

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
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**

Follow us on: **Twitter @VEOHRC**

Find us at: **www.facebook.com/VEOHRC**

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

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Victorian Equal Opportunity
& Human Rights Commission

Race discrimination and racial and religious vilification

> Know your rights



humanrightscommission.vic.gov.au

What is race 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 it is against the law to discriminate against someone because of their race.

Race includes colour, descent, nationality, ancestry, ethnic background or any attributes associated with a particular race. This includes Aboriginal and Torres Strait Islander people.

Example of race discrimination

Sam is Jewish and wears a skullcap (also known as a kippah or yarmulke). When he starts a new job he is informed of a company policy that says that employees must not wear hats or other headwear at work. This policy has an unfair effect on Sam and potentially other people of certain racial or ethnic backgrounds.

Where discrimination can happen

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

- accommodation, including access to premises
- clubs
- education
- employment
- goods and services
- land sales and transfers
- local government
- sport.

What is vilification?

Vilification is behaviour that encourages others to hate, severely ridicule, have serious contempt for or feel revulsion of a person or group of people because of their race or religion.

Behaviour that is **likely** to be seen as racial or religious vilification includes:

- speaking about a person's race or religion in a way that makes or is likely to make other people hate or severely ridicule that person
- using flyers, stickers, posters, websites, email or other publication in a way that makes or is likely to make other people severely ridicule a person because of their race or religion
- publishing claims that a racial or religious group is involved in serious crimes without any proof that makes or is likely to make people hate or feel revulsion of that group
- encouraging violence against people who belong to a particular race or religion, or damaging their property.

It is also against the law to give permission or help someone to vilify others.

Behaviour that is **not likely** to be seen as racial or religious vilification includes:

- being critical of a religion or debating racial or religious ideas in a way that does not encourage others to hate racial or religious groups
- behaviour that offends people of a particular race or religion, but does not encourage others to hate, disrespect or abuse racial or religious groups.

Comments, jokes or other acts related to the race or religion of a person may not constitute vilification, but they could still be the basis for a complaint of discrimination if they happen in one of the eight areas of public life covered by the law, such as employment.

Some behaviour may not be seen as vilification if it is reasonable and done in good faith. This includes art or a performance, a statement, published work, discussion or debate in the public interest, and a fair and accurate report in the media.

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'.

Spray back against hate

The Commission has developed the Anti-Hate website to give people a way to do something about racism and other hateful behaviour. To find out more visit antihate.vic.gov.au.

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.