

## *In respect of rights August 2018*

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

As I went about my weekly shopping the other day, I was struck by a disturbing realisation - the link between how some people choose their fruit and vegetables, and how some people view or treat fellow human beings.

We all know that a human is a human; just as we know that a carrot is a carrot, a potato is a potato, an apple is an apple, a banana is a banana and on it goes.

The shape of a vegetable or a piece of fruit doesn't mean it tastes different, is less filling, less suitable for a thousand different recipes or is of lesser nutritional value.

Instead of just being sold as a cheaper product, which may appeal to those shoppers on a budget or those who are simply discerning, imperfect items are rebranded. No longer is it just a carrot, apple, potato, orange or eggplant; it is labelled as, odd, crazy and ugly. In some supermarket outlets in France, it is even more ridiculous with imperfectly shaped and sized fresh produce attracting descriptions such as grotesque, ridiculous, hideous, disfigured and failed.

'Failed Lemon' poster from a French supermarket chain, © Intermarché. This lemon might not meet our imagined ideal, but it still looks, smells, tastes and feels like a lemon.

As so many millions of people around the world exist on the brink of starvation, we engage in this first world madness - the endless search for, and expectation of, perfection. I view this quest particularly ridiculous in relation to fresh produce.

I have been left wondering whether such labelling encourages humans to label other humans who may exhibit differences in negative and derogatory terms. Derogatory labels used to describe fresh produce seem, to me, to validate the idea that it's okay to view human difference and imperfection negatively.

I am sure that some shoppers find it quite amusing to buy fruit and vegetables that are labelled crazy, disfigured, odd or ugly. However, one is left pondering what impact such labelling has on children as they observe their parents either happily purchase produce that is not perfect, compared to those who observe their parents fiercely search for produce that is the most aesthetically pleasing in every possible way. The more I think about it, the easier it is to see the link, conscious or unconscious, to discriminatory behaviours inflicted upon human beings.

Some of you who read this may also see the link from shopping behaviours to discriminatory behaviours inflicted upon certain members of society. Others of you may think I have strayed from reason. Either way, I have no doubt that if we all make a conscious choice to celebrate and accept difference in whatever form it takes – the world would be a happier and more inclusive place.

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

## Human Rights Awards 2018

### **Nominations now open!**

Do you know an individual, organisation or group in Tasmania doing outstanding work promoting and protecting Human Rights?

Recognise their contribution by nominating them for one of the Tasmanian Human Rights Awards 2018:

- Youth Award
- Individual Award
- Organisation Award
- Angus Downie Journalism Award

Nominations must be submitted to the Tasmanian Human Rights Week Committee by 5 October 2018.

Nomination forms and further information are available at [www.humanrightswEEKtasmania.org.au/awards](http://www.humanrightswEEKtasmania.org.au/awards)

## From Equal Opportunity Tasmania

Tasmanian Human Rights Award Winners Piia Wirsu (Journalism) and Tracey Wing (Individual) at the Government House presentation in 2017. Photo credit: Pen Tayler.

### **Save the Date!**

**What:** An event to celebrate the start of Human Rights Week 2018

**When:** 12.00 - 2.00pm, 7 December 2018

**Further details:** will be confirmed in our next newsletter.

### **Media Release (17 August 2018)**

**Queensland, South Australian, Victorian, Tasmanian, ACT, Western Australian, New South Wales and Northern Territory Anti- Discrimination Commissioners reject racist policies espoused by Queensland Senator**

Commissioners from a number of Anti-Discrimination and Equal Opportunity agencies across Australia have condemned Queensland Senator Fraser Anning's call for "the final solution" to a perceived "immigration problem" in Australia, made in his

maiden speech in the Australian Federal Parliament on 14 August 2018.

Race discrimination and racial vilification is unlawful under our Federal, State and Territory anti-discrimination legislation. Many years ago our respective Parliaments, representing the peoples of our states and territories passed laws prohibiting policies that separate, divide and discriminate against people on the basis of race.

Freedom of speech is a fundamental right and public discussion done reasonably and in good faith is part of our democracy. However, public acts that incite hatred towards a group of people on the basis of their religion or race can undermine an inclusive community. We reject outright Senator Anning's offensive and untrue statements about migrants, and about members of our community from the Muslim faith.

Australians, including those residing in our States and Territories are culturally diverse, vibrant, fair-minded and inclusive people who value peace, freedom, democracy and the value of a fair go for all.

Migration has greatly contributed to Australia's success as a nation both culturally and economically, and racism has no part in contributing to that story of success. Our Muslim community have and continue to contribute greatly to Australia's success as a modern, adaptive, forward looking and creative society.

We reject the Senator's claim that cultural diversity undermines social cohesion, and that Muslims fail to integrate into Australian society.

Research conducted in 2017 by the Scanlan Foundation shows that most Australians:

- agree that multiculturalism has been good for Australia (85%)
- disagreed that migrants should be rejected based on religion (74%).
- agreed that their local area is a place where people from different national or ethnic groups get on well together (76.1%)

## From the Australian Human Rights Commission

- see the value to Australia of immigrants from many different countries as positive (63%).

### **Anti-Racism in 2018 and Beyond**

The National Anti-Racism Strategy began in 2012. Outgoing Race Discrimination Commissioner, Dr Tim Soutphommasane, says that the project and campaign work of the Strategy has only grown in importance and urgency.

"Since 2015, race has dominated headlines and driven public debates in a way that many would not have anticipated when the National Anti-Racism Strategy was last evaluated. Globally, the rise of anti-immigrant populism has fuelled racism. Australia has not been immune from this. While our multicultural consensus remains strong, it has been challenged by some" writes Dr Soutphommasane.

*Anti-Racism in 2018 and Beyond* provides a report on the activities and an evaluation of the National Anti-Racism Strategy (2015-18), including the *Racism. It Stops with Me* campaign.

Download the full report at [www.humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-2018-and-beyond-2018](http://www.humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-2018-and-beyond-2018)

## **National Inquiry into Sexual Harassment in Australian Workplaces**

In June, Kate Jenkins, the Sex Discrimination Commissioner announced a National Inquiry into sexual harassment in Australian workplaces.

Jenkins said there was "an appetite for change and a growing realisation that sexual harassment is not inevitable. It is unacceptable and it is preventable". "We need to continue working to create a society where this kind of conduct is unthinkable, and where sexual harassment at work is not something people simply have to put up with. I believe this national inquiry is a huge step in the right direction," she said.

What is the inquiry looking at?

- The prevalence, nature and reporting of sexual harassment in Australian workplaces
- The use of technology and social media - both to perpetrate, and to identify and respond to sexual harassment
- The drivers of workplace sexual harassment: e.g. links to personal attributes, workplace characteristics, workplace practices.
- The legal framework with respect to sexual harassment
- Preventative measures and good practice in responding to workplace sexual harassment
- The impact of sexual harassment on individuals and businesses

How can I participate in this inquiry?

- Written submissions are being accepted now and into early 2019, at [www.humanrights.gov.au/submissions-national-inquiry-sexual-harassment-australian-workplaces](http://www.humanrights.gov.au/submissions-national-inquiry-sexual-harassment-australian-workplaces)
- Public consultations will be held in all Australian capital cities and a number of regional cities later in 2018.
- Subscribe for updates on the inquiry at [www.humanrights.gov.au/our-work/sex-discrimination/projects/national-inquiry-sexual-harassment-australian-workplaces](http://www.humanrights.gov.au/our-work/sex-discrimination/projects/national-inquiry-sexual-harassment-australian-workplaces)

## Upcoming Training

The training team provides high quality, cost-effective training for employees and employers; service providers, and a range of community organisations and schools across Tasmania.

Our aim is to provide participants with the skills and knowledge to use anti-discrimination law and principles to develop a healthy, diverse and inclusive organisational culture that is free from discrimination and harassment.

Our training aims to:

- Inform and educate workers about their rights and responsibilities;
- Support managers to make equitable decisions;
- Increase understanding of the requirement to take 'all reasonable steps' to prevent harassment and discrimination;
- Develop understanding around the language of bullying;
- Promote diversity and inclusion in the workplace; and,
- Provide knowledge and skills on how to build healthy organisational cultures.

## **Training Calendar: July - Dec 2018**

Our updated training calendar from July - December 2018 is now available on our website. We have also updated our training for Managers and Supervisors to a 4-hour training program looking at practical ways you can improve your management style.

Our short course on *Discrimination Law: Rights and Responsibilities* is a great training program for organisations taking the first steps to ensuring your staff and/or volunteers understand their rights and legal obligations in the workplace.

If your business or community organisation is interested in developing a deeper understanding of racism and diversity please book a place, or contact us to deliver our new training program - *Racism. It Stops with Me!*

There are also Workplace Contact Officer Refresher Courses and Workplace Contact Officer Network meetings coming up in October and November 2018.

Take a look at the training calendar July - December 2018, or any of our courses at [www.equalopportunity.tas.gov.au/training](http://www.equalopportunity.tas.gov.au/training)

We can tailor any of our training courses to suit your organisation or business. Call us to discuss your training requirements on (03) 6165 7515

## **Upcoming Training**

### **Racism. It Stops with Me!**

**When:** 11 September, 9:30am - 12:00pm.

**Where:** Hobart

**Cost:** \$150 per person

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

### **Discrimination Law: Rights and Responsibilities**

**When:** 25 September, 9:00am - 11:00am.

**Where:** Hobart

**Cost:** \$120 per person

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

### **Workplace Support / Contact Officer Refresher**

**When:** 3 October, 9:00am - 12:00pm.

**Where:** Hobart

**Cost:** \$180 per person

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

### **Workplace Support / Contact Officer Refresher**

**When:** 11 October, 1:00pm - 4:00pm.

**Where:** Launceston

**Cost:** \$180 per person

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

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

**When:** 14 November, 9:00am - 12:00pm

**Where:** 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)

## **Case Summary**

### **Disability discrimination in the provision of services complaint.**

The complainant (who uses crutches to walk) booked a cruise through her travel agent after reading a flyer from the cruise company.

The complainant alleged disability discrimination after she was charged more for the accessible cabins located on the outside of the ship.

At conciliation the parties agreed to resolve the complaint by reimbursement of the extra cost, and for the cruise company to include information in its flyer about the limitations of its vessel for people with limited mobility.

**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

### **As an employer, what do I need to know about anti-discrimination law?**

Employers have many obligations to staff and to job-seekers.

- Section 2014 of the *Anti-Discrimination Act 1998* (Tas) sets out that organisations must make sure their members, officers, employees and agents (paid and unpaid) are: aware of discrimination law; do not breach the *Act* or continue to breach the *Act*.

- If your organisation does not take reasonable steps to avoid breaches of discrimination law in the workplace, your organisation can be held liable for any unlawful behaviour.
- Case law sets out that the actions of managers can sometimes be taken as the actions of the organisation; again, the organisation can be held liable.
- Publishing or displaying, or causing or permitting any sign, notice or advertising material in the workplace that promotes, expresses or depicts discrimination or offensive, humiliating, intimidating, insulting or ridiculing conduct, sexual harassment or any other prohibited conduct may breach the *Act*.
- Causing, inducing or aiding a person to breach the *Act* can also constitute a breach in itself.

There is extensive information that employers, managers and directors should be aware of to make sure your organisation does not breach the *Act*. We encourage managers to receive training to make sure they are aware of their obligations.

To inquire about Equal Opportunity Tasmania's training for management teams, please contact us:

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

Phone - (03) 6165 7515 and ask to speak with Jennie

**As a manager, I am frustrated that an employee did not use our internal complaints process to deal with their issues. Now we have to go through the process at Equal Opportunity Tasmania when we could have sorted it out internally.**

Employees are under no obligation to sort out their complaint using internal processes. Employees may decide to exercise their legal right to make a complaint under the *Anti-Discrimination Act 1998* (Tas) and they cannot be penalised for this.

If an employee is willing to speak to management, then it may be possible to resolve the complaint internally. It will depend on the organisation and how it engages with the employee.

Section 18 of the *Act* provides that victimisation is unlawful. Anyone who makes a complaint or even an allegation of

discrimination or prohibited conduct (e.g. sexual harassment) - using external or internal processes - is protected from victimisation. If the employee suffered a detriment because of their complaint or allegation (e.g. being sent to work at different premises; work hours being reduced; being demoted; missing out on a promotion), this could be a breach of the *Act*.

### **As a manager, how can I help resolve a complaint?**

It is important to recognise complaints as an opportunity to identify issues in the workplace. Working with the complainant to fix issues may prevent further complaints and contribute to a better working environment for all employees.

How respondents (the person or organisation the complaint has been made against) act can significantly affect the possibility of resolving a complaint. Respondents who engage in the process by providing relevant information, answering questions and listening to the issues can make all the difference. Resolutions happen more often when a complaint feels heard, and their concerns are recognised.

As a manager, listening, engaging and supporting employees through the complaint process can help to resolve the complaint. It can also help the respondent, complainant and other employees in the workplace to repair relationships and move forward positively and productively.

**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:

- Women's Legal Service. Granted 14 July 2018.
- Shebah Pty Ltd. Granted 22 June 2018.
- ParaQuad Association of Tasmania. Granted 21 June 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)

## Around & About

## The Little Things

In June, ABC Open launched a national project called 'The Little Things' to start a conversation about breaking down gender roles, and respectful relationships.

*What have you been told you can or can't do because of your gender?*

*What 'little things' have people said or done to you because of your gender?*

*How has that impacted on you?*

Join in the conversation:

- View stories, or submit your own, at [open.abc.net.au/explore?projectId=154](http://open.abc.net.au/explore?projectId=154)
- Find, share, and discuss stories using the hashtag #abclittlethings on Facebook, Twitter and Instagram.

The Little Things project is supported by the Commonwealth Department of Social Services as part of Stop It At The Start campaign.

## **Film Screening - *The Judge***

The Support Association for the Women of Afghanistan (SAWA), supported by the City of Hobart, invite you to a screening of *The Judge* on September 12.

Women. Equality. Justice.

In the Palestinian territories, civil courts handle criminal and civil war, while Shari'a courts adjudicate family issues. The documentary follows Kholoud Al-Faqih, the first woman judge to be appointed to a Shari'a court in Palestine.

Full event details and ticket sales at:

[www.sawa-australia.org/shop/tickets-to-events](http://www.sawa-australia.org/shop/tickets-to-events)

## **Public Talk - Gender, identity and why words matter**

Working It Out and the University of Tasmania's Institute for the Study of Social Change are hosting Nevo Zisin in conversation with researcher, writer and film-maker Dr Son Vivienne (RMIT).

Nevo Zisin is a young activist, student, writer and public speaker with a particular focus on issues surrounding gender,

sex and sexuality. Assigned female at birth, Nevo has had a complex relationship with gender, transitioning to present as male at the age of 17, undergoing different medical interventions and now identifying outside of a female/male gender binary. They work particularly with children as a youth leader and through running programs and workshops in schools. They are also a contact point in the Jewish community for other children and families confronting issues of gender and sexuality in their own lives.

Full event details at: [www.eventbrite.com.au/e/gender-identity-and-why-words-matter-tickets-47099244107?aff=ebdssbdestsearch](http://www.eventbrite.com.au/e/gender-identity-and-why-words-matter-tickets-47099244107?aff=ebdssbdestsearch)

### **Wear it Purple Day**

On Friday August 31, Working It Out are partnering with headspace Hobart and Youth Arts and Recreation to share information and resources in the Elizabeth St Mall, Hobart. You're invited for a chat about making safe spaces for LGBTI+ young people, or simply to say hello, from 2:00 - 4:00pm.

If you would like to host your own Wear it Purple Day event, check out [www.wearitpurple.org](http://www.wearitpurple.org) for event ideas. Working It Out would like to acknowledge and celebrate your efforts, so event organisers, please get in touch. In particular, Xris Reardon (Valuing Diversity, Schools Inclusion Officer at Working It Out) can provide additional support for schools. Email [xris@workingitout.org.au](mailto:xris@workingitout.org.au) or call (03) 6231 1200.

### **Key Dates: Awareness, Commemoration and Celebration**

#### **31 August: Wear it Purple Day**

#### **3-9 September: Spinal Cord Injury Awareness Week**

"I can" - challenge what you think you know. More information at [www.sciaw.com.au](http://www.sciaw.com.au)

#### **13 September: R U OK Day**

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

#### **18-19 September : Yom Kippur**

○ **24 September September: Mid-Autumn Festival**

□ **7-13 October: Mental Health Week**

□ **10 October: World Mental Health Day**

The 2018 theme is 'Stronger Together'. Order a Mental Health Week Workplace Kit or register your event or activity online at [www.mhct.org/mentalhealthweek](http://www.mhct.org/mentalhealthweek)

□ **14-20 October: National Carer's Week**

Show you care with a carer's week event; make your workplace carer friendly, or post a message on the 'Thank You wall'. Go to [www.carersweek.com.au](http://www.carersweek.com.au)

□ **15-21 October: Seniors Week**

The 2018 theme is Food Glorious Food! COTA Tasmania is encouraging seniors to get out and about and enjoy socialising and sharing great food with friends and like-minded people. Full program at [www.cotatas.org.au](http://www.cotatas.org.au)

□ **19-28 October: National 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)

† □ **1 November: All Saints Day**

□ **7 November: Diwali / Deepavali**

□ **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.

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