

Political Conviction Discrimination

It is against the law under the Equal Opportunity Act 1984 (WA) to discriminate against a person because of their political conviction.



 *Equal Opportunity Commission*

Direct political conviction discrimination occurs when a person is treated less favourably because of their political conviction, compared to another person in the same or similar circumstances.

Indirect political conviction discrimination is when a requirement, condition or practice that is the same for everyone has an unfair effect on someone because of their political conviction, and is unreasonable in the circumstances.

Where does the protection apply?

Under the Act it is unlawful to discriminate against a person because of their political conviction in certain areas of public life, including:

- Work
- Education
- Provision of goods, services and facilities
- Accommodation
- Clubs
- Application forms

Responsibilities

Organisations must ensure they provide a working environment and services that are free from political conviction discrimination, and they must take all reasonable steps to prevent it from happening or they may be held responsible for their employees' actions.

For the purposes of the Act, a person who causes, instructs, persuades, aids, or permits another person to engage in unlawful conduct is taken to have engaged in that conduct themselves.

Making a complaint

A person who believes they have been discriminated against because of their political conviction can lodge a complaint with the Commissioner. The onus of proof lies with the person making the complaint.

Complaints must be submitted in writing, but you are not required to use English. You may write your complaint in the language you feel most comfortable using.

The incident or incidents referred to in the complaint must have occurred within the 12 months prior to the date the complaint is lodged.

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

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.

Example of political conviction discrimination

A local government councilor applied for a vacancy within his local government authority and the interviewing panel unanimously recommended him for the position.

Members of the interviewing panel then developed reservations based on the applicant's political conviction. During this meeting it was decided to re-advertise the position, and it was eventually awarded to another applicant.

The Equal Opportunity Commission found the council had discriminated against him on the basis of his political affiliation.

Exceptions

There are some instances where it is not unlawful to discriminate against a person because of their political conviction. These exceptions include:

- Domestic workers in private households
- Employers with less than six employees
- Accommodation in private households of less than five people
- Partnerships of less than six people
- Orders of a court or the State Administrative Tribunal
- The provision of charitable benefits
- Voluntary bodies – admissions and benefits
- Establishments providing accommodation for aged people
- When offering employment to a person within the meaning of the Electoral Act 1907, or as a ministerial adviser or officer, employee or worker for a political party, member of the electoral staff of another person or in other similar employment or work


If an individual or organisation relies upon an exception under the Act when a complaint is made against them, they must justify the use of that exception to the Commissioner for Equal Opportunity.

Call

General enquiries: 08 9216 3900

Training courses: 08 9216 3927

Country callers: 1800 198 149

 **Interpreter service:** 13 14 50

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