

In respect of rights



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Contact Us

To make a complaint or get information, contact the office or visit the website. Please note, the office cannot give legal advice.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone
Ph: 1300 305 062 (local call)
Ph: (03) 6233 4841
Fax (03) 6233 5333

Web SMS: 0409 401 083

National Relay Service
TTY users: 133 677 then ask for 1300 305 062
Speak and Listen users: 1300 555 727 and ask for 1300 305 062

E-mail
antidiscrimination@justice.tas.gov.au

Website
www.antidiscrimination.tas.gov.au

Please let the office know before an appointment if you need assistance or the services of an interpreter.

Invitation to all readers

From the Anti-Discrimination Commissioner

The passing of the Anti-Discrimination Amendment Bill 2012 is an important step forward and everyone at the Office of the Anti-Discrimination Commissioner is looking forward to implementing improved processes for complaints made possible by the amendments.



On 26 September 2013, the Tasmanian Parliament passed amendments to the *Anti-Discrimination Act 1998 (Tas)* (the Act) that provide new legal protections against discrimination and related conduct and an improved capacity to streamline processes for dealing with complaints.

The amendments will not take immediate effect, with a short delay to allow us to prepare for them.

The amendments mean that protection from discrimination under the Tasmanian Act has now been extended to the grounds of gender identity and intersex. This brings Tasmania into line with the recent changes to federal discrimination law and provides broader and stronger protection than any other state or territory. Both gender identity and intersex will be defined in the Act and make the distinction between a person's biological sex and their gender identity.

Intersex is not a well understood characteristic and we will be working over the coming months to prepare appropriate information materials, as well as education and training approaches, to assist everyone in Tasmania to understand the changes. There will be information in this newsletter over the next few months.

The amendments extend the existing protection from humiliating, intimidating, ridiculing, offending or insulting conduct to the grounds of race, age, disability, sexual orientation, intersex, gender identity and lawful sexual conduct. Such conduct is already unlawful when it is on the basis of gender, parental status, marital status, pregnancy, breastfeeding, relationship status and family responsibilities. This type of conduct can already be dealt with under the Act if it fits the definition of direct discrimination, being less favourable treatment on the basis of particular personal characteristics. However, the clear coverage provided by the amendments is an important step to enabling us to address bullying-type behaviour when it is linked to personal characteristics.

Given the recent distressing reports and the community concern about bullying it was heartening to hear some of our State Parliamentarians observing that these changes don't go far enough in relation to bullying and I am keen to work with the Parliament and others to strengthen and extend appropriate protections whether linked to a personal characteristic identified in the Act or not.

The amendments also enable the Commissioner to grant an exemption for religious schools where the school has to deal with competition for places at the point of admission. An exemption, when granted, would permit the school to give preference to a child of the school's religion. This amendment provides for an important and appropriate balance of freedom of religion with freedom from discrimination.

Readers who have particular topics they wish to know more about or items to include in the next issue are encouraged to contact the Editor.

Any comments and feedback about the newsletter to ensure it is a useful resource and information-sharing tool for our readers is welcomed.

Newsletter Editor
Roz Smart
Ph: (03) 6233 7832
E-mail rozsmart@justice.tas.gov.au

Other changes mean greater capacity to bring parties together to resolve complaints made under the Act, and to clarify complaints. The majority of the amendments provide for administrative improvements in how both my office and the Anti-Discrimination Tribunal deal with complaints. These will benefit all parties in the complaint process.

The passage of the Bill is a statement from our Parliament to the people of Tasmania that discrimination against people on the basis of gender identity and intersex, and behaviour that negatively targets people because of their race, disability, age, gender identity, intersex, sexual orientation or lawful sexual activity is not acceptable in our society,

We are now looking forward to working across the State to provide guidance on the rights and obligations enacted by these amendments and on the implementation of new complaint procedures

Robin Banks
Anti-Discrimination Commissioner

From the OADC

Employment Opportunity

Investigation and Conciliation Officer (355279a)
Department of Justice
Office of the Anti-Discrimination Commissioner

Applications Close Friday, 11 October 2013.

Salary \$72,571 – \$75,893 p.a
Tasmanian State Service Award, General Stream Band 5.
Position Type Fixed-Term full-time For a period of 12 months, working 73.5 hours per fortnight.
Location Hobart.

Duties - Handle enquiries from members of the public concerning potential complaints under the Act. Investigate complaints of discrimination and prohibited conduct in accordance with the provisions of the Act including direct contact with parties to complaints and others relevant to the investigation. Undertake research in respect of investigations.

Enquiries to Robin Banks, Commissioner, Office of the Anti-Discrimination Commissioner, Department of Justice, phone (03) 6216 4431, email robin.banks@justice.tas.gov.au.

Applications to Recruitment and Establishment, Human Resources, Department of Justice, GPO Box 825 Hobart Tas 7001, phone (03) 6233 6809, fax (03) 6233 3254, email applications@justice.tas.gov.au.

For further information, please download a copy of the Statement of Duties from the www.jobs.tas.gov.au website. If a Statement of Duties cannot be downloaded, please contact Hilary Harris on (03) 6216 4431.

Human Rights Week Tasmania



Tasmanian Human Rights Awards: closing date extended to Monday 7 October!

The Tasmanian Human Rights Week Committee is putting out a final call for nominations for the Tasmanian Human Rights Awards in nine separate categories:

- School (sponsored by A Fairer World)
- Individual
- Organisation
- Youth
- Culturally and Linguistically Diverse (CALD)-focussed activity
- LGBTI-focussed activity
- Mental Health-focussed activity NEW
- Sport
- Angus Downie Print Journalism Award

Award winners are selected from those who are actively engaged in the promotion or protection of human rights in Tasmania.

All Award winners will receive a certificate and \$500 at the conferring ceremony during Human Rights Week in Tasmania (3 – 10 December 2013).

All nominations must be on an official Nomination Form and submitted by 5:00 pm on Monday 7 October 2013.

For more information on Human Rights Week, eligibility and criteria for the Awards and to download a Nomination Form go to

www.afairerworld.org/_HRWeek/award.html or contact the Committee at HRWTasmania@gmail.com or write to Human Rights Week Organising Committee, c/- GPO Box 197, Hobart 7001.

Schools wanting teaching resources or professional training in human rights education can contact A Fairer World at admin@afairerworld.org or phone 6223 1025.

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QTas performing at the Human Rights Week launch

QTas is a new choir for the LGBTIQ (lesbian, gay, bisexual, trans, intersex and queer) and extended community with a strong focus on inclusive practices and incorporation of original Tasmanian artistic content. It provides a unique Tasmanian voice, focusing on the themes of belonging, identity, sense of place and the personal sacred, while intentionally delivering significant social, wellness and artistic benefits. QTas aims to be a nationwide contemporary arts/music initiative for the LGBTIQ and extended community.

For more information about QTas go to www.qtaschoir.com or on like the choir on Facebook

FAQs - I am being bullied what can I do?

Language is powerful.

An accusation of bullying is serious and the labels of 'victim' and 'bully' are potentially damaging.

We need to be supported in our workplaces, schools and community to raise issues of **inappropriate behaviours** before they escalate to allegations of bullying.

Bullying should not be used as an allegation only as a conclusion.

I think I am being bullied, do I have any rights?

- You have the right to be treated fairly and respectfully in your workplace.
- You have the right to get support from a workplace support / contact officer (if your workplace has them), from a manager, from Human Resources staff and/or from your employee assistance provider (EAP).
- You are also protected from victimisation, you have the right to not be treated badly or threatened because you make a complaint.

What can I do about how I am being treated?

- Your workplace should have a workplace conduct policy including 'bullying prevention' with a definition of what constitutes appropriate workplace conduct and what might be inappropriate workplace conduct, including what might be considered bullying. Check this to see if the behaviour (or similar) is dealt with in the policy and if there are guidelines as to how to address such behaviour in your workplace.
- **You have options about how you respond to how you are being treated.**
- If you are able to, it is best to deal with inappropriate behaviours on the spot rather than letting them 'build up'; by tolerating bad behaviour you may be contributing to the culture you wish would change.
- Stop it on the spot: speak up, speak calmly and in a non-confrontational way, be specific, focus on the behaviour you want changed, listen, use 'I feel' statements, get support.
- Walk away: tolerating tirades or abuse is not listed in anyone's job description. If you need to excuse yourself from the situation to protect yourself then do so.
- Reflect. Don't react. Document bullying behaviour (this can help you to reflect on how the behaviour made you feel and how you wish to manage it), protect yourself, get support, gain knowledge.
- Use internal informal workplace systems: speak to a manager, the human resources staff, or a workplace support / contact officer, use the employee assistance program (EAP), know your rights, know what you want, get support.

I tried talking to the person and I asked my manager for help but neither of those options worked, what can I do?

- Make a formal written complaint to your manager, human resources staff, or follow your employer's grievance policy; or make a complaint to an external body such as the Anti-Discrimination Commissioner, Fair Work Australia, or Workplace Standards Tasmania depending on the circumstances. You can contact each of these to find out whether they can deal with your situation.

I am the manager, how do I deal with a staff member who is bullying me?

- Work out what behaviour you feel is inappropriate or bullying: by breaking the behaviour down it may become easier to deal with.
- Is the behaviour a breach of the formal workplace values or code of conduct?
- Make notes about how you are being treated and follow your workplace procedure for dealing with such issues.
- Do not be afraid to ask for support or assistance from the human resources department or staff or a more experienced manager.

Perhaps it is my fault, maybe I am not working hard enough?

- One way to get perspective on how you are feeling is to keep a diary for yourself of what is happening and how it makes you feel. Another way is to imagine how what is happening would look if you were watching it played back in a DVD. Would it seem fair and reasonable? If not, it may be inappropriate workplace behaviour.
- Are you able to have a conversation with the person that you think is behaving badly towards you? Perhaps there is some miscommunication about your job expectations that could be clarified with a conversation.

I don't trust the managers in my workplace to deal with my complaint fairly, what can I do?

- Know that you have the right to be treated fairly and respectfully in your workplace without victimisation.
- Your workplace must follow the principles of fair grievance handling and you have the right to be kept informed as to the process and progress of your complaint.

Legal News

Disability Discrimination

Plancke v Glyde [2011] TASADT 06

A complainant made an allegation of disability discrimination against the manager of the store where he was employed.

The complainant alleged that he was subjected to unfavourable treatment by the respondent in a number of respects. This treatment largely involved the manager being critical of the complainant's work, assigning unfavourable tasks to him and refusing to assign favourable tasks to him, and being abusive and bullying in his manner towards him. On one occasion the manager allegedly threw a tray of sausage rolls at the complainant when he took a break from work. The manager allegedly combined criticism and abuse of the complainant with references to 'autism'. Eventually, as a result of this treatment, the complainant resigned from the job.

The Tasmanian Anti-Discrimination Tribunal accepted the evidence of the complainant, stating, 'I am satisfied that the general pattern of treatment of Mr Plancke by Mr Glyde did amount to unfavourable treatment and, further, that it was on the basis of a prescribed attribute, namely, Mr Plancke's disability.'

The complainant was awarded \$3,000.00.

http://www.magistratescourt.tas.gov.au/decisions/anti-discrimination_decisions/p/Plancke_-v-_Glyde_2011_TASADT_06

Complaint outcomes

Complaint of discrimination on the basis gender and relationship status

A complainant's substantive position was made redundant and she was offered a trainee position, which she accepted. The complainant raised concerns that the position wasn't working out and that her supervisor was engaging in discriminatory treatment of her. During a meeting with her supervisor, the complainant felt that she was being pressured to resign, and alleged that the supervisor made an unprofessional comment to her related to her gender. She also alleged that when she was away sick her supervisor checked to see if her partner, who also worked at the company, had taken a sick day. The respondents denied that the complainant had been discriminated against and denied that her supervisor had pressured her or made any inappropriate comments to her.

At an early resolution meeting, it became apparent that the working relationship between the parties had broken down. The complainant did not wish to return to work.

The complaint was resolved by the respondents agreeing to make the complainant's position redundant and make a redundancy payment to her.

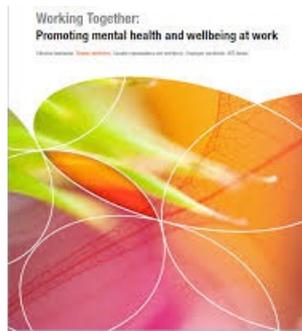
National News

Comcare guide launched

Comcare has launched a new guide, *Working together: Promoting mental health and wellbeing at work*, a joint initiative between the Australian Public Service Commission (APSC) and Comcare.

Comcare says the Guide, which has been rolled out across the Commonwealth public service, will help create workplaces that are mentally healthy and build workplace confidence to respond to mental ill health at work.





mental ill health at work.

The Guide, which was developed in collaboration with beyondblue and the Australian Human Rights Commission, includes topics such as how to create respectful workplaces, how to talk about mental health, how to manage risks to prevent harm, recognising when help is needed and supporting return to work.

<http://www.apsc.gov.au/publications-and-media/current-publications/mental-health>

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Australian Human Rights Commission Podcasts

Episode 17 – (9 September 2013) - male Champions of Change - the Defence perspective

Male Champions of Change is a group of men who aim to use their individual and collective influence and commitment to ensure the issue of women's representation in leadership is elevated on the national business agenda so that more gender-balanced leadership can be achieved in Australia.

One Male Champion is Chief of Army, Lieutenant-General David Morrison. In this installment of PodRights, Elizabeth Broderick speaks to Lieutenant-General Morrison about the importance of the Australian Defence Force to Male Champions of Change and what the Australian Defence Force and the business sector can learn from one another when it comes to supporting women in leadership and in their organisations.

<https://www.humanrights.gov.au/news/podrights/podrights-17-male-champions-change-defence-perspective>

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Commissioner 'calls out' casual racism

Federal Race Discrimination Commissioner Dr Tim Soutphommasane has challenged Australians to 'call out' casual racism when it occurs in everyday life.

'When we encounter casual racism, I want to ask: is there something that we can do to start a conversation with a family member, a friend, a neighbour, a teammate, or a colleague?', Dr Soutphommasane said.

'Can we quietly pull someone aside at the right moment and ask exactly what they mean when they said something?'

'That is the challenge I want to ask you to consider. Because it is at the level of everyday life, in our families, our schools, our universities, our neighbourhoods, our clubs, our workplaces – everyday – that all of us have the capacity to change attitudes about racism.'

Dr Soutphommasane recently delivered the 24th Peace and Understanding Lecture at the University of Queensland's International House. His lecture, 'Racism, hate speech and multiculturalism', focused attention on the impact of casual racism and the opportunities to do something about it.

'Racism doesn't need to be violent or malicious; it is often more subtle than this. It may be a joke, an off-hand comment, or it might be about who gets included in chats in the work kitchen or at the water cooler,' Dr Soutphommasane observed.

'This kind of racism may be unintentional or the result of ignorance, but it still has consequences. And this is what is most important in any conversation we now have about racism: that it is as much about impact as it is about intention,' he said.

My Work Rights

The Victorian Equal Opportunity and Human Rights Commission's **'My work rights'** campaign aims to raise awareness of young women's rights at work. Experiencing harassment and discrimination can have real, negative impacts on a person's confidence and wellbeing.

For updates about 'My work rights' like www.facebook.com/myworkrights and follow @MyWorkRights on Twitter.

October and November Training Calendar



The OADC is involved with and delivering information at the following **Work Safe Month events** in October:

Workplace Bullying Conference Day

Hobart

8 October
Wrest Point, Derwent Room
9.00 am - 4.00 pm

Burnie

16 October
The Point, Function Room
9.00 am - 4.00 pm

Launceston

30 October
Launceston Country Club, Ball Room
9.00 am - 4.00 pm

Bullying - what it is, what it's not and what to do about it

Hobart

1 October
Wrest Point, Derwent Room
2.00 - 5.00 pm

Burnie

15 October
Burnie Arts and Function Centre, Braddon Hall
9.00 am - 12.00 pm

Launceston

29 October
Launceston Country Club, Ball Room
10.30 am - 1.30 pm

Get in on the Act

Information, application and updates about the *Anti-Discrimination Act 1998* from the Anti-Discrimination Commissioner

Hobart

7 October
Wrest Point, Derwent Room
9.00 - 11.00 am

Burnie

15 October
Burnie Arts and Function Centre, Braddon Hall
12.30 - 2.30 pm

Launceston

31 October

Launceston Country Club, Tasman Room
12.30 - 2.30

pm

**Managers supporting and making the most of their
Workplace Support Contact Officer networks**

Hobart

11 October
Wrest Point, Derwent Room
12.30 - 1.30 pm

Burnie

17 October
Burnie Arts and Function Centre, Bass/Flinders Room
9.00 - 10.00 am

Launceston

Launceston Country Club, Tasman Room
11.00 am - 12.00 pm

Register for Work Safe Month events online at:

http://suite.peoplelogic.com.au/scripts/workcover_tasmania_booking_calendar/index.php

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OADC Calendar Training

Workplace Support / Contact Officer (WS/CO) Training

Hobart

Monday 4 November, 1.00 - 5.00 pm
&
Tuesday 5 November, 9.00am - 12.30 pm

Launceston

Monday 11 November, 1.00 - 5.00 pm
&
Tuesday 12 November, 9.00 am - 12.30 pm

\$440.00 (pre GST)

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**Workplace Support / Contact Officer (WS/CO) Networking
Meeting**

Hobart

Tuesday 26 November, 9.00 am - 12.00 pm

Launceston

Wednesday 27 November, 12.30 - 3.30 pm

FREE

for more detailed course information, price, registration forms or contact
details, follow this link

http://www.antidiscrimination.tas.gov.au/education_and_training

Local News

If you can't get an interpreter or have had a bad experience with an
interpreter, the **Migrant Resource Centre** have established '**Drop-In-
Monday**',

Every Monday
from 10.00 am - 3.00 pm
Level 2, 116 Bathurst Street, Hobart.

They can help you to complain formally to help your situation and help
service change

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VDay: Until the Violence Stops

Thursday 17 October 5.45 pm (6.00 pm film start)
University of Tasmania Law Theatre, Sandy Bay

Buy tickets at <http://www.trybooking.com/DQSQ> or cash at the door.

Also showing **1 Billion Rising** and Zyra McAuliffe's documentary of a production of *The Vagina Monologues* in NSW.

The screening aims to inspire a Hobart production of the internationally acclaimed Eve Ensler play, **The Vagina Monologues**, and other involvement in One Billion Rising and VDay 2014.

For more information about:-

- VDay and *The Vagina Monologues*: www.vday.org
- The One Billion Rising campaign: www.onebillionrising.org
- A Hobart production of the *The Vagina Monologues* - Sabine Wagner, eo@hobartwomensshelter.org.au, (03) 6273 8477
- The film screening: Helen Hortle, admin@afairerworld.org.phone; (03) 6223 1025.

Extraordinarily moving and heartbreakingly funny, this Sundance favourite chronicles how Eve Ensler's hit Off-Broadway show, *The Vagina Monologues*, grew into V-Day, an international grassroots movement to stop violence against women and girls.

One Billion Rising for Justice is a global call to women to gather in places where women deserve to feel safe but too often do not. In 2013, one billion women and men shook the earth through dance to end violence against women and girls.

Soroptimist Hobart

<https://www.facebook.com/events/1381861702046331/>

Play by the Rules



For the latest e-bulletin from Play by the Rules, please follow this link <http://www.playbytherules.net.au/news-centre/ebulletins>.

Awareness Days in October



1 October

International Day of Older Persons

www.un.org/en/events/olderpersonsday/

Monday 1 October 1 – Sunday 7 October

Seniors Week

<http://www.cotatas.org.au/programs-events/seniors-week-2013/>

2 October

International Day of Non-Violence

www.un.org/en/events/nonviolenceday/index.shtml

10 October
World Mental Health Day
7 - 13 October

Mental Health Week
The theme for Mental Health Week 2012 is Celebrate, Connect, Grow.
http://www.dhhs.tas.gov.au/mentalhealth/mental_health_week

11 October
World Sight Day
www.vision2020australia.org.au/index.cfm

14 - 20 October
Anti Poverty Week
<http://www.antipovertyweek.org.au/about/about-anti-poverty-week>

14 - 20 October
Carers Week
<http://www.carersaustralia.com.au/>

16 October
World Food Day
<http://www.fao.org/getinvolved/worldfoodday/en/>

17 October
International Day for the Eradication of Poverty
www.un.org/en/events/povertyday/

24 October
United Nations Day and World Development Information Day
www.un.org/en/

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