

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.

Published by the Victorian Equal Opportunity and Human Rights Commission.
May 2014



Victorian Equal Opportunity
& Human Rights Commission

Sex discrimination and sexual harassment

> Know your rights



humanrightscommission.vic.gov.au

What is sex 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 sex. This includes attributes associated with a person's sex, such as parental or carer responsibilities, pregnancy and breastfeeding.

Examples of discrimination

Martha, a dispatch supervisor, discovers that male dispatch supervisors are on a higher wage and receive greater benefits than she does. She is told that she is paid less because drivers find it difficult to listen to females.

Rico sees an advertisement for a job as a sales representative for a cosmetics company. When he telephones to express his interest, the personnel manager says, 'Sorry, we don't have any male reps and we like to keep it that way.'

Where discrimination can happen

Discrimination is against the law when it occurs in an area of public life covered by Victoria's equal opportunity laws. These are:

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

What is sexual harassment?

Sexual harassment is unwelcome sexual behaviour. It involves behaviour that could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written.

It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering and staring
- brushing up against someone, touching, fondling and hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites.

Sexual harassment in the workplace can happen at work, or at work-related events, between people sharing the same workplace, or between colleagues outside of work.

Example of sexual harassment

At a function celebrating her soccer team's grand final win, the club president makes Mariam feel uncomfortable by repeatedly placing his hand on her knee under the table during dinner while talking to her.

Lawful sexual activity

Victoria's laws protect us all from discrimination because of lawful sexual activity – sex between consenting adults. That means who you have sex with should have no bearing on whether you get a job, a promotion, accommodation, a loan or a place on a sporting team.

Lawful sexual activity includes taking part in, or choosing not to take part in, any form of sexual activity that is legal in Victoria, including legal prostitution. Sexual activities that are against the law are not covered, regardless of a person's gender or sexual orientation.

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

Donna's boss fires her because she makes a complaint under the Equal Opportunity Act about a colleague sexually harassing her.

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.