



Fact Sheet #1 for Staff

# Discrimination

## What is discrimination?

Discrimination occurs if a person treats or proposes to treat a person with one of the attributes covered by the legislation unfavourably because of that attribute or personal characteristic.

Discrimination is unlawful under the Victorian Equal Opportunity Act 2010. Individuals who engage in behaviour which constitutes discrimination not only put the University at risk of liability, but also expose themselves to possible legal action.

It is unlawful to discriminate against people on the basis of age, breastfeeding, carer status, employment activity, family responsibilities, disability, gender identity, industrial activity, marital status, parental status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex and sexual orientation.

Staff who are also managers, supervisors and team leaders must take all reasonable and practical measures to ensure that their staff are not subject to discrimination or sexual harassment, and do not participate in any form of behaviour which might constitute discrimination.

### ***This Fact Sheet covers:***

- Religious activity or belief
- Gender identity
- Industrial activity
- Disability
- Age

### **You have a right to...**

- work in an environment free from discrimination and sexual harassment
- be respected and valued at work regardless of your personal characteristics
- have opportunities to reach your full potential and participate in all aspects of University life

### **You have a responsibility to...**

- treat your colleagues and students with dignity and respect
- avoid any behaviour that may offend or humiliate others
- show duty of care to your students and fellow staff members
- ensure that all staff can participate regardless of their personal characteristic or background

## Religious activity or belief

Religious belief means holding (or not holding) a religious belief or view that is not against the law. Religious activity means taking part, not taking part or refusing to take part in a religious activity that is not against the law.

Educate yourself about religious needs, but don't assume that everyone from the same religion will practise it the same way.

### **Example**

Ali is a Muslim who is fasting throughout Ramadan. His Faculty holds a Planning Day which all staff are required to attend. This includes a buffet lunch during which staff are expected to socialise. Ali excuses himself from the lunch and goes for a walk instead, preferring not to be around when others are eating.

Later his manager tells him that she is not happy that he didn't take part in the lunch, as it was a good opportunity to meet with staff from other campuses. Ali agrees but explains his reasons for absenting himself. When his manager realises why he wasn't there she apologises for putting him in this situation and realises that she may have put other staff members in an uncomfortable situation if they, too, were following Ramadan.

## Gender identity

Gender identity refers to self-identification as a person of a particular gender. A person may identify as a member of a particular gender by their style of dress, medical intervention or by other means, including a change of name. Medical intervention may include hormone therapy, counselling and sex reassignment surgery.

As a colleague of someone who is undergoing gender reassignment, be supportive of their decision. Call them by their preferred name and refer to them by their preferred gender.

### **Example**

Peter has been preparing to undergo gender reassignment. He currently works in a role that involves a lot of student contact. His supervisor suggests that until the treatment is finished, Peter be removed from his student contact role as he claims they may find the changes confusing, and may make Peter feel uncomfortable.

Peter is upset by this suggestion but does not feel confident to speak to his supervisor about the issue. He consults with staff from the Equity and Diversity Unit who, with Peter's consent, facilitate a meeting with Peter and his supervisor. Peter outlines his needs and rights and his supervisor is provided with assistance in a smooth transition for Peter and his work team.

## Industrial activity

Industrial activity relates to participation in and membership of an industrial organisation. It also refers to the refusal to join and/or participate in an industrial organisation.

If your supervisor or other staff members question your commitment to your job due to your taking industrial action, point out your rights.

### **Example**

Mehmet is a union member and decides to join the union in strike action. A unit meeting is scheduled for this day and Mehmet advises his supervisor that he won't be able to attend. The supervisor says that he will be at a disadvantage if he does not attend the meeting and it may lead to him not being considered for professional development opportunities.

Mehmet points out that he is protected under legislation against any adverse treatment due to his industrial activity.

## Disability

Disability or impairment includes:

- total or partial loss of body function or a body part
- the presence of organisms (such as HIV or Hepatitis C) that may cause disease or impairment, malformation or disfigurement of the body
- mental or psychological disorders
- conditions that may result in a person learning more slowly.

Past disability includes childhood illnesses, having a broken leg or a period of psychiatric illness.

Assumed disability is when someone believes another person has a disability or impairment based on an assumption, not fact, such as assuming that someone who speaks slowly has an intellectual disability.

### **Example**

Madeleine is a staff member who uses a wheelchair for mobility. Staff in her area are organising a team to compete in the Relay for Life and people are asked to participate by word of mouth. Madeleine realises that she has not been invited to join in, and eventually asks one of the organisers if she can be involved. They apologise, realising that they had neglected to ask Madeleine, assuming that she would not be interested in participating. She is included in the team.





## Age

It is against the law to discriminate against someone on the basis of their age.

Even if you are not intending to offend someone because of their age, be aware that your comments may potentially be discriminatory. If workplace policy (or unofficial policy) is setting requirements that a person of a certain age cannot comply with (such as minimum years of experience) this is also potentially discriminatory.

### **Example**

Alice is the youngest staff member in a specialised work area. When she makes a suggestion at a staff meeting as to how a work procedure could be improved, one of her colleagues compliments her on her idea and states publicly that she is “a young intelligent girl who shows maturity beyond her years”. Another staff member refers to her as “work experience girl”.

Alice is annoyed about her colleague’s attitude, and feels that due to her age, she is being patronised and not fully appreciated for the skills she brings to the job. At times she is not taken seriously by her older colleagues. She tells her supervisor that she is not prepared for fellow workers to make comments about her age rather than her ability, and her supervisor agrees to talk to the two staff members involved. One of the co-workers apologises to Alice, and the age-related comments stop.

## Getting Help

The University encourages all staff members to report discrimination and sexual harassment to the Equity and Diversity Unit.

If you think you have been discriminated against or witness discrimination, contact a Harassment and Discrimination Contact Officer. They can provide advice, support and information for people with discrimination and sexual harassment complaints. These are listed on the Equity and Diversity Unit’s website ([www.deakin.edu.au/equity](http://www.deakin.edu.au/equity)).

It is against the law to victimise someone because they have made an allegation or formal complaint of discrimination or sexual harassment. People who believe they have been discriminated against, sexually harassed or victimised can contact the Victorian Equal Opportunity and Human Rights Commission.