

In respect of rights



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Issue 3

March 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

Website
www.antidiscrimination.tas.gov.au

Please let the office know before an

Message from the Anti-Discrimination Commissioner



March is the month we celebrate International Women's Day on 8 March, International Day for the Elimination of Racial Discrimination on 21 March (celebrated in Australia as Harmony Day).

The first International Women's Day was held in 1911 and it is fair to say that things have changed significantly for the better in the 101 years since. However, there is still work to do. I was starkly reminded of this when I reviewed the film *Miss Representation* last night, in preparation for the first public screening of it in Tasmania on Sunday 4 March 2011. Without giving too much away about the film, I urge everyone to come along to the screening (the details are included later in this issue of In respect of rights) on Sunday afternoon. It is a film about the representation of women in our world, particularly through the media. It moves from funny, to disturbing, to gut wrenching, to a powerful call to action.

It is a chance to reflect on how we in Australia are presented with images of women, including women in leadership, young women, older women, indeed, the whole spectrum of diversity of women in our communities. It will be a great way to begin the conversations for International Women's Day.

I hope to see you there and at other events to celebrate the achievements of the last 101 years through International Women's Day, and at events to celebrate Harmony Day. As well as celebrating these are important opportunities to remind ourselves of the work still to be done to achieve true equality.

Robin Banks

Anti-Discrimination Commissioner

From the OADC

OADC submission made to the Federal Attorney-General's Department regarding the consolidation of federal anti-discrimination laws.

The introduction of consolidated federal anti-discrimination legislation represents an important opportunity to re-affirm Australia's commitment to fundamental human rights protection and address gaps in Australia's framework for the protection of human rights.

The OADC encourages the Commonwealth Government to use this opportunity to introduce broad-based legislation that sets out a robust framework for the protection, promotion and fulfilment of the human rights to equality and non-discrimination through the articulation of positive rights and duties, including mechanisms to facilitate positive action to ensure equality and non-discrimination are achieved.

The preparation of a single national law encompassing all equality and non-discrimination obligations provides an opportunity to ensure that Australia is at the forefront of efforts to protect and promote human rights.

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

the treatment of others to protect and promote human rights.

Re-focussing efforts away from a reliance on complaints-based approaches to protecting equality and non-discrimination is central to achieving these objectives. Doing so will mark an important shift toward addressing systemic discrimination and manifestations of inequality that perpetuate disadvantage in our community.

To read more go to the submissions page on our website

http://www.antidiscrimination.tas.gov.au/news_and_events/submissions

FAQs - Gender Discrimination

Alice's boss told her off for wearing a skirt above the knee to work. However, Alice's colleague, Brett, wears stubby shorts that are well above the knee to work all the time and is never told off. Is this discrimination?

- Alice is being treated less favourably than Brett in relation to the wearing of clothes above the knee, because she is not allowed to and he is.
- If a reason that Alice was told not to wear clothes above the knee is because she is female, this is discrimination on the basis of gender.
- The discrimination has occurred in Alice's employment, and employment is an area of activity covered by the Anti-Discrimination Act.
- Alice may lodge a complaint with the Office.

Jenny works in a factory and is one of only a few women working there. She requests to perform some lifting duties but is told that heavy lifting duties are better left for the men. Jenny is only given cleaning and book work to do. Is this discrimination?

- If Jenny is requesting to do some heavy lifting work and her request is refused because she is female, then this could be gender discrimination.
- It seems that the employer is allocating duties on the basis of stereotypical ideas about the roles of men and women.
- Allocation of heavy lifting duties should be based on physical ability and not gender. Some women are capable of heavy lifting and equally some men may have limitations in what they can lift.
- Obviously it is important that employers provide a safe working environment and should therefore train all staff on safe lifting techniques. There are also limits on the weight that anyone can lift safely – whether they are female or male. Best to check with Workplace Standards if you want information on lifting requirements.

Daisy applies for a job as a security guard. She is a strong and confident woman who has undertaken all the relevant training to work as a security guard. She didn't get the job. When she asked for feedback, she was told that the job involved late night shifts and they didn't want to put her at risk of harm. Is this discrimination?

- The decision not to offer Daisy a job appears to involve assumptions about the role of women and that they are more at risk than men and need to be protected from harm.
- However, there are possible risks for anybody working as a security guard.
- Applicants, whether male or female would be aware of the risk when applying for the position.
- As Daisy wasn't hired because of a stereotypical assumption about women, and she has been treated differently than a man, it is gender discrimination.

Gary and his friend Henrik are out one night and decide to go to a local nightclub. When they reach the door, the bouncer tells them 'sorry, only women are allowed in at the moment'. When Gary and Henrik question this, the bouncer says there are already enough males in the nightclub. Is this discrimination?

- Firstly, it's important to note that gender discrimination is

unlawful against both males and females.

- It appears that Gary and Henrik are being treated less favourably because of their gender.
- Being refused admission because they are male is direct discrimination on the basis of gender.
- Both Gary and Henrik could make complaints of discrimination to our office.

When would it be OK to advertise for a male or a female to perform a particular job?

- On its face this would clearly be discrimination, however the Anti-Discrimination Act recognises that sometimes this is necessary to benefit disadvantaged groups and to promote equal opportunity.
- For example, if someone advertised to employ a male counsellor to help males who had experienced sexual assault, because male clients had expressed they would feel more comfortable dealing with a male counsellor, it may not be unlawful.
- A female who wished to apply for the job could lodge a complaint with us and then the organisation would have to show that one of the exceptions applied.
- Organisations can also apply to the Anti-Discrimination Commissioner for exemptions. Exemptions enable an organisation to discriminate and prevent complaints being lodged. Eg Commissioner granted Metro an exemption some years ago to enable them to employ female bus drivers, as it had been a male dominated area.

Legal News

Connors and Connors v Richardson and Praties [2011] TASADT 05, 4/8/11

The complainant Laura Connors started working part-time at two Praties stores co-owned by the respondent David Richardson and his partner shortly after she turned 15. Connors alleged that Richardson would touch, rub and pinch her bottom during most shifts. He also told her to take her top off, undid her apron strings so it fell to the ground, and belittled and shouted at her. Richardson claimed any touching was accidental and solely due to their working in a confined space.

Tribunal Member Catherine Rheinberger said "Richardson has taken advantage of a naïve 15 year old girl who did not have the life skills to deal with his conduct," and "It seems that he enjoyed using the opportunities as they arose to touch Miss Connors."

The tribunal heard evidence of the severe effect Richardson's actions had on Connors. She needed anti-depressants and saw a clinical psychologist for some 18 months after the incidents.

The Tasmanian Anti-Discrimination Tribunal awarded Connors \$12,000 compensation

<http://www.austlii.edu.au/au/cases/tas/TASADT/2011/5.html>

Conciliation Outcomes

To keep with our International Women's Day theme this month; we have included conciliation outcomes from complaints of gender discrimination.

Different standards

A woman was told at an interview at a management consultancy, that she needed to work on her "image" and was referred to a consultant to improve her voice and appearance. The woman paid for this training and attended several more "meetings" to discuss the position, but it was nonetheless given to another, male candidate. She made a complaint of sex discrimination to the Board, on the basis that different standards were being applied to men and women. The complaint was resolved in a conciliation conference when the company agreed to refund the amount the woman spent on the image consultant, and pay her an additional amount as compensation for the time she spent

without work during the negotiations.

Workplace with few women

A woman alleged that she had experienced sex discrimination while working for a large government department in area which had few positions occupied by women. She believed that two male colleagues in her section, who were senior to her had treated her with less respect and had taken her less seriously than they would have if she were a man. The woman suffered stress and retired from work earlier than she had planned. The woman had a long history of investigations and reports undertaken by independent consultants who were hired by the department. The matter was finally resolved at a conciliation conference at the Board by financial compensation. It was also clear during the conference that the department had made some changes to the workplace, including hiring women in more senior positions.

Denied casual employment as machine operator

A woman alleged that she was denied ongoing casual employment as a machine operator, even though she had done the work for several weeks because of staff shortages. The work was later offered to several males under 18 years of age. The complaint was settled at the Board on the basis of an apology and \$1,000 financial compensation.

Training News

Manager lunchbox awareness session: "supporting your Workplace Support / Contact Officers and making your job easier"

We are looking forward to facilitating this one hour session as part of our objective to better assist Tasmanian managers. For details please see the March Training Calendar below.

Agfest

OADC staff will be at Agfest this year to provide information about the role of our office, the role of the Anti-Discrimination Commissioner and the *Anti-Discrimination Act 1998*.

When: 3-5 May

Where: Quercus Park with the

Tasmanian Ombudsman's Office, the Integrity Commission, Commonwealth Ombudsman's Office, and Telecommunications Industry Ombudsman.

We look forward to providing valuable information to members of the Tasmanian community.

March Training Calendar

Engaging Diversity & Discrimination, harassment & bullying

Tuesday 21 February

Hobart

9.30 - 11.30 am

Thursday 1 March

Launceston

1.00 - 3.00 pm

Cost per person: \$110.00 (pre GST)

Manager lunchbox awareness session: 'Using your Workplace Support / Contact Officers to help your organisation'

Tuesday 6 March

Hobart

12.00 noon - 1.00 pm

Cost per person: FREE

Workplace Support / Contact Officer Role

Thursday 15 & Friday 16 March

Launceston

Hobart - COURSE FULL

Day 1: 1.00 - 5.00 pm; Day 2: 9.00 am - 1.30 pm

Cost per person: \$440.00 (pre GST)

For more detailed course information and registration forms follow this link

http://www.antidiscrimination.tas.gov.au/education_and_training

Local News



World Party Tasmania 2012 was held at the Hobart waterfront on Sunday 26 February.

World Party Tasmania is a not-for-profit, one day event, with the primary purpose of raising awareness to stamp out intimidation and fear caused by, and promoting the creative expression stifled by, bullying, harassment and violence.

Those attending enjoyed 8 hours of non-stop musical entertainment and a diversity of foods from a variety of cultures. In memory of Zhang Tina Yu, a young Chinese student at the University of Tasmania who was tragically murdered in 2009, the event is fast becoming an annual showcase of Tasmanian multiculturalism and demonstrates what is possible when we unite as a community to promote respect and tolerance.

National News

Age barriers to work

On 8 February 2012, the Federal Attorney-General announced a review into Commonwealth legislation and policies which create barriers for older people participating in the workforce. Federal Age Discrimination Commissioner Susan Ryan has been appointed to the Australian Law Reform Commission (ALRC) as a part-time Commissioner to assist with the Inquiry.

Ms Ryan stated, 'This inquiry presents an important opportunity to review age bars in Commonwealth laws and policies. I expect many of these will be revealed as outdated and unjustified. Identifying outdated age based policies will help inform my advocacy for fair treatment of all, regardless of age.'

Audio description improves access to electronic media for people with a visual impairment

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A trial of audio description is to be conducted on ABC television in 2012.

Audio description improves access to electronic media for people with a vision impairment by providing a 'voice over', which tells the viewer what's happening on TV.

Minister for Communications, Senator Stephen Conroy said, 'The trial will involve the broadcast of drama, documentary and other content with audio description on ABC1 for 14 hours per week during prime time over a 13-week period commencing in mid 2012.' He said the trial was intended to generate a greater understanding of the technical and consumer issues associated with establishing and delivering audio description services and was also intended to raise awareness of audio description within the industry, Government and other key stakeholders.

Senator Conroy also announced that a successful tenderer for a consultancy to conduct research and identify appropriate consumer equipment for decoding receiver-mixed audio description technology had been selected. He said, 'This consultancy will help people with a vision impairment participate in the trial by identifying digital televisions and set-top boxes capable of receiving audio description and the steps involved in activating this functionality.'

He said the trial would be accessible to any viewer of the ABC's digital ABC1 service with an appropriate receiver.

'The consultancy will provide its final report in March, well ahead of the trial commencing mid-year', Senator Conroy said.

Community Information

Miss Representation

Since its premiere at the 2011 Sundance Film Festival and on OWN: Oprah Winfrey Network, *Miss Representation* has been causing a stir internationally.

Now, in the only scheduled Tasmanian screening, you have the opportunity to see this incredible documentary with EMILY's List Australia.



Featuring special guest speakers including **Robin Banks**, the Anti-Discrimination Commissioner, to open the film, in celebration of INTERNATIONAL WOMEN'S DAY 2012.

Date: Sunday 4th March 2012

Time: Doors Open 1pm for a 2pm screening

Place: UTAS Centre for the Arts (Dechaineaux Theatre), Hunter Street, Hobart

Cost: \$10/\$5 Concession - pay at the door

RSVP: shelleys@hacsutas.net.au

Drinks & nibbles available

This event proudly supported by the UTAS Labor Society. This could be your only opportunity to see *Miss Representation* in Tasmania.

Miss Representation is a documentary film that explores women's under-representation in positions of power and influence and challenges the limited portrayal of women in mainstream media.

For more about the film and linked campaign, see <http://www.missrepresentation.org/>.





The Human Rights Week Organising Committee

Calling for Committee members!

Are human right, equality for all? Is it important to you that everyone in the Tasmanian community is valued and treated with respect?

Tasmania is the only state in Australia that holds a whole week of activities to celebrate and raise awareness of human rights and responsibilities. It has occurred in the first week of December since 1984. Tasmanian human rights awards were instituted in 1992.

The Human Rights Week Organising Committee currently operates from Hobart (Southern branch) and is made up of individuals and representatives from a range of organisations.

We are looking for new people to get involved. We are particularly keen for involvement from people in the north as we want to hold at least one event in Launceston this year.

Committee meetings are held monthly to plan for the annual Human Rights Week Launch, Awards and other events. It is hoped that we will have enough interest from the north for a local group to meet to organise local events.

It is rewarding knowing you are apart of celebrating human rights which is a fundamental right for everyone to enjoy.

To find out more information about joining the Human Rights Week Organising Committee (south or north) contact Louise Adams on (03) 6233 7832 or louise.adams@justice.tas.gov.au

Challenge Bullying Information Advice Support Support Group

CBIAS Support Group meets every fortnight

Where: Room A1 – 84 Learning Centre (the Library)

Polytechnic/TAFE Building, 75 Campbell Street Hobart

When: Every second Tuesday 6.00pm -7.30pm

Gold Coin Donation

For further information and enquiries: Caroline Dean 0439 473 938

challenge.bullying@gmail.com

Community Calendar



Devonport International Women's Day Breakfast

Date/Time: Thursday 8 March 7:00 am - 8:30 am

Event Location: Elimatta Hotel, Victoria Parade, Devonport

Event Details: To celebrate International Women's Day 2012 in Devonport, Council is seeking nominations for the Diamonds of Devonport - the women of any age who quietly contribute to their community in some way.

Event contact: smasters@devonport.tas.gov.au or phone 6424 0591

Northern Suburbs Community Centre and Ravenwood Neighbourhood House "Connecting Girls Inspiring Women"

Date/Time: Wednesday 7 March 2012 11:00 am - 1:00 pm

Event Location: Northern Suburbs Community Centre, Ravenswood, Tasmania

Event details: There is to be a range of stalls and activities aimed at both young and old women and inspirational speakers will be in attendance. Lunch being BBQ and salad is being provided.

International Women's Day 2012 and the Gender Equality Process

Event Contact: Julie Moy 6339 2861

Amnesty International Australia and the International Women's Development Agency

2012 Theme: CONNECTING GIRLS, INSPIRING FUTURES

An afternoon of inspirational messages and the chance to learn more about the work of both Amnesty International Australia and the International Women's Development Agency (IWDA).

Where? Fullers Bookshop, Collins Street, Hobart

When? Thursday 8 March 2012

Time? 5:00 – 6:30 pm

Refreshments will be provided and there will be a special raffle to raise funds for the work of the IWDA!

And bring your friends-all welcome!

(Gold coin donation and no need to RSVP!)

IWD breakfast for women

Where? 11 Union St, West

Hobart

March

any time between 9:00 - 12:00 noon

When? Sunday 11

Time?

RSVP to Yabbo Thompson: Ph: 03 62349857 or e-mail:

talvin@bigpond.net.au

Breakfast provided, bring a donation to IWDA (plus there will be a raffle) and hear from an IWDA supporter who climbed a mountain in East Timor last year to raise funds for IWDA



Soroptimist International of Hobart invites you to JOIN WOMEN ON THE BRIDGE on International Women's Day

Constitution Dock Bridge

Franklin Wharf

March 8 – 5:30 – 7:00 pm*

To acknowledge and celebrate the contributions and achievements of women throughout the globe.

Soroptimist International of Hobart website www.siswp.org

<http://joinmeonthebridge.org/>

International Day for the Elimination of Racial Discrimination

21 March 2012

The United Nations' (UN)

International Day for the

Elimination of Racial

Discrimination is observed

with a series of events and activities worldwide on March 21 each year.

The day aims to remind people of racial discrimination's negative consequences. It also encourages people to remember their obligation and determination to combat racial discrimination.



<http://www.timeanddate.com/holidays/un/world-day-eliminate-racial-discrimination>

HARMONY DAY

21 March 2012



In 2012, the Harmony Day theme Sport - play, engage, inspire recognises the important role and positive influence that sport has in our multicultural nation. Involvement in sport whether as a participant, volunteer, spectator or administrator unites people of all ages and fosters a sense of belonging, acceptance and an understanding of other cultures.



www.harmony.gov.au

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