



Your right to **A FAIR GO** DISCRIMINATION – PHYSICAL FEATURES

FACTSHEET

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 physical features.

What does 'physical features' mean?

Physical features means a person's height, weight, size, shape or other bodily characteristic. It includes facial features, hair and birthmarks.

A fast food company will only recruit people with a certain 'look', that is, a specified height, weight and build. This is direct physical features discrimination by the employer.

Jan is regularly harassed, abused and ridiculed by other staff at work because she is overweight. Her manager refuses to do anything about this abuse.

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.

Kelly applies for a lease on a house. Her application meets all the requirements but the landlord lets the house to someone else. The landlord thinks Kelly will be lazy and unable to properly maintain the property because she is overweight.

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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EXCEPTIONS

Discrimination against a person on the basis of their physical features may be permitted if it is reasonably necessary to protect the health, safety or property of any person (including the person discriminated against).

An employer may offer employment only to a person with particular physical features (including 'looks') in dramatic, artistic, entertainment, photographic or modelling performances or work.

Participation in competitive sport may be lawfully limited to people who can effectively compete.

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