

# In respect of rights



## TABLE OF CONTENTS

- [Message from the Anti-Discrimination Commissioner](#)
- [FAQs - Early resolution and conciliation meetings](#)
- [Early Resolution Meeting \(ERM\) Outcomes](#)
- [National News](#)
- [August Training Calendar](#)
- [Training News](#)
- [August Featured Employer](#)
- [Community Networking](#)
- [Play by the Rules e-bulletin](#)
- [TCGL & ruMAD? news, coming events, competitions, resources and action](#)
- [Days to celebrate in August](#)

## Issue 8

### August 2012

#### 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) 6233 4841  
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  
[antidiscrimination@justice.tas.gov.au](mailto:antidiscrimination@justice.tas.gov.au)

Website

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

## Message from the Anti-Discrimination Commissioner



Vital to effective protection against discrimination is an effective complaint process and an active community that challenges discrimination and other acts of exclusion.

Without people making complaints when discrimination

happens, the law would fall into disuse. However, for many people who experience discrimination, making a formal complaint and participating in the complaint process can be a daunting prospect. Similarly, for those who are accused of discriminating, a process that is difficult to understand will, inevitably, be one they would rather not have to be part of.

With this in mind, I have been focusing a great deal of attention in the last year on how we can make the complaint process more usable and understandable for all parties involved.

This has involved quite significant changes to how we communicate with people, and how early in the process we get people together to try to resolve the complaint. We have also reviewed all of our information materials and are now developing a booklet specifically for respondents (people accused of discriminating) and one specifically for complainants. These booklets will outline the process, expectations of parties, their rights and, through this, will hopefully make the process more transparent and understandable.

Another development is the course that we are delivering for the first time in September: Supporting the process: Training for advocates and community workers.

This course will provide participants with knowledge not only of the law, but also of the complaints process and the role of each of the participants, including the role of advocates and support people. The courses to be run in September in Hobart and Launceston are both booked out and we are already looking at more dates later in the year.

If you haven't checked out the OADC facebook page yet, then I encourage you to do so. We post information about the law, about events and new publications, and lots more. You can find us by scanning this QR Code or by searching on facebook for 'Office of the Anti-Discrimination Commissioner'.

I am always keen to hear from people about what we can do better, how we can reduce the incidence of discrimination and prohibited conduct, and how we can improve our processes to make them work better for everyone.

**Robin Banks**  
**Anti-Discrimination Commissioner**

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

Ph: (03) 6233 7832

E-mail [roz.smart@justice.tas.gov.au](mailto:roz.smart@justice.tas.gov.au)



QR Code Reader is an Iphone App that once scanned takes you directly to the OADC website.

## FAQs - Early resolution and conciliation meetings

### What is an early resolution meeting (ERM)?

- As soon as a complaint is accepted by the Office of the Anti-Discrimination Commissioner (OADC), the Commissioner may invite the parties to attend a face-to-face meeting between the parties and a representative from the OADC to see if the complaint can be resolved.
- This meeting is called an **early resolution meeting (ERM)** and is an opportunity to deal with the complaint quickly and without it escalating.
- An ERM will not generally be held until the complainant has had a chance to get any responses from the respondents. This is done to ensure that all parties have some idea of the concerns and views of the others.
- The ERM is similar to a conciliation meeting but less formal and no settlement proposal is required before the meeting.

### What if I agree to an ERM and we can't resolve the matter?

- If the ERM does not result in an agreement, the complaint is then investigated.
- There may be a further opportunity to try to resolve the complaint through a post-investigation conciliation meeting.

### What is a conciliation meeting?

- At the end of the investigation into a complaint, the Commissioner may refer a complaint to a conciliation meeting. A conciliation meeting is a meeting between the parties (complainant and respondent) to attempt to resolve the complaint. The meeting is run by a conciliator.
- Like ERMs, conciliation meetings can be of benefit to the parties as they:
  - are a cost-effective way for the parties to resolve a complaint quickly and informally;
  - are an opportunity for the parties to speak frankly and openly;
  - allow the parties to explore ways of resolving the complaint;
  - are an opportunity for the parties to have direct input and some 'control' in the process and the outcome (if the complaint is referred to the Tribunal, the Tribunal makes the decision about the outcome); and
  - are an opportunity for the complaint to be resolved by mutual agreement in a confidential, private and non-legal setting.

### What does the conciliator do?

The conciliator:

- runs the conciliation meeting;
- explains the purpose and process of meeting to the parties;
- helps the parties to resolve the complaint;
- is impartial;
- makes sure that the parties are treated fairly throughout the process; and
- makes sure each party has time to explain their position.

- The conciliator must not give legal advice but may suggest to the parties ways that the complaint may be resolved. The conciliator will also indicate if the parties are proposing to resolve the complaint in a way that is not lawful.

**Where are ERMs and conciliations held?**

- Generally ERMs and conciliations are conducted at the OADC in Hobart.
- However, if the parties live in another location, the conciliation may be held in Launceston or Devonport, for example.
- Sometimes, conciliation meetings are held by telephone or some of the people involved participate by telephone.

**I am worried that everyone will hear about my complaint and about what happened at my ERM or conciliation meeting?**

- It is important that parties feel comfortable to discuss issues and how to resolve the complaint in a confidential environment.
- Meetings are held in private.
- If the conciliation meeting does not result in the complaint being resolved, everything said, written or done in the meeting is excluded from the referral report to the Tribunal and from any subsequent Tribunal inquiry into the complaint.

**Early Resolution Meeting (ERM) Outcomes**

**Age discrimination**

A complainant alleged that his roster had been changed with no forewarning, or apparent reason. The complainant believed this to be age related as other younger people got more shifts. The ERM settled with the complainant receiving a 'statement of regret'.

**Family responsibilities, parental status and gender discrimination**

A complainant alleged that his application for flexible working arrangements from his employer had been refused and that he had also been refused an interview for an internal position with his employer.

The complaint was resolved by the employer agreeing to provide an apology, a statement of service, counselling sessions and compensation.

**Race discrimination and incitement to hatred based on race, and disability discrimination**

A complainant alleged that ridiculing remarks had been made about his English skills, food he brought to lunch, and that racist remarks had been made about him in front of his work colleagues. The complainant also alleged that he had been discriminated on the basis of disability, and his employment terminated after he presented his employer with sick leave certificates.

The conference settled with the payment of a settlement sum and written expression of regrets from an individual respondent, and also on behalf of the employer organisation to the complainant.

**National News**



**National Anti-Racism Strategy**

The Department of Immigration and Citizenship (DIAC), the Attorney-General's Department (AGD), the Department of Families, Housing, Community Services and

Indigenous Affairs (FaHCSIA), the Australian Multicultural Council (AMC), the National Congress of Australia's First Peoples and the Australian Human Rights Commission (AHRC) have formed a National Anti-Racism Partnership to develop a new national strategy to respond to racism.

To help inform the development of the strategy and encourage all Australians to have a say, a discussion paper was released by the AHRC in March 2012.

The results of the consultation process have now been released by the Race Discrimination Commissioner, Dr Helen Szoke.

Almost 2,500 responses were received through participation in the Commission's online survey, by attending a consultation forum or by written submission. The report describes the experiences of many Australians and how they experience racism in their everyday life.

Importantly nine out of ten respondents said that racism was important to them and to the community as a whole and around 80% supported the development of the strategy.

Drawing on this information, agencies participating in the National Anti-Racism Partnership have commenced identifying possible strategies and priority actions to inform the new strategy. A wide range of proposals are included in the report ranging from actions to engage young people in anti-racism initiatives, promote diversity in Australia's media, to tackle racism in employment and further promote anti-racism initiatives in sport.

The strategy is due to be released in late August.

To find out more about the National Anti-Racism Partnership, including the consultation report visit <http://www.hreoc.gov.au/antiracism/consultation.html>

---

### **Bullying – No Way!**

The House of Representatives Standing Committee on Education and Employment held a public hearing in Hobart on 12 July as part of a national inquiry into Workplace Bullying.

The Committee is visiting each State to speak to witnesses about the prevalence of bullying within the workplace and strategies to reduce its incidence and impact.

Appearing before the Committee the Anti-Discrimination Commissioner provided information about how the Tasmanian Act is applied in cases where bullying is connected with attributes protected under Tasmania's Anti-Discrimination Act.

Workplace bullying has the capacity to place enormous stress on those involved and is rapidly becoming a leading cause of serious workplace injury. The Productivity Commission has estimated that the total cost of workplace bullying in Australian workplaces is between \$6billion and \$36billion annually.

To find out more about the Inquiry and view a copy of the OADC submission visit [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=ee/bullying/tor.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/tor.htm)

## **August Training Calendar**

### **Train the Trainer - Conduct your own Discrimination, harassment & bullying program**

#### **Hobart**

Monday 6 August & Tuesday 7 August  
9.30am-4.30pm both days

#### **Workplace Support / Contact Officer / Person Role**

#### **Hobart**

Monday 13 August, 1.00-5.00 pm  
&  
Tuesday 14 August, 9.00am-1.30 pm.  
\*Must attend both days.

#### **Discrimination free management - short seminars**

#### **Launceston**

Wednesday 22 August

#### **1. Recognising discrimination, harassment & bullying**

- 9.30-11.00am  
2. **Is your workplace disability ready?**  
12.30-2.00pm  
3. **Handling discrimination complaints**  
2.30-4.00pm

\$110.00 each session

For more detailed course information, price, registration forms or contact details follow this link

[http://www.antidiscrimination.tas.gov.au/education\\_and\\_training](http://www.antidiscrimination.tas.gov.au/education_and_training)

## Training News



### Worksafe Month

The OADC course sessions and times have been confirmed for the 2012 Worksafe Tasmania Month.

We are pleased to be presenting the following sessions:

- **IS YOUR WORKPLACE DISABILITY READY?**

Locations and times:

Hobart, Wrest Point: Wed 10 Oct, 1.30pm-3pm

Burnie, Arts and Function Centre: Tues 16 Oct, 1.30pm-3pm

Launceston, Hotel Grand Chancellor: Thurs 25 Oct, 11am-12.30pm

- **RACISM – DEFINING, RECOGNISING AND DEALING WITH IT**

Locations and times:

Hobart, Wrest Point: Wed 10 Oct, 3.30pm-5pm

Burnie, Arts and Function Centre: Tues 16 Oct, 3.30pm-5pm

Launceston, Hotel Grand Chancellor: Thurs 25 Oct, 1pm-2.30pm

- **WE ARE NOT ALL THE SAME BUT WE ARE EQUAL: GAY, LESBIAN, BISEXUAL TRANSGENDER AND INTERSEX (GLTBI) ANTI-DISCRIMINATION AWARENESS**

Locations and times:

Hobart, Wrest Point: Wed 10 Oct, 11.30am-1pm

Burnie, Arts and Function Centre: Tues 16 Oct, 11.30am-1pm

Launceston, Hotel Grand Chancellor: Thurs 25 Oct, 9am-10.30am

We are also taking part in the following presentations:

- **PROMOTING RESPECT AND PREVENTING HARM: MANAGING THE RISK OF WORKPLACE BULLYING,**

Locations and times:

Hobart, Wrest Point: Fri 12 Oct, 9am-12.30pm

Launceston, Hotel Grand Chancellor: Mon 15 Oct, 9am-12.30pm

- **PREGNANCY IN THE WORKPLACE**

Locations and times:

Hobart, Wrest Point: Thurs 11 Oct, 1pm-2pm

Contact [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au) for more information. The full Worksafe month program will be in the Sunday Tasmanian and Sunday Examiner newspaper 12 August. Registrations will also open on that day.

---

### Supporting the process: training for advocates and community workers - Course full

Please be advised that our *Supporting the process: training for advocates and community workers* courses in Hobart and Launceston are now fully booked. If you have missed out on these sessions please get in touch to register your interest as we will run more sessions very soon.

### August Featured Employer



### Kingborough Council

Kingborough Council is one of the larger local government authorities in Tasmania and operates from the Civic Centre at 15 Channel Highway, Kingston. It also has a Service Centre at Alonnah on Bruny Island. Council employs around 190 staff in managing and delivering a wide range of services including planning and development, infrastructure services, recreational and community services.

Over the past few years Council has worked closely with Roz Smart in delivering its regular anti-discrimination training for all current employees, as well as conducting sessions for all new employees as part of the Council induction program. All sessions include a GLBTI component.

Council is committed to providing a safe working environment which is free from unlawful discrimination and harassment in all forms. This commitment is supported by our 8 Workplace Support/Contact Officers across the organisation, as well as our staff policies on anti discrimination and harassment and equity and diversity.

Roz recently delivered training to Kingborough Waste Services at the Barretta Waste Transfer Facility. KWS is a new company employing 14 people, established by Council to run the operations of waste transfer station. The anti discrimination training was run from the comfort of some recycled lounge chairs in the Re-Use shop!



Kingborough Waste Services staff using their workplace surroundings for training in 'lounge room' comfort.



Kingborough Council staff at their discrimination, harassment and bullying refresher training.

### Community Networking



#### The League of Gentlefellows and Rainbow Women Tasmania Annual Rainbow Dinner and Address

Sat 1 Dec 2012

Contact Deidre Murray [glendella@bigpond.com](mailto:glendella@bigpond.com) or Julian Punch [julian@rainbowtas.org](mailto:julian@rainbowtas.org)

Organized in association with Human Rights Week & World Aids Day  
The proceeds will help to fund LGBTI Suicide Prevention  
[www.rainbowtas.org](http://www.rainbowtas.org)

---

### Living In Between

#### Education Pack for sale

Now available for purchase is an **Education Pack** comprising 2 DVDs (one describing the program, the other of interviews with 9 members of the Students Against Racism) and a Teachers' Guide. DVD trailers can be viewed at [www.afairsterworld.org/\\_Current\\_projects/lib.html](http://www.afairsterworld.org/_Current_projects/lib.html) or download an order form (\$20 or \$25 mailed).



**Human Rights Week Tasmania** has a new logo, keep an eye out for the logo and Human Rights news and events as we get closer to Human Rights Week in December.

**Tasmanian Human Rights Awards: applications now open!**

The Tasmanian Human Rights Week Committee is now taking nominations for its Human Rights Awards, award winners are selected from those who are actively engaged in the promotion/protection of human rights.

Human Rights Award categories:

- School
- Organisation
- Individual
- Individual Youth
- Print Journalism, and
- Culturally and Linguistically Diverse (CALD) Community Focused Activity.

Most awards include a cash prize; for the School Award this is \$500. For more information on Human Rights Week, previous award winners and how to nominate for the awards see [www.afaierworld.org/\\_HRWeek](http://www.afaierworld.org/_HRWeek), contact the Committee at [HRWTasmania@gmail.com](mailto:HRWTasmania@gmail.com) or write to Human Rights Week Organising Committee, c/- GPO Box 197, Hobart 7001. Schools wanting more information can also contact the Centre.

Nominations close 5pm on Monday 15 October 2012.

**Forum**

The Phoenix Centre invites all to the Annual Forum of the Tasmanian Transcultural Mental Health Network  
Friday 31 August 2012  
10.00am - 3.30pm  
Bahai Centre

**Keynote speakers:**

Omara Memon, STARTTS - on mental health and asylum seekers  
Pauline Gwatorisa, Consultant - on social construction of mental illness  
Besta Peter - community views on mental health  
Updates from DHHS and other programs of local service providers

**Panel discussion** on how service providers can better support people from CALD communities (including international students)

To RSVP: email [loring@mrchobart.org.au](mailto:loring@mrchobart.org.au) for a registration form

**Play by the Rules e-bulletin**



To see the latest e-bulletin from Play by the Rules please follow this link <http://www.playbytherules.net.au/news-centre/ebulletins>

This month's issue features a promotion of PBTR new radio and TV community service announcements and a new resource on sexual harassment in sport plus more.

## TCGL & ruMAD? news, coming events, competitions, resources and action



The Tasmanian Centre for Global Learning and ruMAD have lots of interesting community information and events. To see more go to [http://www.afairerworld.org/\\_Coming\\_events/](http://www.afairerworld.org/_Coming_events/)

### Days to celebrate in August

1-7 August

World Breastfeeding

[www.who.int/mediacentre/events/annual/world\\_breastfeeding\\_week/en/index.html](http://www.who.int/mediacentre/events/annual/world_breastfeeding_week/en/index.html)

9 August

International Day of the World's Indigenous People

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

12 August

International Youth Day

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

17-19 August

40 Hour Famine

[www.worldvision.com.au/40HourFamine.aspx](http://www.worldvision.com.au/40HourFamine.aspx)

19 August

World Humanitarian Day

<http://www.timeanddate.com/holidays/un/world-humanitarian-day>

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 the Office of the Anti-Discrimination Commissioner in your material as well as our website address: [www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au). We would love to receive copies of your publications.

**Edit your subscription | Unsubscribe instantly**

In respect of rights is published by the Office of the Anti-Discrimination Commissioner to be an information, reference and education tool for and about discrimination law and the Tasmanian community and workplaces.