

Sex Discrimination

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



 *Equal Opportunity Commission*

Direct sex discrimination occurs when a person is treated less favourably because they are male or female, compared to another person of a different sex in the same or similar circumstances.

Indirect sex discrimination is when a requirement, condition or practice that is the same for everyone has an unfair effect on someone because of their sex, 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 sex in certain areas of public life. These include:

- Work
- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Disposal of land or estate
- Clubs
- Application forms
- Advertisements
- Insurance – in some instances
- Sport – in some instances.

Responsibilities

Organisations must ensure they provide a working environment and services that are free from sex 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 sex, 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.

Examples of sex discrimination

A man complained he was discriminated against at a nightclub because men were charged an entry fee while women were allowed in free.

A woman applied for a position at a factory but was told that all staff in the factory were males and all facilities were for males only. She was told it would be pointless for her to apply for the job because she was a female.

An offer of employment to a male midwife was withdrawn after female midwives refused to accept a man into their work area.

A female parking inspector was subjected to gender-based comments by her colleagues and supervisor, and her employer took no steps to resolve the issue.

A young man applied for a job as a supermarket checkout operator and was told it was a job for a woman.

A young woman was refused a mechanical fitter's apprenticeship because it was assumed she wouldn't be able to do the heavy mechanical work.

Exceptions


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

- Measures intended to create equality or meet special needs
- Domestic workers in private households
- Genuine occupational qualification
- Competitive sport where strength, stamina or physique is relevant
- Single sex accommodation, clubs or services
- Residential care of children
- Insurance, where it is based on reasonable data and statistical evidence
- Application forms requesting information about a sex-based medical condition
- Accommodation in private households
- Accommodation provided by religious, charitable or voluntary bodies
- Disposal of land or estate by will or gift
- The provision of charitable benefits
- Admission as a member of a voluntary organisation
- Establishments providing accommodation for aged people
- Employment, education or training at a religious educational institution
- The ordination of priests or ministers of religion.




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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