



Your right to **A FAIR GO** DISCRIMINATION – GENDER IDENTITY

THE
FACTS

Discrimination is treating someone unfairly or less favourably because of a personal characteristic. In Victoria it is against the law to discriminate against someone because of their actual or assumed gender identity.

What does 'gender identity' mean?

Gender identity means self-identification as a person of a particular gender. A person may identify as a member of a particular gender by their style of dress, medical intervention or by other means, including a change of name. Medical intervention may include hormone therapy, counselling and sex reassignment surgery.

Who is protected against discrimination and harassment?

You do not need to have had or be planning surgery, hormone therapy or other treatment to be protected from discrimination on the basis of gender identity in Victoria. You are protected if your gender identity is genuine and you:

- live as a member of your self-identified gender
- are in the process of transitioning to your self-identified gender
- are intersexual (born with anatomy or physiology different to current ideas of what constitutes male and female)
- adopt the characteristics of the relevant gender in part of your life, such as dressing in the manner of your self-identified gender.

EXCEPTIONS

There are some exceptions. For example, you must give your employer adequate notice if you intend to transition to your self-identified gender in your current workplace. For more information about adequate notice and other exemptions, contact the Commission.

The VEOHRC complies with Victorian privacy laws and the confidentiality provisions of the Equal Opportunity Act 1995. For a copy of the VEOHRC's privacy policy, please go to www.humanrightscommission.vic.gov.au/privacy or contact the VEOHRC.

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

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Anne-Marie has recently legally changed her name from Joseph and identified as a female. Even though most of Anne-Marie's colleagues have been supportive, her boss is uncomfortable with her gender identity. When Anne-Marie applies for a management position her boss refuses to consider her application, telling her that staff would find it difficult to respect her if she were promoted.

When is discrimination against the law?

Discrimination laws apply to public behaviour, not to private conduct.

Public areas covered by the law include accommodation, clubs and club members, disposal of land, education, employment, goods and services, sport and local government.

How can the Victorian Equal Opportunity and Human Rights Commission help?

We help resolve complaints of discrimination by offering a confidential, free and impartial resolution service with the aim of achieving a mutual agreement.

Representative Complaints

Victoria's equal opportunity laws were amended on October 11 2006 making it possible for a person or representative body to lodge a complaint with the Commission on behalf of a named person or persons who believe they have been subjected to discrimination or sexual harassment. A representative must be either a person with the same complaint or an organisation with sufficient interest in the complaint.

Contact our free and confidential
Advice Line: (03) 9281 7100
TOLL FREE (country callers) 1800 134 142
TTY: (03) 9281 7110
Email: information@veohrc.vic.gov.au
Free interpreters are available on request