

## ***In respect of rights August 2017***



### **From the Anti-Discrimination Commissioner**

#### **Australian Marriage Law Postal Survey**

The *Anti-Discrimination Act 1998* (Tas) exists to protect all Tasmanians against discrimination and prohibited conduct.

As such, Equal Opportunity Tasmania encourages all members of the community to show respect and tolerance during the period of the Australian marriage law postal survey.

Many members of the community will be affected by the debate and it is up to all Tasmanians to support each other, regardless of differences in opinion.

I would encourage Tasmanians to ensure their views are shared in a way that does not discriminate, harass or bully another for having a different view. It is important to recognise that there are a whole range of views and when exercising our free speech we should do so in a way that is respectful and does not hurt another.

Regardless of differing views we should all have the right to feel safe, supported and included in the Tasmanian community. We encourage anyone who experiences or witnesses discrimination, offensive, humiliating, intimidating, insulting or

ridiculing conduct, sexual harassment, incitement or victimisation during the survey period to let us know by sending in a Marriage Equality Incident Form.

The Marriage Equality Incident Form is available at

<http://equalopportunity.tas.gov.au/resources/forms>

**Sarah Bolt**  
**Anti-Discrimination Commissioner**

### In the News:



University of Tasmania Executive Director of Student Experience Stephanie Taylor and Pro-Vice Chancellor Margaret Otlowski stand with Never OK student ambassadors  
Picture: Mathew Farrell, *The Mercury*

### National Report on Sexual Assault and Harassment at Australian Universities

The Australian Human Rights Council released their report *Change the Course: National Report on Sexual Assault and Harassment at Australian Universities* (2017) earlier this month. Findings include that one in five (21%) of university students had been sexually harassed in a university setting. The full report is available at [www.humanrights.gov.au](http://www.humanrights.gov.au)

*The Mercury* reported: Tasmania Police are urging victims of sexual assault to come forward, while the University of Tasmania has appointed Professor Margaret Otlowski

to Pro Vice-Chancellor (Culture and Wellbeing) to respond to the report's findings.

Professor Otlowski said "We share a sense of deep regret for any incident of sexual harassment or assault that has occurred for any students." "This is a broader community issues...This needs to be a whole of state response in the same way, collective way, people have dealt with...domestic violence" she said. [Read more at bit.ly/2xgHQ29](http://bit.ly/2xgHQ29)

Sexual harassment is prohibited under Tasmanian discrimination law. If you or anyone you know experiences sexual harassment you can [report it](#) to Equal Opportunity Tasmania using the online form [www.equalopportunity.tas.gov.au/resources/forms/Incident\\_form](http://www.equalopportunity.tas.gov.au/resources/forms/Incident_form).

### **An Australian Charter of Rights?**

Federal Independent Member for Denison Andrew Wilkie has introduced legislation that would enshrine a Bill of Rights in Australian law, while the Australian Greens are pushing for an Australian Charter of Rights.

Greg Barns contributed an opinion piece, in favour of a charter/bill of rights, to *The Mercury*: [read the full article \[subscriber only\] at bit.ly/2wflnEN](#). Professor George Williams and Daniel Reynolds discuss some of the issues in their *Conversation* article, [online at bit.ly/2wflnEN](#).

### **Across the pond - Jacinda Ardern fields questions on children and maternity leave**

New leader of the New Zealand Labour Party, Jacinda Ardern, has defended the right of women to keep their child-bearing plans private from their employer. "It is totally unacceptable in 2017 to say that women should have to answer that question in the workplace...It should not predetermine whether they are given a job or have job opportunities" she said.

Ardern has discussed publicly her own "dilemma" about juggling career and children, but stressed that it is her choice to respond to these questions. [Read the ABC's report at ab.co/2vfSJQp](#).

## **From Equal Opportunity Tasmania**



### **Easy Read Discrimination Fact Sheet**

With Langford House Tasmania, EOT has produced an Easy Read Fact Sheet on discrimination. The fact sheet is written in plain English, with images to help explain ideas.

You can download the factsheet, and other resources, from our website

[www.equalopportunity.tas.gov.au/resources\\_nocache](http://www.equalopportunity.tas.gov.au/resources_nocache).

### **NAIDOC Week 2017 - Our Languages Matter**

Equal Opportunity Tasmania continues to acknowledge the importance of both participating in and celebrating NAIDOC (National Aboriginal and Torres Strait Islander Day Observance Committee) Week with the Aboriginal community in Tasmania.

The National NAIDOC Committee makes key decisions on National NAIDOC activities including the focus city, the theme, the National NAIDOC Poster Competition winner and the National NAIDOC Awards winners. The theme for 2017 was 'Our Languages Matter'.

EOT staff attended the flag-raising ceremony at piyura kitina (Risdon Cove) on Monday 3 July. This is always a great opportunity to share and celebrate with Aboriginal community members, and enables us to continue to learn about Aboriginal culture, family and community.



### **EOT Farewells Ann Harkus**

Sadly we said a temporary goodbye to our Administrative Assistant, Ann Harkus who recently left us to work with the Director of Public Prosecutions (DPP) for a period of 18 months. Ann has worked for 10 years and has seen many changes through her time with our office.

Ann accomplished a Certificate 3 in Business during her employment with EOT and developed a range of skills and experience in case management and records management systems which we are certain will assist her in her new role at the DPP.

Ann has been a valuable team member and is going to be missed by all staff at EOT. We wish her all the best in her new role

### **Bronte's Work Experience at EOT**

From May to July, we hosted Bronte from Rosny College for work experience at Equal Opportunity Tasmania.

Bronte said "I began my first day feeling super anxious as I didn't know what I was about to walk into...and I had no prior experience other than being taught the basics of administrative work during my business certificate at college."

"I have learned so much whilst being here...everyone that works at Equal Opportunity have been nothing but nice and helpful to me."

"Before coming here I was very uncertain about what I wanted to do in the future... I can definitely see myself pursuing something in this field of work and I thank everyone at Equal Opportunity for making my time here a great experience."

### **Training News and Calendar**

Jennie and Louise have already delivered well over 50 training sessions around the state since 1 July.

Megan Tighe has recently joined the training team as a part-time Administration Assistant to help Jennie and Louise with their very busy training schedule.

We have had a lot of interest from public and private sector organisations for training in the coming months. Please get in touch with us soon if you need to book training for your workplace this year.



### **FREE Contact Officers Network Meetings**

**Wed 1 November - Hobart** 9am - 12pm,  
Equal Opportunity Tasmania Level 1, 54  
Victoria Street Hobart.

**Wed 8 November - Launceston** 12.30pm  
- 3.30pm  
Windsor Community Precinct, 1 Windsor  
Drive Riverside.

**Thurs 23 November - Burnie** 9am - 12pm  
Venue to be confirmed.

Download the registration form at  
[www.equalopportunity.tas.gov.au/training](http://www.equalopportunity.tas.gov.au/training)

### **Training / Community Information Sessions**

Talk to us about coming to your workplace, community, school or organisation. Jennie and Louise are available to discuss your training needs.

**Call** (03) 6165 7515

**E-mail**

[training@equalopportunity.tas.gov.au](mailto:training@equalopportunity.tas.gov.au)

## **Case Summary**

**Job seeker's offer of employment revoked after employer realised job seeker was female.**

The Anti-Discrimination Commissioner received a complaint from a person who had

been offered work as a labourer. The person was female; however, the person's first name is commonly used by both men and women. A few days after offering the person the job, the employer asked the job seeker to provide a picture of themselves, which she did. When the employer received the picture, it realised the person it had offered the job to was female. The employer told the person it was: 'really sorry to say [they] don't think it's a great idea having one female in a workshop with 65 blokes'. The offer of employment was revoked.

**Complaint resolved at conciliation conference conducted by Equal Opportunity Tasmania.**

The employer agreed to:

- Pay the complainant \$6,500 compensation;
- Develop and implement an equal opportunity policy;
- Provide training to its management on equal opportunity, which is to be provided by an external organisation, and
- Arrange for an external organisation to undertake the company's future recruitment.

**Human Rights Awards**



**Australian  
Human Rights  
Commission**

## **Tasmanian Human Rights Awards**

The Tasmanian Human Rights Week Committee is calling for nominations for the nine Human Rights Awards:

- Individual Award
- Organisation Award
- A Fairer World School Award
- Lucy Henry Mental Health Award
- Angus Downie Print Journalism Award
- Multicultural Award
- Lesbian Gay Bisexual Trans and Intersex (LGBTI) Award
- Youth Award
- Robin Hood AM Sport Award

**Nominations close 5:00pm, Friday 6 October 2017.**

Each category winner will receive a certificate and a \$500 prize. Winners will be announced at the ceremony and Human Rights Week launch event, Saturday 2 December at Parliament House.

For more information or to download a nomination form, go to [www.afairerworld.org/hrw](http://www.afairerworld.org/hrw) or call (03) 6165 7512.

## **Australian Human Rights Photography Competition**

The theme for the 2017 Human Rights Photography Competition is 'home'. Prizes include camera equipment worth over \$600.

Entries close Saturday 30 September 2017. Submit your entry or find further competition

details online at  
[photocompetition.humanrights.gov.au](http://photocompetition.humanrights.gov.au).

Winners of the adult and children's sections will be announced during the Australian Human Rights Awards ceremony on Friday 8 December, in Sydney. Shortlisted and winning photos will also be on display.

## Frequently Asked Questions



***I am working in hospitality and my boss has smacked me on the bottom numerous times. I asked her not to do so. She said that in her culture it is not a problem. I still asked her not to, but she continues to do it. It makes me uncomfortable to be at work.***

Sexual harassment is unwelcome or unwanted behaviour and includes (but is not limited to) physical contact, gestures, actions or comments of a sexual nature, and conduct of a sexual nature towards a person that is offensive to that person (and where a reasonable person would consider that conduct to be offensive).

Your boss' behaviour could constitute sexual harassment. It could also be criminal conduct. You could make a complaint against your boss, and also the business that employs you.

***My university has a Facebook page that was started by students. It rates students based on appearance and I've seen a few of my friends' photos on the page. There***

***are derogatory comments made about them and how they look, and they are rated from 1 - 10. What can I do?***

This could possibly be discrimination; offensive, humiliating, intimidating, insulting or ridiculing conduct on the basis of gender, or sexual harassment.

The people who started this page, as well as those posting derogatory comments could have a complaint made against them.

You can do any of the following to help:

- Report the page to the university;
- Report the page to Equal Opportunity Tasmania, and
- Let your friends know that they are also able to report the page.

***I just got a job and my boss makes me feel really uncomfortable. He makes comments about dating me and has asked me for a kiss and a hug. This is my dream job and I don't want to jeopardise my employment, so I feel like I should just put up with it. I'm getting more and more stressed, and every time he comes into my office I wonder what inappropriate thing he will do or say this time.***

Regardless of how long you have been working for an organisation, you have a right to feel safe at work. Your boss' behaviour may be sexual harassment. It may also constitute discrimination on the basis of gender, and offensive, humiliating, intimidating, insulting or ridiculing conduct on the basis of gender.

If you feel comfortable, you can speak to someone at work, or a trusted person outside of work. Alternatively you can lodge a complaint at Equal Opportunity Tasmania, or speak to a trusted person outside of work.

If you choose to report the sexual harassment and anyone at your work treats you badly for doing so, this may be victimisation. Victimisation is also unlawful under the *Anti-Discrimination Act 1998* (Tas). You can also lodge a complaint about this to Equal Opportunity Tasmania.

***I went to a university barrel and we were socialising with someone I am working with on a group project. He kept touching my shoulder, trying to put his arm around me (which I removed) and following me around the event. I think he was a bit***

***drunk. I don't think I want to report it because I don't want to jeopardise my marks. I was really uncomfortable but people will probably think I'm making a big deal about nothing if I bring it up.***

A university barrel, while occurring outside the classroom and outside of university hours, is still a university event. This means that the university is responsible for ensuring it is a safe environment for its students.

Even if this behaviour has only happened once, it could still be sexual harassment. If you feel comfortable, you might like to approach the person and tell them their behaviour made you uncomfortable.

You are concerned about your marks and the reactions of others. If your lecturer, or any other member, officer, employee or agent of the university treats you badly (or threatens to) because you have reported sexual harassment, this could be victimisation. If this occurred, you could make a complaint against the university for victimisation.

**For more information about the law or making a complaint**, call our office on 03 6165 7515 or 1300 305 062 and ask to speak to or meet with an enquiries officer, or [visit our website www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au).

## 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*: [www.gazette.tas.gov.au](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 *Tasmanian Government Gazette*.

**South East Tasmanian Aboriginal Corporation (SETAC)**

17/03/048 - Exemption granted under

Sections 25 and 26 of the Act for a period of three years.

Exemption granted on 15 May 2017 and gazetted 24 May 2017.

This exemption was granted to permit SETAC to specifically recruit and employ Aboriginal and/or Torres Strait Islanders to the identified positions of Chief Executive Officer, Senior Management, Aboriginal health workers and Receptionist, on the basis that SETAC:

- deliver a range of services including primary health and wellbeing, aged care and land management in accordance with the Aboriginal community needs and expectations; and
- recruitment will encourage and promote employment and training pathways in accordance with SETAC's Strategic Plan 2012-2017; and
- will actively encourage Aboriginal and/or Torres Strait Islanders to apply for the identified positions but in the event they are not all successfully filled, SETAC may recruit and employ persons of non-Aboriginality for these positions.

#### **Workskills Incorporated**

17/03/060 - Exemption granted under Sections 25 and 26 of the Act for a period of three years.

Exemption granted on 18 May 2017 and gazetted 31 May 2017.

This exemption was granted to permit Workskills Incorporated to specifically recruit and employ at least one Aboriginal and/or Torres Strait Islander to the position of Youth Coach, as part of the Empowering Youth Initiative through Impact Communities on the basis that:

- Aboriginal and/or Torres Strait Islander youth unemployment is high compared to the general population.
- the Youth Coach will assist young people to build employability skills based on the Australian Blueprint for Career Development.
- the Youth Coach will coordinate appropriate services to assist young people with non-vocational issues.

#### **Australian Red Cross Society**

17/03/025 - Exemption granted under Sections 25 and 26 of the Act for a period of three years.

Exemption granted on 23 May 2017 and gazetted 31 May 2017.

This exemption was granted to permit Australian Red Cross Society to advertise and appoint an Aboriginal and/or Torres Strait Islander to a volunteer position on Australian Red Cross Society's Tasmanian Divisional Advisory Board on the basis that:

- the position is consistent with the Australian Red Cross Society's aims developed in the Bright Futures – Reconciliation Action Plan 2015-2018 which guides the organisation's policies and practices in recruiting, retaining and supporting Aboriginal and/or Torres Strait Islander staff and volunteers; and
- the position is consistent with Australian Red Cross Society's goal of increasing the current representation of its Aboriginal and/or Torres Strait Islander workforce by 2018 including governance and volunteer positions; and
- Aborigines and/or Torres Strait Islanders are recognised as being members of a disadvantaged group in respect of employment. Australian Red Cross Society's Bright Futures – Reconciliation Action Plan 2015-2018 is a scheme developed for the benefit of a disadvantaged group and a program that promotes equal opportunity for members of the Aboriginal and/or Torres Strait Islander community.

#### **UTas Women's Collective**

17/05/024 - Exemption granted under Sections 25 and 26 of the Act for a period of three years.

Exemption granted on 6 July 2017 and gazetted 19 July 2017.

This exemption was granted to permit UTas Women's Collective to restrict membership to women including transgender and non-binary people, and excluding men, on the basis that:

- the UTas Women's Collective was created and exists to provide representation and support to women, transgender and non-binary students; and
- Being a member of and holding any position in UTas Women's Collective requires lived experiences of being a woman, transgender or non-binary person; and
- the UTas Women's Collective hold events and specific activities which are mostly targeted and attended by women, transgender and non-binary people. Some of these are 'Members

only' events to ensure members are supported and feel comfortable talking about their life and lived experiences; and

- the UTas Women's Collective meetings are regularly held in the Tasmanian University Union (TUU) Women's Room, which is available for women students only. Men are prohibited from using this space to ensure a safe and secure space for women students.

#### **Maxima Incorporated Group**

17/06/010 - Exemption granted under Sections 25 and 26 of the Act for a period of three years.

Exemption granted on 6 July 2017 and gazetted 12 July 2017.

This exemption was granted to permit The Maxima Group Incorporated to conduct advertisement, recruitment and employment services aimed specifically at Aboriginal and/or Torres Strait Islander job seekers in Tasmania on the basis that:

- the services are conducted through The Maxima Group Incorporated's Indigenous Employment portfolio which operates nationally.
- Aboriginal and/or Torres Strait Islanders are generally disadvantaged in the labour market and the services provided by The Maxima Group Incorporated will assist individuals to overcome barriers to secure and maintain meaningful employment.



**Play by the Rules** has an online interactive bi-monthly magazine.

To catch up with the latest news and subscribe, [visit the Play by the Rules website, www.pbtr.com.au.](http://www.pbtr.com.au)

#### **Awareness Days**

**R U OK? DAY™**

A conversation could change a life.

**STRONGER 2017 TOGETHER**  
**MENTAL HEALTH WEEK 8-14 OCTOBER**

*make vision count*  
**2017 WORLD SIGHT DAY**  
12/10/2017

**NATIONAL CARERS WEEK**

**SENIORS WEEK 2017**  
**16-22 OCTOBER**  
*DISCOVER. IMAGINE. TOGETHER.*

**CELEBRATE CHILDREN'S WEEK**  
21-29 October 2017  
Education has the power to transform children's lives.

**TOGETHER**  
RESPECT, SAFETY AND DIGNITY FOR ALL  
**#UN4REFUGEESMIGRANTS**

 **White Ribbon**  
Australia

**14 September: R U OK Day**

Taking part can be as simple as asking friends, family and colleagues, "Are you OK?" Event kits are available online at [www.ruok.org.au/join-r-u-ok-day](http://www.ruok.org.au/join-r-u-ok-day)

**8 - 14 October: Mental Health Week****10 October: World Mental Health Day**

Mental Health Council of Tasmania encourages everyone to be involved. Order a Mental Health Week Workplace Kit or register your event or activity online at [www.mhct.org/mentalhealthweek](http://www.mhct.org/mentalhealthweek)

**12 October: World Sight Day**

Amateurs and professionals are encouraged to take part in the 'Make Vision Count' photography competition. Find details online at [photocomp.iapb.org](http://photocomp.iapb.org)

**15 - 21 October: Carers' Week**

Carers Tasmania will advertise events closer to October, see [www.carerstas.org/news-events/events](http://www.carerstas.org/news-events/events)

**1 October: International Day of Older Persons****16 - 22 October: Seniors Week**

You can look forward to an array of events around the state. The events guide will be distributed from early September. Council on the Ageing (COTA) is offering advertising space in the program. Find out more at [www.cotatas.org.au/programs-events/sw2017](http://www.cotatas.org.au/programs-events/sw2017)

**21 - 29 October: Children's Week**

A national celebration of children's rights, talents and citizenship. Find out more at [www.childrensweek.org.au](http://www.childrensweek.org.au)

**16 November: International Day for Tolerance**

A day to encourage tolerance, respect, dialogue and cooperation among different cultures and peoples.

**20 November: International Transgender Day of Remembrance**

A memorial day for those killed due to anti-transgender hatred or prejudice worldwide.

**25 November: International Day for the Elimination of Violence Against Women / White Ribbon Day**

Find local events at [www.whiteribbon.org.au/stop-violence-against-women/fundraising-events/find-an-event](http://www.whiteribbon.org.au/stop-violence-against-women/fundraising-events/find-an-event)

## Contact us

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

Equal Opportunity Tasmania  
Level 1, 54 Victoria Street, Hobart,  
Tasmania 7000  
GPO Box 197, Hobart, Tasmania 7001.

## Website

[www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au)

## E-mail

[office@equalopportunity.tas.gov.au](mailto:office@equalopportunity.tas.gov.au)  
[complaints@equalopportunity.tas.gov.au](mailto:complaints@equalopportunity.tas.gov.au)  
[training@equalopportunity.tas.gov.au](mailto:training@equalopportunity.tas.gov.au)

## Telephone

Ph: 1300 305 062 (local call)  
Ph: (03) 6165 7515

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

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



**In respect of rights** is published by **Equal Opportunity Tasmania** to be an information, reference and education tool for and about discrimination law and the Tasmanian community and workplaces.

Please feel free to copy any content from **In respect of rights** to share within your own networks, newsletters or bulletins. Please include acknowledgment of **Equal Opportunity Tasmania** in your material as well as our website address: [www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au). We would love to receive copies of your publications.



