
What's the law? – Discrimination

Presenter's notes

How to use these notes

Topic: The legal consequence of being discriminated against.

Resources: *What's the law?* free online resource 'Discrimination', which contains a photo story, activity sheets and answer sheets.

These notes provide guidelines for a presenter's script and information on how to use these resources when presenting to a community group. The notes include a story summary, questions and answers, key messages, areas for further discussion and referral information.

Preparing to present

It may be useful to read the activity and answer sheets to prepare for your presentation – they may give you ideas for additional questions and activities for your group. It is also a good idea to look at the websites and referral information provided under 'Possible discussion points and referral information' below.

If you need assistance with presentation skills, engagement ideas or coordination support for the group you are preparing for you can contact cle@legalaid.wa.gov.au or (08) 9261 6500.

Introduce yourself and *What's the law?*

Before you begin the presentation, introduce yourself, your role and your organisation.

For example, if you work at Legal Aid WA:

- Legal Aid WA helps the community in many different ways if people have problems with the law. We provide legal education to newly-arrived communities about their rights and responsibilities.

Refer to the *What's the law?* free online resource and its purpose by mentioning these key points:

- We see many different newly-arrived communities get into trouble with the law and often the same legal problems arise. These problems can be avoided if you know some simple information about the law and where to go to for help before your problem becomes serious.
- The photo stories in *What's the law?* have been made to help you learn about the law on thirteen different topics.

Begin with some introductory statements and general questions about the topic:

- Today we are going to show you a photo story about discrimination, a worker being treated unfairly at work because of her religious beliefs.
- How many of you have ever been treated differently or less favourably and for what reason?
- Discrimination on many grounds, such as age, sex, race or religion, in many areas of public life such as employment is against the law.

Summarise the photo story

- This story is about Ida.
- Ida has applied three times to do customer service training.
- Everyone else in Ida's team has done the training.
- Ida thinks she is polite, that customers like her and that she is good at her job.
- David, her boss thinks customer service may not be best for her because she wears a hijab and wants to put her in Accounts away from the customers.
- Ida would rather work with customers and does not want to go to Accounts.
- David threatens she won't be able to keep her job if she doesn't go to Accounts.
- Ida wants to keep her job.
- Sarah says David's treatment of Ida is discrimination and that discrimination is illegal.

Ask questions

To strengthen engagement with the photo story and develop the group's legal literacy, ask key questions before showing the story. This will encourage the group to watch actively and think about key messages.

While you are watching the story, think about the next three questions:

Why is Ida not allowed by her manager to do the customer service training and why is she being sent to Accounts?

What is discrimination?

What are some of Ida's options to avoid being treated unfairly? Where can she go for help?

Show the photo story



Answer the questions

Ask the same key questions after you show the story and allow for discussion to tease out the right answers.

Why is Ida not allowed by her manager to do customer service training and why is she being sent to Accounts?

- Ida's boss David thinks that some customers do not like hijabs and so he does not want her to work in customer service.
- David is suggesting that if Ida does not go to Accounts she may lose her job.

What is discrimination?

- Ida is not being allowed to do customer service training or stay in customer service because she wears a hijab.

- She is not being given the same opportunity to develop in her job as others in her team. She has not been given an equal opportunity because of her following her religion.
- Because of her religion she is not being treated in the same way as the others in her team.
- Discrimination is not being treated fairly because of a characteristic like age, sex or in this case, religion.

What are some of Ida's options to try to avoid being treated unfairly? Where can she go for help?

- If she feels comfortable she could speak to her boss about the issue.
- If she doesn't feel comfortable or the behavior doesn't stop she can seek legal advice. A legal service may be able to write a letter to her boss explaining that what he is doing is discrimination and that is against the law. The law could ask him to stop the behavior, apologise to you and pay some money for the damage he caused, or do some training to make sure it does not happen again.
- If that doesn't work Ida can make a complaint to the Equal Opportunity Commission in WA.

Emphasise key messages

- Discrimination means being treated unfairly or not as well as others because of a characteristic like age, gender, race or marital status (whether is person is married or not).
- In Australia, the law says that it is wrong to discriminate against someone on these grounds in certain areas of public life. It shouldn't matter what a person's sex, race, marital status, religion, sexuality or gender identity is or impairment or political views they have.
- In Western Australia, the *Equal Opportunity Act 1984* makes it unlawful to discriminate against someone on certain grounds in one of the areas of public life covered by the Act. These grounds are :
 - age (being regarded as too young or too old)
 - breastfeeding (being asked not to feed, or to use other facilities to breast or bottle feed)
 - family responsibility (having a caring role)
 - family status (being a relative of a particular person or having the status of being a particular relative)
 - gender history (having reassigned gender as certified under the *Gender Reassignment Act 2000 (WA)*)
 - impairment (having a physical, intellectual or mental disability that is current, past or imputed)
 - marital status (being single, married, a de facto partner, separated, divorced or widowed)
 - pregnancy
 - political conviction
 - religious conviction
 - race
 - racial harassment (including offensive or insulting comments or other behaviour about a person's colour, ethnic background or origin)
 - sex
 - sexual harassment
 - sexual orientation

- spent conviction (discrimination on the ground of spent convictions under the *Spent Convictions Act 1988* (WA))

The Act may also apply to a relative or person who has a close relationship to a person affected by these grounds.

Victimisation is also against the law. Victimisation includes threatening, harassing, or punishing a person in any way because they have objected about the discriminating manner in which they have been treated.

The Equal Opportunity Act applies only in certain areas of public life. These include:

- Employment
- Accommodation
- Education
- Provision of goods, services and facilities
- Access to places and vehicles
- Disposal of land
- Clubs
- Application forms
- Advertisers
- Superannuation and insurance
- Sport

It is against the law to treat a person unfairly or worse than others in the workplace because of any of these personal attributes. It is also against the law in other places, like at school, in hotels and hostels, in sporting activities, in publically funded clubs and when a person or business is providing goods and services.

People who believe that they have been discriminated against can make a complaint to the Equal Opportunity Commission. They can also call legal aid for free information and help in some cases.

- Call Legal Aid WA or your community legal centre if you have legal problems or have to go to court.

Further questions and discussion

- Does anyone have any questions?

You are not expected to be a lawyer to use this resource. Many teachers and community workers use this resource successfully. If a participant raises personal legal issues, you can provide referral information. If you are not a lawyer, legal assessment or advice should be referred to the **Legal Aid WA Infoline** on **1300 650 579** or the closest community legal centre (<http://www.communitylaw.net/>) or Legal Aid WA office.

Possible discussion points and referral information

Legal Aid WA

- Call the **Legal Aid WA Infoline** on **1300 650 579** for information and referral.

- Information is available online about discrimination: <http://www.legalaid.wa.gov.au/Information/AboutTheLaw/treatment/Pages/Discrimination.aspx>

Equal Opportunity Commission (WA)

- The Equal Opportunity Commissioner can investigate and attempt to resolve allegations of unfair treatment because of one of the grounds in the Act, which have been received in writing. The incident or incidents included in a complaint must have occurred within the 12 months previous to the date on which the complaint is lodged. In some circumstances, the Commissioner may rule there is a good reason to include older incidents. Contact the **Commission** on **(08) 9216 3900** or **1800 198 149** (country callers).

Australian Human Rights Commission

- The AHRC can try to resolve complaints of discrimination or breaches of human rights under federal (national) laws. Contact the **AHRC** on **1300 656 419**.

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