

Racial Harassment

It is unlawful under the
Equal Opportunity Act 1984 (the Act)
to harass a person because of their race.



 *Equal Opportunity Commission*

Under the Act race includes colour, descent, ethnic or national origin, or nationality and may comprise two or more distinct races.

The Australian population comprises Aboriginal and Torres Strait Islanders and people from a diverse range of ethnic and national backgrounds, and all are entitled to be treated fairly.

This means no one can harass someone else because of their race. It is also unlawful to harass a person because a relative's or associate's race.

Racial harassment may take many forms including threats, abuse, insults and taunts based on a person's race or a characteristic belonging to, or generally believed to belong to, a particular race.

Where does the protection apply?

The Act makes it unlawful to racially harass a person in certain areas of public life, including:

- **Employment** – it is unlawful to racially harass an employee, a co-worker, a potential employee or a potential employer, commission agent or contract worker.
- **Education** – it is unlawful for an employee of an educational institution to racially harass a student or potential student of that institution.
- **Accommodation** – it is unlawful for a person who, as principal or agent, has control over accommodation or the letting of that accommodation, to racially harass a person.

Responsibilities

Organisations must ensure they provide an environment that is free from racial harassment and they must take all reasonable steps to prevent it from happening or they may be held responsible for their employees' actions.

A person causing, instructing, inducing, helping or permitting another person to do something unlawful is the same as doing it, for the purpose of the Act.



The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programs to promote equal opportunity.

Examples of racial harassment

A courier of Italian descent claimed his employer repeatedly called him a 'wog' and would only let him deliver goods to his 'wog mates'.

oOo

An employee resigned after arriving at work to find a note written on her desk pad stating 'Golly Wog leaves work early' and 'Black bitch'.

oOo

A Samoan woman and her partner attended an appointment with a consultant. When the consultant saw her Samoan name he called her a 'coconut vendor'.

oOo

A student claimed his teacher picked on him because of his ethnic background. He said the teacher ridiculed his lunch, told him to 'go back to his hole' and if he wanted to be a 'dirty Lebanese kid' he was not to come back to the school.

Disclaimer

The material in this brochure is not intended to be legal advice. The Commissioner expressly disclaims any liability in respect to anything done or not done to any person in reliance upon any of the contents of this publication.

The Government of Western Australia
www.wa.gov.au

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Making a complaint

A person who believes they have been subjected to racial harassment can lodge a complaint with the Commissioner. The onus of proof lies with the person making the complaint.

The incident or incidents in the complaint must have occurred within the 12 months previous to the date you lodge your complaint.

In some circumstances the Commissioner may decide there is good reason, or good cause, to include incidents that occurred more than 12 months before the complaint is lodged.

How to contact the Commission

Contact Details

General enquiries: 9216 3900
Training courses: 9216 3927
Country callers: 1800 198 149

eoc@eoc.wa.gov.au
www.eoc.wa.gov.au



@EOCWA

Albert Facey House
469 Wellington Street
Perth WA 6000

PO Box 7370
Cloisters Square
Perth WA 6850



Interpreter service: 13 14 50

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