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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) 6165 7515
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

From the Anti-Discrimination Commissioner

The first day of March each year is celebrated as **Zero**



Discrimination Day. It is a reminder that 'Discrimination is a violation of human rights and must not go unchallenged. Everyone has the right to live with respect and dignity' (Ban Ki-Moon, United Nations Secretary General).

For those who have not been discriminated against it can sometimes be hard to know how it effects people and communities and why we have laws to prevent it.

Discrimination is about actions that treat people differently (and worse than others) because of something about them, such as their age, their gender, their political views, their nationality or that they have a disability. It is also about actions that appear on the surface to treat everyone equally but that disadvantage people because of something about them.

In Australia we have had laws to protect against some forms of discrimination for at least 40 years (this year we celebrate the 40th anniversary of the *Federal Racial Discrimination Act*). In Tasmania, we have had laws protecting against some forms of discrimination since the 1990s. The current law, the *Anti-Discrimination Act*, means that it is unlawful to discriminate against another person or people because of a wide range of personal characteristics (the Act identifies 22 different characteristics).

We have these laws because our governments have recognised that discrimination is not only harmful to the

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 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

person or people who are being discriminated against but also to our community and society. Discrimination excludes people from enjoying the same opportunities as others, and achieving their full potential. Discrimination makes people feel somehow less worthy of dignity and respect.

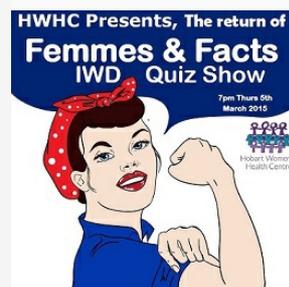
Even when discrimination is unintended, it leaves a person feeling belittled or unwelcome, or means they are excluded from activities or places where others are welcome.

Every single one of us can benefit from discrimination laws at some point in our lives. It is not about 'them', it is about 'all of us'.

Robin Banks

Anti-Discrimination
Commissioner

From the Office of the Anti-Discrimination Commissioner



The Anti-Discrimination Commissioner invites you to join her for the superbly humorous and competitive return of:

Femmes & Facts International Women's Day Quiz Show

7:00 pm Thursday 5 March 2015

Farrell Centre

The Friends' School
395 Argyle St, Hobart

This is a fundraiser to celebrate International Women's Day and raise funds to support the important work of the Hobart Women's Health Centre.

To book tickets go to www.trybooking.com/115957. for more information and enquiries email leanne@hwhc.com.au or call 6231 3212

<https://www.facebook.com/pages/Hobart-Womens-Health-Centre/106238739430050>

FAQs - Gender Equality

I applied for a job working

on a building site. I was told I would be the only woman working there.

I wasn't offered the job. Is this discrimination?

- It could be if your gender was part of the reason you were not offered the job.
- The *Anti-Discrimination Act 1998* (the Act) prohibits discrimination based on gender.
- Gender discrimination occurs when someone is treated unfairly (less favourably than another person) or disadvantaged because of their gender.
- You could ask for interview feedback to find out why you were unsuccessful.
- The employer should want the best person for the job based on the 'merit principles'; not based on a person's gender.

Asha and I 'wagged' school and got caught. Asha got an official warning, but I was suspended. The reason given was that as a boy in grade 10 I should know better.

Is this discrimination?

- It appears it may be as you got a worse punishment than Asha apparently based on your gender. (If you are also a different age from Asha it might also be age discrimination.)
- The school has a 'duty of care' to all students during school hours.
- Schools have a student 'code of conduct' policy on how students should behave while at school and there are consequences if a student chooses to do the wrong thing.
- Any action taken by the school against a student should be based on the behaviour rather than a student's personal attribute such as gender.
- At the end of the day you may face different consequences for the same action because, for example, of past warnings, but any action taken needs to be fair and non-discriminatory.

During a board meeting, an option I proposed was ignored. Bob presented the same option later and was congratulated and praised

***for it by senior executives.
Is this discrimination?***

- This may be discrimination if your opinion was ignored because of your gender.
- Everyone wants to be recognised as an active contributor and a valued team member at work.
- All employees have a right to be treated fairly and respectfully in the course of their duties, not treated worse than others because of a personal attribute such as their gender.

I am a woman and recently started working in the transport industry (taking over from a man who had retired). I do exactly the same job he did, but I am paid 50% less. I was also offered a different job contract to my colleagues who are men.

Is this discrimination?

- Yes, it may be unlawful discrimination if you are doing the same job as a man but being paid less because you are a woman.
- A person's gender should not determine how much they are paid or what type of contract they are offered or conditions they are on.
- As a safeguard from discriminatory practices by an employer, employment contracts and awards, enterprise agreements or other registered agreements cannot provide for less than the legal minimum set out in the National Employment Standards (NES).

I asked my manager what I needed to do to become a permanent security officer. I gained the qualifications he suggested, but have since found out the manager gave Henry a permanent position with no qualifications or experience.

This seems unfair but is it discrimination?

- Yes, this could be unlawful discrimination.
- Qualifications and experience, not gender, should be taken into account when employing, promoting or changing the employment status of a worker.

- If you feel confident to do so, you could ask the manager why you missed out on the opportunity of permanency as you now have the qualifications you were told to get.

George and I are the only two men working in a workplace dominated by women. George and I are never invited to work lunches.

Is this discrimination?

- Yes, this may be discrimination if being men is one of the reasons you are being excluded.
- Workplaces and work events should be inclusive of all workers regardless of gender.
- Being excluded by your work colleagues is hurtful and can cause issues within a workplace.
- All employees have a duty of care not to unlawfully discriminate against work colleagues in relation to the personal characteristics or attributes that are listed in the Act, one of which is gender.
- Managers have added responsibilities under discrimination law to ensure workers and others in the organisation are aware of their rights and obligations and do not discriminate or engage in related unlawful behaviour.

Recently Granted Exemptions

Under the *Anti-Discrimination Act 1998* (Tas), the Commissioner is empowered to grant exemptions that permit a person or organisation to engage in an action or activity that would otherwise be unlawful under the Act. Such exemptions can be granted for up to three (3) years.

Whenever the Commissioner grants an exemption, a notice of this must be published in the *Tasmanian Government Gazette*: <http://www.gazette.tas.gov.au/>

Any person may apply to the Anti-Discrimination Tribunal for a review of the Commissioner's decision within 28 days from the date the notice is published in the *Gazette*.

Exemption granted 5 February and gazetted on 18 February 2015

Exemption No. 15/02/001 granted to the Launceston Women's Shelter Inc (Magnolia Place) commencing on 5 February 2015 and ending 1 October 2017. This exemption was granted to Launceston Women's Shelter Inc to permit it to recruit and employ only women in the identified position of Administration Assistant on the basis that this role has direct contact with service clients and is necessary to achieve the purpose of operating a

and is necessary to achieve the purpose of operating a shelter for women and children escaping domestic/family violence and/or who are homeless to provide a secure, safe and supportive women-only space.

Exemption granted 13 January and gazetted on 28 January 2015

Exemption No 14/12/035 granted to the Thomas Henry Reid Music Foundation on 13 January 2015 for 3 years. This exemption was granted to the Thomas Henry Reid Music Foundation to design and deliver a series of workshops to encourage and empower female artistic professionals advance their careers in the music and recording industries. The exemption is granted on the basis that the Thomas Henry Reid Music Foundation develop the workshops to assist women in achieving the following outcomes:

1. For up to five (5) women, annually, to achieve a higher level of ability in recording and mastering techniques that advance their careers, delivered by music professionals; and
2. Connections with local recording studios, national and international community networks including through the promotion of these with developed skills to undertake placements; and
3. A professional and supportive environment where women feel welcome, engaged and encouraged.

Exemption granted 7 January and gazetted on 14 January 2015

Exemption No 14/12/036 granted to Warrawee Committee Inc (Warrawee Women's Shelter) on 7 January 2015 for 3 years. This exemption was granted to permit Warrawee Committee Inc (Warrawee Women's Shelter) to recruit and employ only women in the identified positions of Shelter Service Co-ordinator, Child Support Worker and Offsite Worker at Warrawee Women's Shelter in Ulverstone. The exemption is granted on the basis that:

1. the discrimination is for the purposes of operating a support service for women and children experiencing homelessness and/or in need of crisis accommodation, being a scheme for the benefit of a group—being women escaping domestic/family violence — that has special needs because of gender; and
2. being a women is a genuine occupational requirement of working with women escaping domestic/family violence.

For more information on exemptions go to;
<http://www.antidiscrimination.tas.gov.au/exemptions>

Case Summary

Rather than a case summary, this month we have an example of how a discrimination complaint can result in a good news story.

Public Interest Advocacy
Centre Media Alert
Thursday 29 January 2015

Virgin Australia makes flying more accessible for people with disabilities

Virgin Australia has made it easier for people with a disability, who need to travel with a carer, to access lower airfares, following the resolution of a complaint to the Anti-Discrimination Board of NSW.

The complaint was made after Jenny Brown found that she was unable to take advantage of discount airfares when booking flights for her disabled son because of Virgin Australia's requirement to submit the name of her son's companion carer at the time of booking.

The Public Interest Advocacy Centre (PIAC) represented Ms Brown in the complaint.

'My son travels with a carer arranged by a nursing agency. We don't usually know their name more than 2 weeks in advance when the agency finalises their roster, so we have had to book at the last minute,' said Ms Brown.

'Usually only expensive flights at the least popular, least convenient times are available.'

As a result of Ms Brown's complaint, the airline has reviewed and made changes to its policy so people travelling with a carer can now make flight bookings by phone up to 331 days in advance at the internet discount rate, without the requirement to enter the carer's name at the time of booking.

The name of the carer can then be confirmed at any time up to 72 hours before the flight.

'This settlement means that my family and many thousands of people who need the assistance of a carer when travelling will have much better access to "early-bird" flights and specials,' Ms Brown said.

'We welcome the changes that Virgin Australia has made as they make air travel more affordable and accessible for people with disabilities,' said Camilla Pandolfini, the PIAC Senior Solicitor in charge of the case.

'Travel is an essential service and this takes us one step closer to equality.'

MEDIA CONTACT: PIAC

Media and Communications
Officer, Gemma Pearce,
0478 739 280.

March and April Training Calendar

Workplace Support / Contact Officer Role

Launceston

Thursday 19 March
1:00 - 5:00 pm

&

Friday 20 March
9:00 am - 12:30 pm

Hobart

Monday 23 March
1:00 - 5:00 pm

&

Tuesday 24 March
9:00 am - 12:30 pm

Burnie

Monday 30 March
1:00 - 5:00 pm

&

Tuesday 31 March
9:00 am - 12:30 pm

\$440.00 (pre GST)

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Discrimination, Harassment & Bullying Management for Managers

Hobart

Tuesday 21 April
9:00 am - 1:00 pm

Launceston

Thursday 23 April
1:00 - 5:00 pm

\$220.00 (pre GST)

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Train the Trainer

To deliver your own Anti-Discrimination Training

Hobart

Monday 27 & Tuesday 28 April
9:30 am - 4:30 pm both days

\$770.00 (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

What do I do when..?

What do I do when..? is the title for the Workplace Support Contact Officer (WSCO)

networking/support event we are planning for later this year. We are proposing a half day, State-wide roadshow bringing together information providers on topics such as outside

on topics such as: suicide, disability aids and equipment, work-life stress, communication and resilience.

We want *What do I do when..?* to answer some of those questions from WSCOs that may not be covered in our training. Please provide your thoughts, topic requests and any other comments to roz.smart@justice.tas.gov.au

Local News

Don't miss out this year on the Hobart production of Eve Ensler's

The Vagina Monologues



Not only is it a great show, it is also an opportunity for all Tasmanians to be involved in the international campaign to end violence against women and girls.

The Vagina Monologues is a world-wide hit based on Eve Ensler's interviews with women about their experiences of their bodies and of living as a woman and is part of the international V-DAY Campaign.

Following the huge success and great response from the Tasmanian community in 2014, the production is being staged again in 2015 on **Friday 27 and Saturday 28 March 2015** at the Stanley Burbury Theatre, University of Tasmania, Sandy Bay.

Unique to this year's campaign is that three of the most prominent Tasmanian women politicians will join the performers on stage: Jacque Petrusma, Lara Giddings and Cassy O'Connor.

All profits from the production will go to the V-Day campaign and Tasmanian organisations working to stop violence against women and girls: SHE and A Fairer World.

For more information please visit www.afairerworld.org/vday

The venue is wheelchair accessible and has a hearing loop. The Saturday night show is being interpreted by Auslan interpreters from Auslan Stage Left.

You can buy your tickets online at www.trybooking.com/GRXR \$30 full price, \$20 concession. Pay it forward tickets, Friends' night out packages and more available.

If you want to do more and become a sponsor for the show, contact Sabine Wagner, Sponsorship Co-ordinator, V-Day Hobart on 0439 877 646 or sabinewagner@dodo.com.au

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Intersexion – A Film and Forum in Launceston on Gender and Sexuality

Free film and forum in Launceston, find out what LGBTIQ stands for, listen to some personal stories, join in the discussion, participate in question and answer time, check out the information stalls and mingle with other interested community members.

Thursday 12 March 2015
Annexe Theatre
2-4 Invermay Road Launceston
4.30 pm – 9.30 pm

See the flyer for more information at:
<http://www.tas.relationships.org.au/resources/course-flyers/intersexion-lgbtq-forum-flyer>

Or call: 1300 364 277

<http://www.tas.relationships.org.au/>

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Hear Our Voices - Women's Gathering 2015 "Stepping Out"

A gathering for women from refugee and multicultural backgrounds

Friday 13 March 2015
between 9.00 am and 3.30 pm
Glenorchy Civic Centre

For more information call Jill on: (03) 62166361 or email:
jsleiters@gcc.tas.gov.au

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Centacare Launceston is offering a 4-week course for Women who want to develop skills to deal with painful thoughts and feelings more effectively.

Thursday 5 March - Thursday 26 March 2015
Presenters: Julie Brett & Peter Ross
Venue: Centacare, 201 York Street, Launceston
Cost: Gold coin donation

Phone: 6332 0600
centacare.launceston@ahtas.org.au

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The **Networking for Harmony Group** is seeking people interested in performing traditional dance, singing and multicultural art and craft activities for a **Harmony Day celebration**

Saturday 21 March 2015
11.00 am - 1.00 pm
Parliament House Lawns, Salamanca

For more information, please contact Sjaan Field,
Community Development Officer, Multicultural at:
fields@hobartcity.com.au or phone (03) 6238 2515.

National News

**Everything
you Need to
Know About
the
Referendum
to Recognise
Indigenous
Australians**



Megan Davis and George

Williams

This new book deals with the proposal to recognise Aboriginal and Torres Strait Islanders in the Australian *Constitution*. The book is described as "The

definitive, clear-cut guide to the vote on recognising Aboriginal and Torres Strait Islander peoples in the Constitution.'

www.newsouthbooks.com.au

Information Access



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www.informationaccessgroup.com

Are you still using PDF?

If so, you might need to re-think your strategy for online publishing.

Let's look at an example:

Sarah is a 22-year-old office administrator who is blind. She uses the JAWS screen reader to access websites, e-mail and the files on her computer and she's been working in a great job for the past 3 years. Recently, however, she had an incident at work that could have easily been prevented.

At Sarah's office, a PDF notice was circulated around her workplace informing staff of an important meeting being held later that day. Sarah could not read the notice properly and as a result, was late and unprepared for the meeting. Her boss was not happy as she was supposed to take the minutes.

This issue could have easily been solved if there was an accessible PDF available to her that gave her all the information she needed.

If you are using PDF for publishing information online, you need to:

- ensure that the PDF is formatted correctly and passes accessibility checks: this includes checking the heading structure and including alternative content for images
- provide an alternative format, such as a Word document, an RTF file or a HTML web page.

If you work for a government department, you will probably be very familiar with the requirement to publish alternative versions of PDFs. If you work in a community organisation, you may still be publishing PDFs that are not accessible, and that don't have an alternative version available.

Here's some advice from the Australian Government Information Office (AGIMO) that sums it up:

"PDF does not yet have approved Sufficient Techniques to claim WCAG 2.0 conformance, so it cannot be 'relied upon' in the provision of government information. At least one other format must be provided with all PDF documents... This does not mean that PDFs cannot be

made accessible to some people in some conditions. If prepared well, it can be a highly accessible and usable document format."

Perhaps it's time to ask how many PDFs are on your organisation's website. How many of them would be accessible to a vision-impaired user? And what alternatives are available?

alternatives are available:

For more information about web accessibility:

http://www.informationaccessgroup.com/resources/web_accessibility.html

Play by the Rules



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

Awareness Days in March



Zero Discrimination Day

1 March

Discrimination continues to affect the lives of millions of people around the world. On 1 March, Zero Discrimination Day, people from all corners of the world unite under the theme of *Open Up, Reach Out* in order to celebrate diversity and reject discrimination in all its forms.

<https://www.facebook.com/zerodiscrimination>

and

http://www.unaids.org/en/resources/campaigns/20150204_zero_discrimination

International Women's Day

8 March

Make It Happen is the 2015 theme for the

www.internationalwomensday.com global hub, encouraging effective action for advancing and recognising women.

<http://www.internationalwomensday.com/theme.asp#.VLWeN6G4a0k>

<http://www.iwda.org.au/get-involved/international-womens-day/>

National Day of Action against Bullying and Violence

20 March

The National Day of Action Against Bullying and Violence is an opportunity for students, teachers, parents and the whole community to take a stand together against bullying and violence. This annual day provides a focus for schools who want to say Bullying. No way! and to strengthen their everyday messages that bullying and violence at school are not okay at any time.

<http://www.bullyingnoway.gov.au/national-day/>

International Day for the Elimination of Racial Discrimination

21 March

The United Nations' International Day for the Elimination of Racial Discrimination is observed with a series of events and activities worldwide on 21 March each year.

The day aims to remind people of racial discrimination's negative consequences. It also encourages people to remember their obligation and determination to combat racial discrimination.

<http://www.timeanddate.com/holidays/un/world-day-eliminate-racial-discrimination>

Harmony Day

21 March

Harmony Day is a day of cultural respect for everyone who calls Australia home – from the traditional owners of this land to those who have come from many countries

around the world. By participating in Harmony Day activities, we can learn and understand how all Australians from diverse backgrounds equally belong to this nation and enrich it.

www.harmony.gov.au

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