

## *In respect of rights May 2018*



**From the Anti-Discrimination Commissioner**

The one thing I am certain of is that Anti-Discrimination legislation does not drive itself. If it did, we would be living in a utopian society of equality, fairness, tolerance and inclusion for one and all.

Despite having legislative protection, such as the *Anti-Discrimination Act 1998* (the Act), there are still many people who find themselves being harassed and discriminated against - one way or another - every day.

What drives the legislation - what drives cultural change - is people. If we take our foot off the accelerator that drives us towards the goal of achieving a fair, kinder and empathic civil society, we run the risk of stalling, and even sliding back into an anti-social environment.

It is important to note that, under the Act, the 'intent' of the Respondent in relation to what they may have done or said, or how they behaved towards the Complainant, is largely irrelevant. What is relevant is the 'impact' the words, action or behaviour may have had upon the Complainant.

In all the years that I have been involved with complaints, I can, without hesitation, say that the complaints that have had the most positive and sustainable outcomes have been those in which empathy, kindness or both were enlivened within the Respondent.

I would like to leave you with two of my favourite quotes, which, if practiced, can make the world a more gentle place.

***Kindness is a language which the deaf can hear, and the blind can see.***

- Mark Twain

***You never really understand a person until you consider things from his point of view... Until you climb inside of his skin and walk around in it.***

- Harper Lee, *To Kill a Mockingbird*

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



## Expungement of Historical Offences

The Tasmanian Expungement of Historical Offences Scheme commenced on Monday 9 April 2018.

Under the scheme, persons can make a confidential application for **charges relating to historical homosexual or cross-dressing offences** to be expunged. An expunged charge or conviction will no longer appear on a police criminal history check.

"Laws criminalising consensual homosexual activity and cross-dressing were unfair and unjust.

It is our view the broader Tasmanian community would believe people should never have been charged or convicted in the first place. Even if it was thought at the time that it was the right thing to do, it was not.

We accept also that we cannot change the past, nor can we undo that harm - the distress caused to members of our community. We can apologise for it and we do so today."

- Will Hodgman, Premier of Tasmania

You can find out more about expungement and making an application at [www.ehos.tas.gov.au](http://www.ehos.tas.gov.au). Free legal assistance and support services are also available.

## From Equal Opportunity Tasmania

### Raising Awareness with Metro

At Equal Opportunity Tasmania, our role is to promote the *Anti-Discrimination Act*, promote your rights and responsibilities, and support you or your organisation when issues of discrimination and harassment arise.

To help raise awareness of our role, and encourage community members to report discrimination to us when it occurs, Equal Opportunity Tasmania has embarked on a Metro bus advertising campaign. Large advertisements have been placed on Metro buses in Hobart and Launceston for the next 12 months.

You can report discrimination and harassment by text (0409 401 083), phone call (1300 305 062), or using the online form at [www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au).

### Don't ignore it, Report it!



## From around Australia

### Leading for Change Revisited

The 2016 *Leading for Change* report highlighted the lack of cultural diversity represented among senior leaders in Australian business, politics, governments and universities. The Australian Human Rights Commission recently revisited the issue, to see what (if anything) had changed, and what organisations are doing to support cultural diversity and inclusion.

Although people of non-European and/or Indigenous backgrounds make up an estimated 24% of the population, they account for only 5% of senior leaders in Australia in 2018.

Race Discrimination Commissioner Tim Soutphommasane said "It would be complacent to believe that it will only be a matter of time before cultural diversity is better represented... Getting serious about the issue demands that leaders and organisations take committed action in three areas: leadership, systems and culture."

The new report provides a range of recommendations and case studies to support organisations and leaders to advocate for cultural diversity. Download the report

from: [www.humanrights.gov.au/news/stories/cultural-diversity-report-launched-university-sydney](http://www.humanrights.gov.au/news/stories/cultural-diversity-report-launched-university-sydney)



### **Disability Discrimination Act turns 25**

Since 1 March 1992, the Commonwealth Disability Discrimination Act has been used by thousands of Australians to fight discrimination in employment, education, and access to goods and services.

People with disabilities still face challenges and barriers in almost every aspect of life. It is important for us to recognise this, and try to make further progress.



[Disability Discrimination Commissioner Alistair McEwen reflects on 25 years of the Disability Discrimination Act \(Australian Human Rights Commission\)](#)

### **Catering for Everyone**

Vision-impaired teenagers Harry Nicholas and Genevieve Weston went to the Western Australian Equal Opportunity Commission, planning to make a complaint about inaccessible menus at a particular venue. Then-Commissioner Allanah Lucas suggested they help produce a guide that would lead to achieve more widespread change.

Harry, Genevieve and the WA Equal Opportunity Commission worked with VisAbility WA and the Australian Hotels Association to develop practical guidelines, which will help hospitality venues make services more accessible to people with a vision impairment.

The guide was launched in February, and is now available online (in doc, pdf and html versions) from: [www.eoc.wa.gov.au/publications/reviews-and-reports](http://www.eoc.wa.gov.au/publications/reviews-and-reports).

## **Training News and Calendar**

### **New and Updated Training Programs from July 2018**

Over the last 6 months, the training team have been re-designing a number of our training packages, including Discrimination and Harassment for Managers and Supervisors;

Workplace Contact Officer Training, and Discrimination Rights and Responsibilities.

Each of these revised training packages is now even more accessible to public, private and community organisations. They reflect common areas of conflict in workplaces, and how to address these issues, including:

- Sexual harassment
- Language and behaviours of bullying and stereotyping
- Prejudice and unconscious bias, with a particular focus on people from culturally diverse backgrounds, Aboriginal and Torres Strait Islander people, people with a disability, and LGBTI communities.

Take a look at the new training calendar July - December 2018 at [www.equalopportunity.tas.gov.au/training](http://www.equalopportunity.tas.gov.au/training)

### **Training and Information via Video Conference**

We now have access to our own video conferencing set-up at Equal Opportunity Tasmania.

Please get in touch if you would like us to provide training or information sessions to your organisation via Skype for Business.

**Call** (03) 6165 7515

**E-mail** [training@equalopportunity.tas.gov.au](mailto:training@equalopportunity.tas.gov.au)

## **Upcoming Training**

### **Workplace Support / Contact Officer Network Meeting (Hobart)**

Guest speaker Michelle Parker (Investigation and Conciliation Officer, Equal Opportunity Tasmania) will be talking about sexual harassment in the workplace. **When:** 13 June, 9am - 12pm (noon)

**Where:** Equal Opportunity Tasmania, Level 1, 54 Victoria Street, Hobart.

**Cost:** This network meeting is free of charge.

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

### **Workplace Support / Contact Officer Training**

**When:** 12 July, 1pm-4pm & 13 July, 9am-1pm  
(8 hours over two days)

**Where:** Hobart and Launceston

**Cost:** \$480 per person

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

More training is scheduled for the coming month; make sure to check the Scheduled Training Calendar July - December 2018 at [www.equalopportunity.tas.gov.au/training](http://www.equalopportunity.tas.gov.au/training)

## **Case Summary**

A woman's position was made redundant. She asked if she could apply for another position that had been advertised at the company.

The complainant wanted to increase her working hours because her children were getting older. She had one period of stress leave two years ago; she was cleared to work after 6 weeks, and had not had any issues since.

She was allegedly told the hours would not suit her family life, and if she did apply, her 'adjustment disorder' would be taken into account.

The complainant alleged discrimination on the basis of family responsibilities and disability. The respondent denied the comments were made as alleged; they said it had a genuine conversation with the complainant about her known limitations.

The complaint was resolved at a conciliation conference. The respondent agreed to provide a written apology to the complainant.

**For more information about the law or making a complaint, visit our website for further information** [www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au)

## **Frequently Asked Questions**

**I am the manager of a warehouse where there is some heavy lifting. I have enough women in my workplace and I have decided I need to hire a man to balance it out and do the heavy lifting. The heavy lifting is usually done with a special trolley but I still think it's better to have a man**

**around the place. Can I advertise for men only to apply for the job?**

Under section 20 of the *Anti-Discrimination Act 1998* (Tas) (the Act) publishing any sign, notice, or advertising matter which promotes, expresses or depicts discrimination is unlawful.

This means that if you advertise a position and ask for only men to apply, this could be a breach of section 20 the Act.

It could also be a breach of section 14 of the Act, which says that discrimination happens when a person treats another person less favourably because of their gender, or a characteristic imputed to that gender (strength) than a person who is not of that gender.

A person should be selected for a job based on the skills they can bring to the workplace and their suitability for the position, not on the basis of their gender.

**I am a manager of a child care centre. I have a male employee who is in training and is great with the kids, but parents have expressed concern that a male will be caring for their child.**

As a manager, it is your responsibility to make sure this employee is not subject to discrimination or prohibited conduct in the workplace.

If the male employee was demoted, or if his employment was terminated because of his gender, this could be less favourable treatment, and he could make a discrimination complaint about it.

If parents express concern, perhaps you should speak to those parents about your organisation's obligations and responsibilities under the *Anti-Discrimination Act*.

It might also be beneficial for all staff and clients to be aware of gender discrimination and why your workplace is an equal opportunity employer that does not engage in gender discrimination.

Equal Opportunity Tasmania also offers training, and free community information sessions, to help organisations and community members understand their rights and responsibilities.

**For more information about the law, making a complaint, or training and education about the Act, 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*.

The following exemptions have recently been granted by the Commissioner:

- Montagu Community Living Inc. Granted 18 May 2018.
- Down Syndrome Tasmania Inc. Granted 14 May 2018.
- Kingborough Council - Young Women's Support Program. Granted 19 April 2018.
- Kingborough Council - Young Men's Support Program. Exemption order amended 19 April 2018 (originally granted 30 October 2017).
- Grange Resources (Tasmania) Pty Ltd. Granted 19 April 2018.
- Yemaya Women's Support Service Inc. Granted 22 March 2018.
- Tasmanian Centre for Global Learning Inc auspicing Students Against Racism. Granted 7 March 2018.

Further information can be found on our website at [www.equalopportunity.tas.gov.au/current\\_exemptions](http://www.equalopportunity.tas.gov.au/current_exemptions)

## NAIDOC Week 2018 Poster Competition



## NAIDOC Week 2018 BECAUSE OF HER, WE CAN!

NAIDOC Week 2018 celebrates the invaluable contributions that Aboriginal and Torres Strait Islander women have made and continue to make, to our communities, our families, our rich history and to our nation.

This artwork portrays the courage and resilience of Aboriginal and Torres Strait Islander women. From the rigors of fresh water and salt water, across the travel pathways and song lines of our traditional lands and skies.

naidoc.org.au  
#naidocweek #NAIDOC2018 #BecauseOfHerWeCan  
facebook.com/NAIDOC



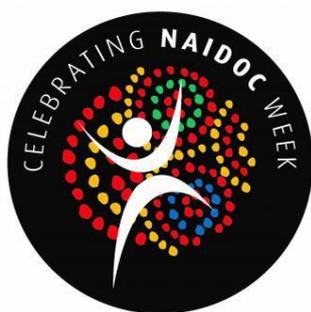
8-15 JULY 2018

Congratulations to Bigambul woman, Cheryl Moggs, for her winning entry in the 2018 National NAIDOC Poster Competition.

There were more than 190 entries in this year's competition, making it very difficult for the Committee to choose just one winner.

Ms Moggs' artwork portrays the courage and resilience of Aboriginal and Torres Strait Islander women. The painting has three sections with image overlays depicting stories. Uniting as one; Across the stars (skies), connected to our lands and waterways, keeping our dreaming stories, songlines, language, knowledge and future strong for all First Nations and generations to come.

## Key Dates: Awareness, Commemoration and Celebration



**BECAUSE OF HER,  
We Can!**  
8-15 JULY 2018

“The artwork is a personal thank you to all our women, across all nations. It’s also to educate people on the impacts of history.”

A self-taught artist, Ms Moggs is influenced by challenging western culture ideologies, mapping culture and place, constructing identities and connections.

### ☐ 27 May - 3 June: National Reconciliation Week - *Don't Keep History a Mystery*

All Australians are invited to learn more about Aboriginal and Torres Strait Islander cultures and histories, share that knowledge and help us to grow as a nation (find out more: [www.reconciliation.org.au/national-reconciliation-week](http://www.reconciliation.org.au/national-reconciliation-week)).

Reconciliation Tasmania is hosting Reconciliation Week Breakfasts with Mick Gooda (ATSI Social Justice Commissioner), and On Country events around the state (see [www.rectas.com.au/events](http://www.rectas.com.au/events)).

### ☐ 15 June: Eid al-Fitr

### ☐ 15 June: World Elder Abuse Awareness Day

We can all play a role in preventing elder abuse. COTA Tasmania, the Tasmanian Government, City of Launceston and City of Hobart invite you to show your concern at the Walk Against Elder Abuse on 15 June (details at [www.cotatas.org.au/2018/05/walk-against-elder-abuse](http://www.cotatas.org.au/2018/05/walk-against-elder-abuse)).

### ☐ 17 - 25 June: Refugee Week

### ☐ 20 June: World Refugee Day

Stand #withrefugees as part of a global movement to protect the rights, safety, dignity and hope of people who have had to flee their homelands. Check out the resources at [www.refugeeweek.org.au/refugee-week-resources](http://www.refugeeweek.org.au/refugee-week-resources).

### ☐ 8 - 15 July: NAIDOC Week - *Because of Her, We Can!*

This year's theme celebrates the essential role Aboriginal and Torres Strait Islander women have played (and continue to play) as active and significant role models in the local, state and national levels (find out more: [www.naidoc.org.au/celebrating-naidoc-week](http://www.naidoc.org.au/celebrating-naidoc-week)). The Tasmanian



## 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.

Aboriginal Centre is hosting a range of events across the state (see [tacinc.com.au/naidoc-week](http://tacinc.com.au/naidoc-week))

✳️  **27 July: Asalha Puja / Dharma Day**

**1-7 August: World Breastfeeding Week**

See: [www.worldbreastfeedingweek.org](http://www.worldbreastfeedingweek.org)

**12 August: International Youth Day**

See: [www.un.org/en/events/youthday](http://www.un.org/en/events/youthday)

**15-21 August: National Brain Injury Awareness Week**

See: [www.braininjuryaustralia.org.au](http://www.braininjuryaustralia.org.au)

**15-24 August: Onam**

🕒  **21-25 August: Eid al-Adha**

## 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.



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