It is unlawful under the *Equal Opportunity Act 1984* to discriminate against a person because of their religious or political conviction.

**Direct religious or political conviction discrimination** occurs when a person is treated unfairly because of their religious or political conviction (or lack of) compared to another person with religious or political conviction (or lack of), in the same or similar circumstances.

**Indirect religious or political discrimination** is when a requirement, condition or practice that is the same for everyone has unfair effect on someone of a particular religious or political conviction (or lack of) and is unreasonable in the circumstances.

**Exceptions**

There are some instances where it is not unlawful to discriminate against a person because of their religious or political conviction, and these exceptions include:

- Domestic workers in private households
- Employers with less than six employees
- Accommodation provided by a religious body
- Accommodation in private households of less than five people
- Partnerships of less than six people
- Orders of a court or the State Administrative Tribunal
- The provision of charitable benefits
- Voluntary bodies – admissions and benefits
- Establishments providing accommodation for aged people
- The ordination of priests or ministers of religion
- Employment, education or training by a religious educational authority that discriminates in good faith in order to adhere to its religious teachings
- Employment in a hospital or where a health related service is provided, where the employer is a religious body and duties relate to any religious observance or practice
- When offering employment to a person within the meaning of the *Electoral Act 1907*, or as a ministerial adviser or officer, employee or worker for a political party, member of the electoral staff of another person or in other similar employment or work (political conviction only).

If an individual or organisation relies upon an exception under the Act when a complaint is made against them, they must justify the use of that exception to the Commissioner for Equal Opportunity.
The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programs to promote equal opportunity.

Where does the protection apply?
Under the Act it is unlawful to discriminate against a person because of their religious or political conviction in certain areas of public life, including:

- Employment
- Education
- Provision of goods, services and facilities
- Accommodation
- Clubs
- Application forms

Responsibilities
Organisations must ensure they provide a working environment and services that are free from religious and political conviction discrimination and they must take all reasonable steps to prevent it from happening or they may be held responsible for their employees’ actions.

A person causing, instructing, inducing, helping or permitting another person to do something unlawful is the same as doing it, for the purpose of the Act.

Making a complaint
A person who believes they have been discriminated against because of their religious or political conviction can lodge a complaint with the Commissioner. The onus of proof lies with the person making the complaint.

The incident or incidents you are including in your complaint must have occurred within the 12 months previous to the date you lodge your Complaint Form.

In some circumstances the Commissioner may rule there is good reason, or good cause, to include incidents that occurred more than 12 months before the Complaint Form is lodged.

How to contact the Commission:

By telephone
General enquiries: 9216 3900
Training courses: 9216 3927
Facsimile: 9216 3960
County callers: 1800 198 149
TTY: 9216 3936

By email
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

An Interpreter can be arranged on request.

Disclaimer
The material in this brochure is not intended to be legal advice. The Commissioner expressly disclaims any liability in respect to anything done or not done to any person in reliance upon any of the contents of this publication.

The Government of Western Australia
www.wa.gov.au

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