisation is when someone 'subjects or threatens to subject the other person to any detriment'.

Information for Indigenous people online

Information and resources for individuals and organisations are available at humanrightscommission.vic.gov.au/indigenoustrights.

How should I respond to discrimination?

Every person needs to make their own choices about how to respond to serious issues in the workplace or public life, but it's important to know that there are a range of services and agencies that can advise, support and help you make informed decisions about what to do next.

Even if you don't want to make a complaint, we can help.

If you have any questions about discrimination, sexual harassment, victimisation or vilification you can contact the Commission. We won't act on what you tell us unless you ask us to.