

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

Parental and carer status discrimination

> Know your rights



humanrightscommission.vic.gov.au

What is parental and carer status discrimination?

Discrimination is treating someone unfavourably, 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.

In Victoria it is against the law to discriminate against someone because of their actual or assumed parental or carer status. Employers must be flexible and allow staff to carry out their family responsibilities where this is reasonable.

Parental status

Parental status includes being a biological parent, step-parent, foster parent, adoptive parent or guardian.

Carer status

Carer status refers to someone who has total or significant responsibility for the care and support of another person. The person needing care may be a child, a partner, a parent, a relative or a friend. Carer status does not apply to people who are paid to provide care and attention.

Example of discrimination

At a job interview, Meg mentions that she spends a lot of time looking after her mother, who has Alzheimer's disease. The interviewer ends the interview saying, 'I'm sorry, we can't afford to employ people with heavy carer responsibilities.'

Family responsibilities

Employers must seriously consider any request for flexible work arrangements from staff members who have children or people who depend on them for care.

They do not have to agree automatically to all requests from employees for changes to work arrangements, but they must not unreasonably refuse a request.

Examples of flexible work arrangements include working part time, job sharing, working from home, or starting and finishing earlier or later.

Flexible work arrangements in practice

Geoff is a supervisor for a small food production company, working morning and afternoon shifts in weekly rotation with a second supervisor, Gita. When his adult daughter has an accident and acquires a permanent disability, Geoff and his employer discuss how he can arrange his work to meet his carer responsibilities. The employer asks Gita to work only the morning shift instead of the weekly rotation. Geoff works the later shift, meaning he can care for his daughter. After a two-month trial Geoff asks if the arrangements can continue and both the employer and Gita agree.

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.

In some circumstances there may be exceptions. Contact us for more information.

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'.

Example of victimisation

Paul works in a car dealership and is a single father raising two sons. When a new company policy is introduced linking bonuses to leftover sick leave, Paul makes a complaint that this is indirect discrimination against parents, who need to take time off to care for their children when they are sick. The policy is dropped but then Paul is told that his position description has changed to a role with less responsibility because he is not a team player.

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.