

In respect of rights



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Issue 10

October 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.

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Ph: (03) 6233 4841
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Web SMS: 0409 401 083

National Relay Service
TTY users: 133 677 then ask for 1300 305 062
Speak and Listen users: 1300 555

Correction

Apologies for re-sending.

In our October *In respect of rights* we published the wrong date for SlutWalk, Hobart .

The correct date is Saturday 13 October.

See you there

Message from the Anti-Discrimination Commissioner



October begins with the celebration of the lives and contribution of older people. Monday 1 October was International Day of Older Persons and the first week of October is being celebrated as Senior's Week here in Tasmania.

The theme of the 2012 International Day was 'Longevity: Shaping the Future'. This ties in with the theme of World Health Day 2012 (celebrated on 7 April) 'Ageing and health'. These themes remind us that older people can and do continue to lead full and productive lives, participating in and contributing to the lives of their families and communities. They also remind us that we need to consider how we can ensure the ongoing participation of older people when planning for and shaping our future as a State and a nation.

We can and need to do more to ensure that older people are able to remain actively involved in their communities. This might involve ensuring our buildings, public spaces, transport systems and community facilities are easy to access and use as well as ensuring our approaches, services and supports are inclusive meet the needs of older people.

In order to achieve that we need to consciously avoid negative stereotypes of older people that may limit what we think older people can or want to do. This requires us to understand age as part of the diversity of our community and avoiding discriminating on the basis of age, either deliberately or inadvertently.

Older people have lived through generations of change and offer a unique perspective on how to understand and deal with the effects of change. They have the experience to know that some things that seem enormous and overwhelming to us today will really seem quite insignificant in the not-so-distant future. They can also guide us towards understanding that other things that we don't necessarily focus on will be of critical importance in the future.

During their lifetimes, many of Tasmania's older residents have seen the devastation of war and natural disasters up close, but they have also seen the wonders of development and the efforts to bring nations closer together. They have also seen the benefits of our community welcoming new migrants who are now very much part of our community. and who have made invaluable contributions to building

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 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
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community, and who have made immense contributions to building families, communities and our ability to embrace change.

Please join me in celebrating the lives of older Tasmanians and think about what you, your organisation, our community could do to better ensure a continuing respect for and welcoming of their contribution to our community.

Robin Banks
Anti-Discrimination Commissioner

From the OADC

Age discrimination in the provision of insurance services

The *Anti-Discrimination Act 1998 (Tas)* (the Act) prohibits less favourable treatment on the basis of age and in the area of good and services, including insurance services, where they are not subject to an exception or defence that can be objectively sustained.

Section 34 of the Act provides the basis for an exception from age discrimination in the provision of insurance services that enables providers of insurance services to discriminate on the basis of age if the discrimination is based on actuarial, statistical and other data from a reliable source and is reasonable having regard to that data and any other relevant factors.

The effect of section 34 is not to automatically exempt all insurance agencies from coverage by the Act. The exception requires insurers to make the case for the exception.

In May 2011, the Anti-Discrimination Commissioner commenced an own-motion investigation into the practices of insurance providers discriminating on the basis of age in the provision of personal accident and injury insurance for volunteers. The purpose of the investigation is to examine the actuarial, statistical and other data relied on by insurers to exclude volunteers on the basis of age to determine whether their actions are reasonable in the circumstances.

Insurance providers have been asked to provide information to substantiate their view and the impact on volunteers and the organisations they work for have been examined. This information will be used to assist the Commissioner in determining whether the actions of insurers are reasonable and evidence-based.

The investigation coincides with action at the national level to question age-discrimination in relation to older workers. This includes a review by the Australian Law Reform Commission into barriers to work in Commonwealth laws, which is expected to issue a final report shortly.

A report into the investigation into the provision of insurance for volunteer workers will be released in coming weeks.

FAQs - Age Discrimination

Can a shop owner ask a young person (in school uniform) to get out of their shop because they don't trust young people?

- The *Anti-Discrimination Act (Tas)* (The Act) prohibits less favourable treatment on the basis of age and in the area of provision of good and services, which includes the selling of goods to the public.
- If the shop owner is asking all young people to leave his shop it is clearly related to age.

'For we are young and free ...' from discrimination.

60 is an age. Not a use-by date.

Do you have a question or comment about age discrimination?

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Phil works in a busy office. He has announced he is going to retire at the end of the year (in 6 months). The office has completed a recruitment of new staff and many of these new

recruits are complaining to their manager that Phil is slow, old and they were frustrated the way he does his job. As a result of

and they are frustrated the way he does his job. As a result of these conversations the manager moves Phil to the office down the end of the hall which is old, dingy and cold. Also a lot of his responsibilities have been taken away and he is left with little to no work. Is this age discrimination?

- Yes it may be age discrimination.
- The Act prohibits people being treated less favourably based on their age.
- Phil has the right to be treated fairly regardless of his age and retirement plans.
- Moving Phil to the 'not so nice office' and taking away his responsibilities may be less fair treatment and therefore discriminatory.
- If Phil is not performing the inherent requirements of his job to a satisfactory standard the Manager should have that conversation with Phil.
- If Phil is performing the inherent requirements of his job to satisfaction the Manager should educate the other staff about appropriate behaviour in the workplace and their responsibilities under the Act.

Sarah is 21 years old and has applied for a manager's position in her workplace. She is highly qualified and believes she is capable of performing the required duties as manager. At interview Sarah is told that she is too young for the position and will not be respected by the team.

Sarah did not get the promotion. Is this discrimination?

- If Sarah can fulfil the inherent requirements of the Manager's position and she is deemed to be the best person for the job she should be given that opportunity. She should not be denied opportunities because of people's perception that a young person has to 'earn their stripes' before they can be a manager.
- Recruitment and selection processes are to find the best person for the job. Excluding people on the basis of age, such as an applicant being too young may be age discrimination and, as such, unlawful. It also means the employer will not be selecting from a pool of qualified people available and, as such, may not get the best person for the job.

Conciliations

Race discrimination

A complainant alleged race discrimination in the area of the provision of facilities, goods and services against three respondents.

An early resolution meeting was held between the parties of the complaint. One respondent agreed to apologise to the complainant and provide an amount of financial compensation.

The other two respondents declined to agree to the complainant's proposal and an investigation in relation to those parties will continue through the OADC process.

Family responsibilities discrimination and prohibited conduct

A complainant alleged discrimination and prohibited conduct on the basis of family responsibilities. He alleged he was pressured to change his roster and work on weekends when it was known that he was not able to due to his family responsibilities to care for his children on weekends.

A successful conciliation conference resulted in the complainant being able to transfer to another store on his current terms and conditions and on his current roster which did not include night shifts to accommodate his family responsibilities.

National News



Cyberbullying competition winners announced

More than 100 films later and after countless hours of emotionally-charged viewing, 10 lucky young people have been chosen as winners of the BackMeUp national anti-cyberbullying film competition.

Commission spokesperson on cyberbullying, Dr Helen Szoke, has congratulated the winners.

"These young people have shown a creativity, wisdom and sensitivity beyond their years in coming up with short two minute films that demonstrate the importance and the power of not just standing by but standing up to cyberbullying.

Check out the fabulous 100 plus videos that are the BackMeUp campaign at www.facebook.com/2012backmeup or <http://somethingincommon.gov.au/backmeup>

Release of the fifth edition of Face the Facts

Face the Facts is one of the Australian Human Rights Commission's most successful and most requested publications.

The publication draws on primary research information from various sources such as government policies, academic research and Australian Bureau of Statistics data and answers basic questions such as; who are Aboriginal and Torres Strait Islander peoples? how do asylum seekers and refugees differ from migrants? as well as providing statistics on migration to Australia.



"Asylum seekers, refugees, migrants and Aboriginal and Torres Strait Islander peoples are still the subject of prejudicial attitudes and actions by others in Australia today resulting in many misinformed debates. It is important that those discussions are based on accurate information and not on prejudice or racism," said Human Rights Commissioner, Dr Szoke.

The fifth edition of Face the Facts is available exclusively online and includes recent and relevant issues such as Australia's multicultural policy, The People of Australia, the United Nations Declaration on the Rights of Indigenous Peoples and the National Anti-Racism Partnership and Strategy.

Face the Facts is available online at http://www.humanrights.gov.au/racial_discrimination/face_facts/

Age Positive

Age Discrimination Commissioner, Susan Ryan has a facebook page dedicated to breaking down the stereotypes that drive age discrimination in our community. Find out helpful information, take action and read inspiring stories about people who are ageing positively.

<http://www.facebook.com/AgePositive>

The Australian Human Rights Commission's Age Positive website posts stories showing older people as active and enthusiastic contributors to the community in a vast array of pursuits and occupations.

<http://www.humanrights.gov.au/age-positive/submit.html>

Erasing Racism



Around one in five Australians say they have experienced race-hate talk, such as verbal abuse, racial slurs or name-calling.

One in five. That's an appalling number.

Watch and share this short video (made by All Together Now) of ordinary Australians telling personal stories of how racism has affected their lives.

<http://vimeo.com/16227452>

Something In Common is a web platform the Australian Human Rights Commission has created to share the personal human rights stories of ordinary Australians and to help raise awareness and inspire human rights action in the broader community.

It's not just about racism. They have stories covering everything from violence against women, cyber-bullying and seeking asylum to music education for Aboriginal children in remote communities. Compelling stories that people want to watch. Compelling stories that people will want to share.

Some of the videos are filmed using just an iPhone, while others are a little more sophisticated. It's designed to be used by everyone from teenagers to grandparents.

<http://somethingincommon.gov.au/get-inspired/erasing-racism>

EOWA News

Men get Flexible! Mainstreaming Flexible Work in Australian Business is a new Diversity Council Australia report on men and flexible working.

<http://www.dca.org.au/News/News/Employers-take-note%3A-men-want-flexible-working-too%21/293>

October Training Calendar



The OADC are delivering the following sessions for WorkSafe Tasmania Month this month.

Is your workplace disability ready?

Hobart

Wednesday 10 October

1.30 - 3.00pm

Burnie

Tuesday 16 October

11.00am - 12.30pm

Launceston

Thursday 25 October

11.00am - 12.30pm

Racism - defining, recognising and dealing with it

Hobart

Wednesday 10 October

3.30 - 5.00pm

Burnie

Tuesday 16 October

3.30 - 5.00pm

Launceston

Thursday 25 October

1.00 - 2.30pm

We are not all the same but we are equal: Gay, lesbian, bisexual, transgender and intersex (GLBTI) anti-

Visual, transgender and intersex (GLBTI) anti-discrimination awareness

Hobart

Wednesday 10 October
11.30am - 1.00pm

Burnie

Tuesday 16 October
11.30am - 1.00pm

Launceston

Thursday 25 October
9.00 - 10.30am

Promoting respect and preventing harm: Managing the risk of workplace bullying

*This session is being presented by Kirsten Way from Workplace Health and Safety Queensland together with Neale Buchanan, Workplace Standards Tasmania and Roz Smart, OADC.

Hobart

Friday 12 October
9.00am - 12.30pm

Launceston

Monday 15 October
9.00am - 12.30pm

Pregnancy in the workplace

*This session is being presented by Prina Clark, Pregnancy Counselling and Support and Roz Smart, OADC.

Hobart

Thursday 11 October
1.00 - 2.00pm

To register and for more information, visit

http://www.worksafe.tas.gov.au/events/worksafe_month

November Training Calendar

Workplace Support/Contact Officer Role

Hobart

Monday 12 November (1.00 - 5.00pm) AND
Tuesday 13 November (9.00am - 1.30pm)

Launceston

Friday 16 November (9.00am - 5.00pm)

*Note, full day course (this training is normally delivered over two x half days)

\$440.00 (pre GST)

Sexual Harassment - what it is, what it's not and what to do about it

Hobart

Monday 26 November
9.00 - 11.00am

Launceston

Tuesday 27 November
1.00 - 3.00pm

\$110.00 (pre GST)

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

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

Training News

Supporting the Process - Training for Advocates and Community Workers

Robin and Roz facilitated two very successful sessions of *Supporting the Process - Training for Advocates and Community Workers* last month. We received some fantastic feedback, made a few tweaks and are all now set for the second round.

There are still places available for these sessions, if you would like to register or if you were on our waitlist and have not yet responded please email roz.smart@justice.tas.gov.au to confirm your place.

New dates:

Hobart

Monday 5 November
1.30-5.00pm

and

Tuesday 6 November
9.00am-2.00pm

* You will need to attend both sessions.

Launceston

Wednesday 7 November
9.00am-12.30pm

and

Thursday 8 November
9.00am-2.00pm

* You will need to attend both sessions.

We are hoping to facilitate a session in Devonport or Burnie early in 2013, please email to register your interest. roz.smart@justice.tas.gov.au

Community News and Networking

SlutWalk Hobart

SlutWalk is a global movement against intolerance and toward education: an international movement to end the culture of victim blaming, and educate and shame the perpetrators of sexual assault in our society.



SlutWalk Hobart wants as many men, women and children as possible to join them on the Hobart SlutWalk, walking or carrying signs to get the message across.

Hobart SlutWalk Saturday 13 October

12.30pm - 1.00pm

Banner-making Session / Meeting Point at Franklin Square

1.00 - 1.30pm

March to Parliament Lawns for speeches

Anti-Discrimination Commissioner, Robin Banks will be a guest speaker at the event.

<https://www.facebook.com/SlutwalkHobart>
slutwalkhobart@gmail.com

NDIS Public Consultation

The National Disability and Carer Alliance is hosting a free forum on the NDIS (National Disability Insurance Scheme) If you are a person with disability, family member or carer they want to hear from YOU

Topics for discussion include:

- Eligibility, assessment, review and complaints mechanisms
- What are reasonable and necessary supports?
- Individual choice and control
- How can people with disability and carers be actively involved in the design of the NDIS?
- How to ensure the system is innovative and responsive to needs?

Launceston

Monday 8 October

10.30am – 3.00pm (lunch provided)
The Boathouse on Northbank, 55a Lindsay Street, Invermay
Register by Monday 1 October
(please let NDIS know if you have any special requirements to attend)

Hobart

Wednesday 10 October
10.00am – 2.30pm (lunch provided)
Hobart Function & Conference Centre, 1 Elizabeth Street Pier
Register by Wednesday 3 October
(please let NDIS know if you have any special requirements to attend)

Register online at
<http://disabilitycareralliance.org.au/category/events/> or by email to
ngilab@pwd.org.au or telephone 02 9370 3100

<http://www.ndis.gov.au/>

Human Rights Week 2012



Human Rights Week Rally

Saturday 8 December
11.00am - 1.00pm
Parliament Lawns

The Human Rights Week Organising Committee is seeking interest from organisations who would like to have an information table at the Human Rights Week Rally.

Information will need to be of a Human Rights focus.

The local theme is: 'Building a Human Rights Culture within our Community'.

If you are interested RSVP by COB 15 October 2012 to Louise Adams at louise.adams@justice.tas.gov.au

Human Rights Week Awards

Tasmanian Human Rights Awards: nominations closing soon. Don't miss out!

The Tasmanian Human Rights Week Committee is calling for nominations for its Human Rights Awards in the categories of:

- School,
- Community organisation,
- Individual,
- Youth,
- Print Journalism,
- Culturally and Linguistically Diverse (CALD) Community Focussed Activity,
- Sporting Organisations, and
- Promoting LGBTI Cultural Awareness

Award recipients are selected from those who are actively engaged in the promotion and protection of human rights.

Nominations close 5.00 pm on Monday 15 October. For more information on Human Rights Week, previous award winners and how to nominate for the awards see www.afaierworld.org_HRWeek.



We want to hear from you!

Mercure Hobart
25 OCTOBER 2012
9:30am-2pm
Light lunch will be provided

RSVP: Steven Kennedy
(02) 8568 1110
ageing@lgbtihealth.org.au

Community Consultations:
Ageing and Aged Care
for lesbian, gay, bisexual,
transgender and intersex
[LGBTI] Australians
All Welcome!

www.lgbtihealth.org.au/ageing

Launch of Anti-Poverty Week



The Tasmanian Launch of Anti-Poverty Week
by Robin Banks, Tasmanian Anti-Discrimination Commissioner
and Patron of the Tasmanian Centre for Global Learning

Monday 15 October
12.00 noon – 1.00 pm
Parliament House Reception Room

The event will also launch the new partnership between the Tasmanian Centre for Global Learning and the Global Poverty Project and showing a “taster” of the inspiring **1.4 Billion Reasons** presentation. Presentations of **1.4 Billion Reasons** for workplaces, schools, and community groups can be booked directly through the Centre. Come along, see the preview, and meet the Tasmanian presenters.

RSVP to karen@afairerworld.org or 03 6223 1025.

Find more information about **1.4 Billion Reasons** at www.globalpovertyproject.com, email Jeremy Picone jeremy@afairerworld.org or phone 03 6223 1025.
More about Anti-Poverty Week at www.antipovertyweek.org.au

Awareness Days in October

1 October
International Day of Older Persons
www.un.org/en/events/olderpersonsday/

Monday October 1 – Sunday October 7
Seniors Week
<http://www.cotatas.org.au/programs-events/seniors-week-2012/>

1-31 October
Walktober (Tasmania)
<http://walktober.com.au/home>

2 October
International Day of Non-Violence
www.un.org/en/events/nonviolenceday/index.shtml

40 October

10 October

World Mental Health Day

7-13 October

Mental Health Week

The theme for Mental Health Week 2012 is Celebrate, Connect, Grow.

http://www.dhhs.tas.gov.au/mentalhealth/mental_health_week

11 October

World Sight Day

www.vision2020australia.org.au/index.cfm

14-20 October

Anti Poverty Week

<http://www.antipovertyweek.org.au/about/about-anti-poverty-week>

14-20 October

Carers Week

<http://www.carersaustralia.com.au/>

16 October

World Food Day

<http://www.fao.org/getinvolved/worldfoodday/en/>

17 October

International Day for the Eradication of Poverty

www.un.org/en/events/povertyday/

24 October

United Nations Day and World Development Information Day

www.un.org/en/

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