



UNLAWFUL DISCRIMINATION

Certain types of discriminatory behaviour and activities are unlawful under the *Equal Opportunity Act 1984*.

The grounds of unlawful discrimination covered by the Act are:

- Age – being regarded as too young or too old*
- Breastfeeding - being asked not to feed, or to use facilities to breast or bottle feed
- Family responsibility – having a caring role
- Family status – being a relative of a particular person or having the status of being a particular relative
- Gender history – having a reassigned gender as certified under the *Gender Reassignment Act 2000*
- Impairment – having a physical, intellectual or mental disability that is current, past or imputed*
- Marital status – being single, married, a de facto partner, separated, divorced or widowed
- Political conviction – including a lack of conviction
- Pregnancy
- Race – including colour, ethnicity or national origin or descent*
- Racial harassment – including offensive or insulting comments or other behaviour about a person's colour, ethnic background or origin
- Religious conviction – including a lack of conviction
- Sex – being a man or woman
- Sexual harassment – including unwelcome requests for sexual favours, touching and comments about a person's private relationships
- Sexual orientation – including heterosexuality, homosexuality,
- lesbianism, bisexuality or assumed sexual orientation.

***The Act may also apply to a relative or a person who has a close relationship to a person affected by these grounds.*

The areas of public life where the Act can apply are:

- Employment
- Accommodation
- Education
- Provision of goods, services and facilities
- Access to places and vehicles
- Disposal of land or estate
- Clubs
- Application forms
- Advertising
- Superannuation and insurance
- Sport

Making a complaint

A person who believes they have been discriminated against or harassed can lodge a complaint with the Commissioner.

A complaint form can be requested from the Commission by calling 08 9216 3900 or 1800 198 149, or a copy can be downloaded from www.eoc.wa.gov.au.

Other unlawful acts

Advertisements

It is unlawful to publish or display an advertisement that shows an intention to unlawfully discriminate. This includes television, newspaper and radio advertisements as well as circulars, catalogues and price lists.

Spent Convictions Act 1988

The Commissioner for Equal Opportunity can investigate complaints of spent conviction discrimination in the area of employment, however certain specified employers and offences are exempt.

Public Interest Disclosure Act 2003

The Commissioner for Equal Opportunity can investigate complaints of victimisation by people who have made disclosures under the *Public Interest Disclosure Act 2003*.

This Act protects anyone making disclosures and those who are the subject of disclosures.

Such information can relate to public authorities, state government agencies and departments, local government and bodies established under a written law for a public purpose, such as a public university.

For more information go to the website for the Office of the Public Sector Standards Commissioner (OPSSC) at www.opssc.wa.gov.au/pid.

Direct discrimination takes place when a person is treated less favourably than another person, in the same or similar circumstances, on one or more of the grounds and in one of the areas of public life covered by the Act.

Indirect discrimination happens when an apparently neutral rule has a negative effect on a substantially higher proportion of people with a particular attribute or characteristic, e.g. race, compared to people without that attribute or characteristic, and the rule is unreasonable in the circumstances.

Victimisation is against the law. Victimisation includes threatening, harassing or punishing a person in any way because they have objected about the discriminatory manner in which they have been treated. It also applies to anyone who has made a complaint, or intends making a complaint, under the Act. It also applies to anyone giving evidence about a complaint or who asserts, on behalf of another person, that they have been discriminated against.

The Commissioner for Equal Opportunity provides information about the Act, investigates complaints and conducts community education and training services.

How to contact the Commission

By telephone

General enquiries	08 9216 3900
Training courses	08 9216 3927
Facsimile	08 9216 3960
Country callers	1800 198 149
TTY	08 9216 3936
Interpreter services	13 14 50

By e-mail

eoc@eoc.wa.gov.au

By visiting our website

www.eoc.wa.gov.au

By visiting our office

Level 2
Westralia Square
141 St Georges Terrace
Perth WA 6000

By post

PO Box 7370
Cloisters Square
Perth WA 6850

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