

## Make a complaint to the Commission

If you think you have been discriminated against, sexually harassed, victimised or vilified, contact us. We can send you information about the complaint process. If we can't help you we will try to refer you to someone who can.

You can also make a complaint to us by sending us a letter or email or filling in our online complaint form. You can make a complaint in your preferred language or you can call us and we can help you write the complaint down. It does not cost anything to make a complaint to us and you do not need a lawyer to make a complaint.

The Commission will try to help you resolve your complaint, but we do not advocate for you or for the person or organisation you are complaining about.

When you lodge a complaint we will contact you to talk about your complaint and we may ask you for more information. We may talk to you about trying to resolve the complaint through conciliation and the outcome you want to achieve.

Generally, the Commission will contact the person or organisation you are complaining about, give them a copy of your complaint and ask for their comments. We will let you know what they have said in response to your complaint.

In some instances we may decide we cannot deal with your complaint. If this happens we will contact you and explain why.

In many cases we will help you and the person or organisation you are complaining about try to find a way to resolve the complaint by conciliation. Conciliation can take place in a face-to-face meeting, by telephone conference or contact through the conciliator.

Complaints can be resolved in many different ways, for example by an apology, a change in policy, staff training or compensation.

## About the Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws:

- *Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*.

### Commission services include:

- Enquiry Line service available by telephone, email or webchat
- a free, fair and timely dispute resolution service
- information (and education) about equal opportunity, racial and religious vilification and the Charter of Human Rights and Responsibilities
- education, training and consultancy services.

Please contact us for more information.

**1300 292 153** or **(03) 9032 3583**

**[enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)**

**[www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)**

Level 3, 204 Lygon Street Carlton Vic 3053

Fax: **1300 891 858**

Hearing impaired (TTY): **1300 289 621**

Interpreters: **1300 152 494**

Online complaint form: **[www.humanrightscommission.vic.gov.au/complaints](http://www.humanrightscommission.vic.gov.au/complaints)**

Follow us on: **Twitter @VEOHRC**

Find us at: **[www.facebook.com/VEOHRC](http://www.facebook.com/VEOHRC)**

DISCLAIMER: This information is intended as a guide only. It is not a substitute for legal advice.

Published by the Victorian Equal Opportunity and Human Rights Commission.  
May 2014



Victorian Equal Opportunity  
& Human Rights Commission

## Information on discrimination

> Know your rights



[humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)

## Discrimination

Discrimination is treating someone unfavourably, or proposing to, because of a personal attribute protected by Victoria's *Equal Opportunity Act 2010*.

Discrimination can also happen if an unreasonable policy or practice is applied that can, or does, disadvantage someone because of a personal attribute. It can still be discrimination if the policy or practice is proposed; it doesn't have to be put into action.

Equal opportunity laws protect people from discrimination, sexual harassment, victimisation, and racial and religious vilification.

In Victoria the Equal Opportunity Act makes it against the law to discriminate against someone because of:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, where a person is responsible for caring for children or other dependents (does not cover those paid to provide care)
- race, colour, descent, nationality, ancestry or ethnic background
- age, whether young or old, or because of age in general
- sex, whether male, female or intersex
- gender identity, where a person of one sex or indeterminate sex identifies as a member of the other sex
- employment activity, for example because they ask questions or raise concerns about their rights or entitlements at work
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- physical features, such as height, weight, size, hair or birthmarks
- religious belief or taking part in religious activity

- pregnancy and breastfeeding
- taking part in legal sexual activity
- sexual orientation whether gay, lesbian, bisexual, queer or heterosexual
- marital status, whether married, divorced, unmarried or in a domestic partnership
- political belief or taking part in political activity, or not taking part in political activity at all
- expunged homosexual conviction
- an association with someone who has, or is assumed to have, any of these attributes.

Sexual harassment is also against the law. See our brochure on sex discrimination and sexual harassment for more information.

## Where discrimination is against the law

Victoria's Equal Opportunity Act makes discrimination against the law when it happens in:

- accommodation, including access to public premises
- clubs
- education
- employment, including part-time, full-time, casual, contract and probationary workers, as well as trainees and apprentices
- goods and services
- land sales and transfers
- local government
- sport.

### Examples of discrimination

A store asks all customers to show their driver's licence before it will accept personal cheques. Ramesh wants to pay for his shopping by cheque but because he is vision impaired he doesn't have a licence. The store manager will not accept Ramesh's cheque even though he can show her other types of official identification. The manager says that she has to follow store policy.

George applies for a position with a construction company but doesn't get the job. When he calls the company's human resources manager to ask why he wasn't chosen, she tells George: 'We've employed people from your country before. You lot simply don't share our work ethic.'

## Victimisation

It is against the law to punish or threaten to punish someone because they have:

- asserted their rights under equal opportunity law
- made a complaint
- helped someone else make a complaint
- refused to do something because it would be discrimination, sexual harassment or victimisation.

The legal definition of victimisation is when someone 'subjects or threatens to subject the other person to any detriment'.

## Discriminatory requests for information

It is against the law to ask a person for information about their protected attributes if it could be used in a discriminatory way, unless the information is reasonably required for a non-discriminatory purpose.

## How should I respond to discrimination?

Every person needs to make their own choices about how to respond to serious issues in the workplace or public life, but it's important to know that there are a range of services and agencies that can advise, support and help you make informed decisions about what to do next.

Even if you don't want to make a complaint, we can help.

If you have any questions about discrimination, sexual harassment, victimisation or vilification you can contact the Commission. We won't act on what you tell us unless you ask us to.