

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.

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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
Readers who have particular topics they wish to know more about or

From the Anti-Discrimination Commissioner

At the end of July, Elizabeth Broderick, Federal Sex Discrimination Commissioner launched the *Report of the Supporting Working Parents: Pregnancy and Return to Work National Review*. The National Review examined the prevalence, nature and consequences of discrimination at work related to pregnancy, parental leave, and return to work. My office contributed to the review through a submission and by providing detailed data on complaints over recent years.



The Report outlines the findings of the National Review gathered through the national telephone survey, and consultations and submissions process.

The National Prevalence Survey found:

- Discrimination in the workplace against mothers is pervasive. One in two mothers reported experiencing discrimination at some point during pregnancy, parental leave or on return to work.
- Discrimination is experienced in many different forms ranging from negative attitudes in the workplace through to job loss.
- 32% of all mothers who were discriminated against at some point went to look for another job or resigned.
- One in five (18%) mothers reported that they were made redundant, restructured, dismissed or their contract was not renewed either during their pregnancy, when they requested or took parental leave or when they returned to work.
- Discrimination has a significant negative impact on mothers' health, finances, career and job opportunities and family. 84% of mothers who experienced discrimination reported a negative impact as a result of that discrimination.
- Discrimination has a negative impact on women's engagement in the workforce and their attachment to their workplace. Many mothers reported that they resigned as a result of the discrimination or looked for another job. Mothers who experienced discrimination during pregnancy were less likely to return to their job or return to the workforce.
- 91% of mothers who experience discrimination do not make a formal complaint (either within their organisation or to a government agency).
- Several characteristics of the individual, their employment and the workplace, impacted on mothers experience of discrimination. For example, young mothers and single mothers are more likely to experience discrimination during pregnancy. There is limited awareness and understanding of discrimination, its nature and consequences amongst mothers.
- Despite taking very short periods of parental leave, fathers and

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

E-mail roz.smart@justice.tas.gov.au

People taking very short periods of parental leave, fathers and partners face discrimination. Over a quarter (27%) of survey respondents reported experiencing discrimination when requesting or taking parental leave or when they returned to work.

- Fathers and partners experience discrimination in many forms and experience significant impacts as a result of discrimination.
- Very few fathers and partners make a formal complaint in response to the discrimination.
- There is limited awareness and understanding of discrimination, its nature and consequences amongst fathers and supporting partners.

My office has received enquiries and formal complaints that reflect these findings. We have dealt with complaints from women about discrimination on the basis of pregnancy and family responsibilities. We have also dealt with complaints from men about discrimination on the basis of their family responsibilities.

Importantly, the national report also sets out recommendations directed towards government, workplaces and the wider Australian community, all of whom have an interest in increasing women's participation in the workforce and creating workplaces that are support of all employees with family responsibilities..

The Report is available at:

<http://www.humanrights.gov.au/publications/supporting-working-parents-pregnancy-and-return-work-national-review-report>.

Robin Banks

Anti-Discrimination Commissioner

FAQs - Casual Racism

Beyond Blue has just launched a campaign highlighting the impact of casual racism on Aboriginal people and Torres Strait Islanders. Please take a moment to view the video and share it with others:

<https://www.youtube.com/watch?v=MvTyl41PvTk>

This month our FAQs are copied with permission from the Australian Human Rights Commission <http://www.humanrights.gov.au/casual-racism-faqs>.

What is casual racism?

- Casual racism is one form of racism. It refers to conduct involving negative stereotypes or prejudices about people on the basis of race, colour or ethnicity.
- Examples include jokes, off-handed comments, and exclusion of people from social situations on the basis of race.

How is it different from other types of racism?

- Some people associate racism with a belief in racial superiority or deliberate acts of discrimination. Casual racism is not so much about a belief in the superiority of races but negative prejudice or stereotypes about race.
- Unlike overt and intentional acts of racism, casual racism isn't often intended to cause offence or harm.

Doesn't the lack of intent means that casual racism isn't really racism?

- One of the obstacles to having an open conversation about race is the tendency to downplay things as not 'truly' or 'really' racist. This can embolden or encourage prejudice.
- You don't need to subscribe to doctrines of racial superiority or incite racial violence to say or do something with racist implications.
- Racism is as much about impact as it is about intention. We

shouldn't forget about those who are on the receiving end of discrimination.

Why should we care about casual racism?

- Like other forms of racism, casual racism can marginalise, denigrate or humiliate those who experience it. Harm can occur even if conduct isn't motivated by hate or malice.
- Research demonstrates that racism can have adverse effects on people's physical and mental health. It can cause anxiety, depression, low self-esteem and high blood pressure.
- Racism can also exclude the target from wider society. It sends a message that they aren't welcome. It reinforces social barriers and attacks the dignity of the victim as an equal member of society. It can undermine civility and social cohesion.
- In many cases people do not recognise their words and deeds are racist. It's simply seen as part of Australian culture to 'have a go' at people. Casual racism, via ignorant commentary or jokes, is not acceptable. People who perceive they have the right and luxury to engage in racist practices do not understand that they are adding to a lifetime of injury for those of us who have had been subjected to racism.

Does this mean I can't joke about things?

- Being aware of casual racism involves recognising that we are all accountable for the things we say or do.
- Making casually racist jokes or comments can have a negative impact upon a target individual or group. Casual racism can fuel prejudice and discrimination.
- Joking about matters of race – particularly of people of a different background – can also lead others to form unfavourable impressions of you.

What should I do when I encounter casual racism?

- A change in social attitudes is necessary for combatting casual racism. Everyone can contribute to this change through speaking up against racism when they encounter it.
- You could start a conversation with a friend, family member, colleague or teammate. This could, for example, involve pulling them aside to ask them what they mean by their comment. Or to ask them how they would feel if they were subjected to stereotypes.

For more information on what you can do to take a stand against racism, take a look at the Human Rights Commission's 'Tips for Bystanders': <http://itstopswithme.humanrights.gov.au/it-stops-with-me/bystanders>

Case Summary

In the following case the full Federal Court upheld an appeal in relation to the assessment of damages in a sexual harassment claim significantly increasing the damages previously awarded by the Federal Court for pain and suffering. **This is a strong indicator that employers are likely to be exposed to more significant claims in the future.**

Richardson v Oracle Corporation Australia Pty Ltd [2014] FCAFC 82

In February 2013, the Federal Court found Oracle vicariously liable for the sexual harassment of a female manager by a male sales consultant during a six month period in 2008.

The Federal Court awarded the female manager \$18,000 for pain and suffering, however, on appeal this was increased to \$100,000.

The full Federal Court found that community standards now accord a higher value to compensation for pain and suffering and loss of enjoyment of life than before. Accordingly, the damages for non-economic loss were increased to \$100,000.

<http://www.austlii.edu.au/au/cases/cth/FCAFC/2014/82.html>

Complaint Outcomes

These complaints were resolved through the parties taking up the opportunity to participate in dispute resolution meetings. As a result of changes to the Anti-Discrimination Act that took effect on 1 January 2014, these meetings can take place at any stage after the complaint has been lodged with the Anti-Discrimination Commissioner, and many complaints are resolved this way.

Publishing a discriminatory cartoon

A Deaf person complained about the publication of a cartoon depicting deaf people as 'deaf and dumb'. The complaint was resolved through facilitated negotiations. The publisher agreed to ensure that the cartoon is not published again, provide an apology in the publication and offered the complainant an opportunity to write an opinion piece for the publication.

Physical access for people with disability when shopping

A person with physical disability made a complaint about the lack of accessible shopping trolleys available at a shop. The complaint was resolved with the respondent agreeing to ensure that accessible trolleys would be available at the store, to pay \$2,000 compensation to the complainant and also provide the complainant with a \$500 gift card.

August and September Training Calendar

Addressing and Preventing Workplace Bullying for Managers and Supervisors

Launceston

Wednesday 20 August, 1:00 - 5:00 pm

Hobart

Monday 25 August, 9:00am - 1:00 pm

\$220.00 (pre GST)

Writing Anti-Discrimination Policies

Launceston

Thursday 25 September, 12:30 - 1:30pm

Hobart

Monday 29 September, 12:30 - 1:30pm

\$55.00 (pre GST)

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

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

Training News

Workplace Support Contact Officers (WSCOs)

A question recently asked in an organisation was ***'What do you do if you suspect that one of your WSCOs is not fulfilling their role'***

The credibility (and thus worth) of your WSCO network can be unravelled by a single report of a WSCO not performing their role appropriately. This usually means that the WSCO has:

- not kept the matter confidential
- not remained impartial when supporting the contact
- not taken the contact seriously
- turned 'information giving' into 'advising' the contact
- taken over a complaint
- not listened
- exhibited bullying, harassing or discriminating behaviours themselves

As a manager if you hear a complaint about the conduct of a WSCO you need to follow it up. To do this effectively, managers need to understand the role of the WSCO. You may need to talk to the WSCO themselves or the WSCO co-ordinator if your organisation has one.

Some organisations appoint their WSCOs for a fixed term, with staff electing new (or the same) WSCOs every 1 or 2 years, this can be a good option to keep your network fresh and also allows for WSCOs to select themselves out as well.

You also need to ensure that everyone in the organisation understands the WSCO role and who their WSCOs are. If everyone understands how the role should be performed WSCO accountability and thus professionalism should follow.

For information about **WSCO training**, **WSCO refresher training**, **WSCO networking meetings** or **FREE Managers understanding and supporting the WSCO role seminars** go to: http://www.antidiscrimination.tas.gov.au/education_and_training and contact Roz or Louise.

WorkSafe Tasmania Month



29 September - 31 October 2014

WorkSafe Tasmania Month is approaching and will be bigger than ever. The OADC will again be involved with and delivering free training and information sessions around Tasmania.

This year, the OADC contribution will be courses on:

- Discrimination-free Recruitment
- Workplace Behaviour, and
- Discrimination Policy Writing.

Stay tuned for more information as well as a great program of other free training opportunities.

http://worksafe.tas.gov.au/events/worksafe_month

Human Rights Week Tasmania 2014



The Tasmanian Human Rights Week Committee is now taking nominations for nine Human Rights Awards:

- Individual Award
- Organisation Award
- A Fairer World School Award
- Lucy Henry Mental Health Award
- Angus Downie Print Journalism Award
- Culturally and Linguistically Diverse Community Focussed Activity Award
- LGBTI Cultural Awareness Award
- Youth Award, and
- Sports Award

Nominations close 5pm, Tuesday 30 September 2014

For each award a certificate and prize of \$500 will be presented at the conferring ceremony on Wednesday 3 December, 2014.

For more information or to download a nomination form go to www.afaairerworld.org/_HRWeek or phone Louise on (03) 6165 7512.

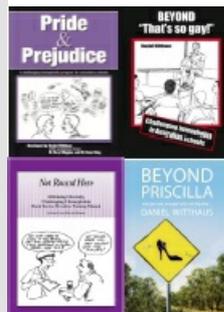
Flyer to download

www.afaairerworld.org/_Coming_events/2014HRAwards.jpg

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 1, Universal Declaration of Human Rights

Local News



Australia's leading challenging-homophobia educator comes to Tassie

Australia's leading challenging-homophobia educator, **Daniel Witthaus**, will be in Tasmania from August 11 to 14 facilitating workshops and other events.

Daniel is the author of two books, "**Beyond That's So Gay**" and "**Beyond Priscilla**", both of which explain the best strategies for reducing prejudice, discrimination and

bullying in the class room and other settings. Daniel is also the author of the **Pride and Prejudice program**, a class room anti-homophobia program which has been successfully implemented in several Tasmanian public and faith-based secondary schools. To find out more about Daniel, go to: <http://thatssogay.com.au/about/>

Daniel's professional development workshops in Tasmania will explore strategies for effectively reducing homophobic prejudice and bullying in schools. They are open to all education professionals and service providers including school chaplains. Please contact Daniel if you have any further questions: daniel@thatssogay.com.au

Event schedule

Sunday August 10

Launceston

3pm-5pm

Marriage equality workshop, Riverview Hotel, 43 Charles St, Launceston.

For more info:

<http://www.australianmarriageequality.org/werewaiting/were-waiting-visits/launceston/>

RSVP: <https://www.eventbrite.com.au/e/australian-marriage-equality-workshop-launceston-tickets-12427447831>

Monday August 11

Launceston

10.30am-12.30pm

Forum for teachers, service providers, school chaplains and community members

Tuesday August 12

West Coast

10.30am-12.30pm

Daniel to speak at West Coast service providers meeting at Zeehan,
open to school workers including chaplains

Wednesday August 13

North West Coast

10.40am-12.15pm

Forum (as above) at Don College

1.20pm-2.50pm

Forum (as above) at Hellyer College

Thursday August 14

Hobart

10.30am-1pm

Forum (as above) Hobart City Council lower conference room,
Elizabeth Street

5pm-7pm

"Beyond Priscilla" book launch at Fullers Bookshop, Collins St

For more info:

<http://thatssogay.com.au/beyond-priscilla-hobart-launch/>

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Sport and Recreation Tasmania invites participants to attend the next Disability Sport and Active Recreation Network Forum.

Tuesday 26 August 2014

11:30 am - 2 pm

Silverdome Auditorium, 55 Oakden Road, Prospect

"A goal without a plan is just a wish"

Antoine de Saint - Exupery (1900-1944).

The Disability Sport and Active Recreation Network Forum provides an opportunity for the disability and sport sectors to network, interact, discuss and plan how to work together to encourage greater participation of people with disability in sport and active recreation.

The focus of this forum is collaborative work to achieve sporting goals in Northern Tasmania. Further information can be found in the agenda.

RSVP by Tuesday 19 August 2014 to

Alison.Mosely@dpac.tas.gov.au or phone 6165 5092 including any dietary requirements.

National News



Arts Access Australia (AAA) Art Exhibition

Arts Access Australia is currently seeking expressions of interest from people with disability who would like to take part in an art exhibition around the issue of discrimination.

The exhibition is being shown as part of Arts Activated 2014, which is a national conference

that will be held in Sydney during October.

For further information and expression of interest documents go to:

<http://www.artsaccessaustralia.org/news/552-exhibition-eoi-open-discrimination-the-good-the-bad-the-ugly>

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Get involved in work health and safety this October

This October Safe Work Australia is running the inaugural **Virtual Seminar Series (VSS)** - a free online event run throughout Safe Work Australia Month.

Virtual Work

The VSS showcases some of the latest work health and safety thinking, developments, innovations and research and supports the vision of the Australian Work Health and Safety Strategy 2012-2022—the ten year framework to encourage improvements in Australia's workplace health and safety.

The VSS is aimed at those with an interest in work health and safety and will feature live interactive panels and video presentations by work health and safety regulators, experts, business leaders and academics.

The themes for the VSS are:

- leadership and culture
- responsive and effective regulation
- agriculture and road freight transport industries, and
- small business.

If you would like to receive updates for this free online event, information on the program and the keynote speakers, register at www.swa.gov.au or download the Safe Work Australia Safety Month smart phone app from the Apple App store or through Google Play by searching for "Safe Work Australia Safety Month".

For more information on the VSS and to see the draft program visit www.swa.gov.au

Want to start talking about the VSS in social media? Use the hashtag #virtualWHS.

Play by the Rules



Play by the Rules has an online interactive bi-monthly magazine. To catch up with the latest news and to subscribe, go to <http://pbtr.com.au/>.

Awareness Days in August

1 - 7 August

World Breastfeeding Week

<http://worldbreastfeedingweek.org/>

9 August

International Day of the World's Indigenous People

<http://www.timeanddate.com/holidays/un/international-day-indigenous-people>

4 - 10 August

Homeless Persons Week

<http://www.homelessnessaustralia.org.au/index.php/events/hpw/homeless-persons-week-2014>

12 August

12 August

International Youth Day

<http://www.timeanddate.com/holidays/un/international-youth-day>

11-17 August

National Brain Injury Awareness Week

<http://biat.org.au/>

19 August

World Humanitarian Day

<http://www.timeanddate.com/holidays/un/world-humanitarian-day>

29 August

Wear it Purple Day

<http://wearitpurple.org/wear-it-purple-day/>

25 - 31 August

Hearing Awareness Week

<http://www.hearingawarenessweek.org.au/>

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