

***In respect of rights
December 2017***

Sarah Bolt Anti-Discrimination Commissioner

**From the Anti-Discrimination
Commissioner**

As the year draws to a close we should all pause to reflect on the year that has been.

Looking back, I have to say it has been a busy and productive year at Equal Opportunity Tasmania. The education and training calendar has kept the trainers on the move, delivering sessions and specialised programs across the State. I take the opportunity to thank the organisations who have seen the value of educational programs which value-add to the workplace culture, productivity and employee well-being.

For all of us at Equal Opportunity Tasmania, the highlight of the year would have to be the passing of the legislation allowing same sex marriage. Regardless of the diversity of views, love is love; the people have spoken, and hopefully tolerance and acceptance will follow.

The Human Rights Week Awards was a fabulous event to conclude the year. Once again, the award recipients and all the nominees showcased wonderful examples of work so many people do, often quietly and behind the scenes, towards promoting, protecting and fulfilling the human rights of members of the Tasmanian Community. Human Rights Week and all that it stands for is a reminder of the value of each State and Territory having its own Human Rights Act or Charter.

I wish everybody a happy and safe Christmas and New Year.

**Sarah Bolt
Anti-Discrimination Commissioner**

**Please note the Equal Opportunity
Tasmania office**

will be closed from 22 December 2017

re-opening on 2 January 2018

In the News:

Australian Marriage Law Changes

The results of the Australian Marriage Law Postal Survey were announced on Wednesday 15 November. In response to the question "Should the law be changed to allow same-sex couples to marry?", 62% of respondents (7.82 million Australians) responded 'Yes'. In Tasmania, they 'Yes' result was 64%, 'No' 36%.

The same-sex marriage bill was signed into law on Friday 8 December. The first same-sex marriages will be able to take place from January 9, and same-sex couples who have married overseas now have their relationships recognised here in Australia.

Read more at www.abc.net.au/news/2017-12-08/same-sex-marriage-legal-after-gg-approval/9239334

Australian Marriage Survey Incident Form

Did you see or experience discrimination, bullying or harassment during the survey period? Please let us know using our Incident Form

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

The information we receive is invaluable as it enables us to work with service providers to ensure the Tasmanian community is safe and supported through what has been, and will continue to be, a difficult time for many people.

Manus Island Crisis

Following reports of the forcible removal of people from the Manus Island facility, State and Territory members of the Australian Council of Human Rights Authorities (ACHRA) - including Equal Opportunity Tasmania - called on the Australian Government to ensure that the human rights of the men on Manus Island are protected.

Australian Human Rights Commissioner Edward Santow said, under international human rights law, the use of force must always be a last resort but especially in the case of vulnerable groups.

"Our approach should be one of protection

and support," Commissioner Santow said.

"Using force against a vulnerable and traumatised group of people would not be an acceptable response."

Read the full release on our website: www.equalopportunity.tas.gov.au/news_and_events/latest_news

Tasmanian Human Rights Awards

Logo: Human Rights Week Tasmania

The Tasmanian Human Rights Awards 2017 were announced at Parliament House on Friday 1 December.

Individual Award

Tracey Wing

For her friendship and leadership of LGBTIQ individuals and groups, and for her significant contribution to the promotion, protection and advancement of LGBTIQ rights in the Tasmanian community.

Highly Commended: *Terry Whitebeach; Emily Briffa.*

Organisation Award

Speak Out Association of Tasmania

For their commitment to promoting and protecting the rights of people with intellectual disability, and in particular, the development of a dual governance structure that ensures members are active in the organisation and build capacity as effective advocates.

Highly Commended: *Water for a Village.*

Youth Award

Galia Bastoni

For her dedication to providing practical support and a sense of connection for culturally and linguistically diverse individuals, and in recognition of the training and education she is undertaking to build her capacity for effective rights-based advocacy and activism.

A Fairer World School Award

MacKillop Catholic College

For their commitment to a long-term, supportive relationship with students and communities in Timor-Leste; integrating human rights and social justice themes in curriculum and fundraising activities, and immersion visits to Timor-Leste.

Robin Hood AM Sport Award

North Esk Rowing Club, with associated clubs Dragons Abreast Northern

**Tasmania Inc and
North Esk Dragon Boat Club.**

For their commitment to providing an inclusive environment for all athletes, no matter their personal circumstances or physical abilities; adapting practices and facilities to ensure every member can fully participate in all sporting and administrative activities.

**Multicultural Award
Intercultural Sports League**

For providing an inclusive structure with minimal barriers to participation, so that culturally and linguistically diverse individuals can come together to play cricket, with positive outcomes for personal and community development.

Highly Commended: *Hina and Waqas Durrani*

**LGBTIQ Award
Annie Whitehead**

For her advocacy and support of LGBTIQ individuals and groups and wider society, building community, resilience, and encouraging greater acceptance and inclusion in Tasmania's North West.

**Angus Downie Print Journalism Award
Piia Wirsu**

For her illuminating work on the experiences of migration and seeking asylum in Tasmania, which encourages informed discussions on diversity and what we can do to provide welcome and connection in our communities.

From Equal Opportunity Tasmania

Annual Report 2016-17

Our Annual Report 2016-17 is now available to read and download at www.equalopportunity.tas.gov.au/about_us/annual_report. The Report covers the activities of the Commissioner and our office over the past financial year, and includes a number of case studies of complaints and resolutions under the *Anti-Discrimination Act 1998*.

EOT Thanks Caitlin Wilkinson

Caitlin is a Masters of Social Work student at the University of Tasmania. She spent five months on placement with us this semester, assisting with policy work. Caitlin said "It's been really exciting to be working and learning here."

Caitlin has been a bright addition to our office; we will miss her, and we wish her all the best in her future.

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 fact sheet, and other resources, from our website
www.equalopportunity.tas.gov.au/resources

Training News and Calendar

Training News

We are excited to formally welcome Melanie van Egdom to the training team. Mel has been working with us as an Investigation and Conciliation Officer for over a year, but now has half of her role allocated to training. She has been delivering community education in schools recently, and we are receiving fantastic feedback from staff and students.

After a very busy year, the training team have been reviewing the courses we offer ahead of 2018. We have refocused and refreshed courses and content for our 2018 Training. For further information on our training go to www.equalopportunity.tas.gov.au/training

Please get in touch with us soon if you need to book training for your workplace next year.

Thank you for your support and ongoing participation in our Education and Training Programs in 2017.

Community Information Sessions

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

Call (03) 6165 7515

E-mail

training@equalopportunity.tas.gov.au

Training Calendar

February - June 2018

Workplace Support Contact Officer

Training

Workplace Support Contact Officers are an important first contact for people who believe they have a grievance in the workplace. The grievance may relate to bullying, harassment, discrimination, or other workplace issues.

This course explores: the role of the Contact Officer in line with their employer's policy; the principles underlying the role, and putting the principles into practice.

This course costs \$480 per person, 8 hours over two half days (1pm - 5pm & 9am - 1pm)

- Hobart 7 & 8 March
- Launceston 21 & 22 March
- Burnie: 2 & 3 May

Workplace Support Contact Officer Refresher

Has it been some time since you last attended Contact Officer Training?

Have you had many opportunities to actively practice the role of Contact Officer?

If you already have a **good understanding** of the Anti-Discrimination Act (Tasmania) and have **previously attended Contact Officer training** this course will **'refresh'** your knowledge and give you the opportunity to take part in role-plays, look at case studies and brainstorm ideas.

This 3.5 hour course costs \$210 per person.

- Hobart 12 April
- Launceston 18 April
- Burnie 19 April

Download the registration form at www.equalopportunity.tas.gov.au/training

Frequently Asked Questions

A lot of the complaints under the *Anti-Discrimination Act 1998* (Tas) are made because someone feels they have been discriminated against on the basis of disability. But what does disability mean under the *Act*?

Sometimes the law is written in a way that

seems confusing and convoluted, so making sure everyone can understand is important!

You are covered under the *Act* if:

- You currently have a disability;
- You previously had a disability, but you don't have that disability anymore; or,
- You may have a disability in the future.

Disability may arise from an illness, disease or injury. It may also arise from a condition that existed at birth.

Disability, as defined under the *Act*, includes:

- Total or partial loss of bodily or mental functions;
- Loss of part of your body (total or partial);
- Organisms in your body which cause disease or illness, or which may be capable of causing disease/illness;
- Malfunction, malformation or disfigurement of part of your body;
- Malfunction, malformation, disfigurement or a disorder that results in you learning differently from a person that does not have it;
- Disorder, illness or disease that affects thought processes, perceptions of reality, emotions or judgement - or results in disturbed behaviour; or,
- Reliance on a guide-dog, wheelchair, or some other remedial or therapeutic device.

If I call in sick and my boss cuts my hours, is this discrimination?

This could be a possible breach of the Act. Disability covers the 'presence in the body of organisms causing disease or illness', and that you have previously had a disability but don't have that disability anymore.

This means, that if you take time off work due to a temporary illness, and your boss treats you less favourably than staff who haven't taken sick leave, this is something you could make a complaint about.

If I am treated poorly because of my weight, could that be discrimination?

Although physical appearance is not an attribute listed under section 16 of the Act, if your weight is caused by a medical condition it could fall under the definition of disability.

If a person or organisation treats you badly because of your medical condition, perhaps

by calling you a name or excluding you in some way, it could be direct discrimination.

If there is some condition, requirement or practice imposed and you cannot comply because of your medical condition, this could be indirect discrimination.

With indirect discrimination, further assessment as to the reasonableness of the condition, requirement or practice is required. For example, there is an exception for a person (or employer) to discriminate against a person on the ground of disability if that person is unable to carry out the inherent requirements of the position.

For more information about the law or making a complaint, visit our website for further information 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.

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*.

Migrant Resource Centre (Southern Tas) Inc

17/07/005 - Exemption granted under Sections 25 and 41 of the Act for a period of three years.

Exemption granted on 18 August 2017 and gazetted 23 August 2017.

This exemption was granted to permit the Migrant Resource Centre to advertise, recruit and employ people based on their cultural background and language on the basis that:

- this is to support specific communities in accessing services, information and support that the Migrant Resource

- Centre is funded to supply; and
- by employing a member of a specific community, it will increase the quality of communication, learning and relationships with the Migrant Resource Centre for other members of that particular community; and
 - the specific positions this exemption applies to are Projects Bicultural Worker; Traineeships (Administration, Community Services); Community Guides, and Interpreters.

Tasmanian Centre for Global Learning Inc, auspicing Students Against Racism

17/08/008 - Exemption granted under Sections 25, 26 and 27(1)(f) of the Act for a period of two months.

Exemption granted on 23 August 2017 and gazetted 30 August 2017.

This exemption was granted to permit the Tasmanian Centre for Global Learning Inc auspicing Students Against Racism to advertise and host four women-only events, 'Women's Business', on the basis that the events:

- encourage and support women of migrant, refugee and/or asylum seeker backgrounds to participate and celebrate their cultural differences through fashion and performances without fear of disrespecting their culture; and
- respect the participating women's cultures by excluding men from attending the Women's Business Events.

Women's Health Tasmania Inc

17/08/036 - Exemption granted under Sections 25, 26 and 27(1)(d) of the Act for a period of three years.

Exemption granted on 8 September 2017 and gazetted 20 September 2017.

This exemption was granted to permit Women's Health Tasmania Inc to provide services to women only, and for the benefit of women; recruit and employ women to work for the organisation; recruit women to the Board of Governance, and provide facilities to women and women's groups on the basis that:

- Women's Health Tasmania has been offering women only services since the 1980s and is considered a safe place for women, especially those vulnerable to health inequity; and
- women use the services because they

will not encounter men. For some women, this is important because they have experienced violence and abuse by men, and for other women they have a preference to see female health workers.

Kingborough Council

17/10/028 - Exemption granted under section 57 of the Act for a period of three years.

Exemption granted on 30 October 2017 and gazetted 15 November 2017.

This exemption was granted to permit Kingborough Council to provide a support program specifically for young men aged 13-15 who are at risk of disengaging from school or who have disengaged partially or completely, on the basis that:

- the participants have learning difficulties, mental health, drug and/or alcohol or behavioural issues or are lacking family support or stability;
- the program aims to support the participants through education them on various topics including mental health and wellbeing with the support of program coordinators and mentors; and
- the program will be run in partnership with Kingston High School, Tarooma High School, Colony 47, PCYC and the Drug Education Network (DEN).

Awareness Days

Logo: bright pink text ({{VDAY until the violence stops}})

18 December: International Migrants Day

Share your personal story of migration, or what you think 'a day without migrants' would be like at www.iamamigrant.org

27 January: International Holocaust Remembrance Day

A day to commemorate victims, and to condemn intolerance, incitement, harassment or violence against others based on ethnic origin or religious belief - wherever or whenever it occurs.

4 February: World Cancer Day

#WeCanICan play a part in reducing the

impact cancer has on individuals, families and communities. Challenge perceptions; improve access to care; support others to return to work and recreation.

www.worldcancerday.org/get-involved

1 - 7 February: World Interfaith Harmony Week

A week to focus on inter-religious dialogue and mutual understanding. There's some good advice about how *you* can work towards harmony at

www.worldinterfaithharmonyweek.com/how-to-participate

8 February: International Safer Internet Day

#SID2018 #SaferInternetDay

www.saferinternetday.org

A better internet starts with *you*! The Office of the eSafety Commissioner has resources to help you create, connect and share respect online www.esafety.gov.au

14 February: V-Day

A global day of action to end violence against women and girls www.vday.org

21 February: International Mother Language Day

A day to improve awareness of linguistic and cultural traditions; promote the preservation and protection of linguistic diversity and multi-lingual education.

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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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.



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