



Know your rights in employment

> Information for Indigenous Victorians

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.

These laws make discrimination, sexual harassment, victimisation, and racial and religious vilification against the law.

Discrimination in employment

Discrimination is treating someone unfavourably because of a personal characteristic that is protected by law.

In Victoria the *Equal Opportunity Act 2010* makes it against the law for employers to discriminate against you because of a range of personal characteristics, including your race, colour, descent, nationality, ancestry or ethnic background.

All employers have to follow the law.

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 of any of the personal characteristics that are protected by law.

This means it is against the law for them to discriminate against you because you are of Aboriginal or Torres Strait Islander descent. The job should go to the person who can do it best – it does not matter whether they are Aboriginal or Torres Strait Islander.

It is against the law for an employer or employment agency to request information about your personal characteristics and then refuse you a job based on this information. Their questions should focus directly on the skills and abilities needed to do the job.

Example of a request for discriminatory information

When you are at a job interview, the employer starts to ask you questions which you think refer to stereotypes about your Aboriginality. For example, they ask you: “Will you turn up for work on time? I’ve heard you people are always late”, or “How Aboriginal are you?”

When you are in a job

The law protects all workers, including full-time, part-time and casual employees, contract workers, trainees and apprentices.

Discrimination can include:

- getting more than your fair share of the unpopular jobs
- getting more than your fair share of the unpopular rosters or shifts
- missing out on, or being excluded from, opportunities or information
- not being given the resources you need to do your job well
- not being considered for a promotion because you are of Aboriginal or Torres Strait Islander descent.



Examples of discrimination in the workplace

At work, you are the only Aboriginal worker. Your colleagues and supervisor refer to you as 'Abo' and make jokes like: "Oh, you've decided to come to work today and not go walkabout with your cousins." You feel offended and humiliated by these comments. You tell them that you find their remarks rude and offensive, but they continue, saying it is only a joke.

As the only Aboriginal employee at work, you are expected to deal with all calls from the Aboriginal and Torres Strait Islander community, even though it's outside your job description. You are told that you have to deal with 'your people'. When you object, you are offered counselling about your attitude.

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 else 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.

Your employer must treat all complaints about discrimination seriously and confidentially.

Example of victimisation

You are a casual worker and have regular shifts. You make a complaint of discrimination because your co-workers keep referring to you as an 'Abo' and a 'lazy black', even though you have asked them to stop. After you make the complaint your shifts are reduced.

What can you do if you experience discrimination or victimisation?

If you think this is happening to you, call the Commission to find out about your rights. If we can't help you we will try to put you in touch with someone who can.

How the Commission can help

The Commission 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, informal and confidential. You don't need a lawyer.

You can bring your concern to the Commission by:

- sending us a letter or email
- filling in our online complaint form
- chatting with us online at humanrightscommission.vic.gov.au/chat
- calling us on 1300 292 153 or (03) 9032 3583 so we can help you write it down.

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 humanrightscommission.vic.gov.au/indigenousrights.

Photograph of Bert Williams by James Henry.



**Victorian Equal Opportunity
& Human Rights Commission**

Need more information?

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
TTY 1300 289 621
Email enquiries@veohrc.vic.gov.au
Website humanrightscommission.vic.gov.au

Accessible formats

This publication is available to download from our website at humanrightscommission.vic.gov.au/resources in PDF and RTF. Please contact the Commission if you require other accessible formats.

We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at information@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.