

Unlawful Discrimination

Certain types of discriminatory behaviour and activities are unlawful under the Equal Opportunity Act 1984 (WA).

Grounds

In Western Australia, it is unlawful to discriminate on the basis of a number of protected attributes, or grounds. These grounds include:

Age: Being regarded as too young or too old.*

Breastfeeding: Or bottle feeding.

Family responsibility: Having a caring role.

Family status: Being a relative of a particular person or having the status of being a relative.

Fines Enforcement Registrar's website: Having personal details published on the Registrar's website.

Gender history: Having a reassigned gender as under the Gender Reassignment Act 2000.

Impairment: Having a current, past or assumed physical, intellectual or mental disability.*

Marital status: Being single, married, de facto, separated, divorced or widowed.

Political conviction: Including a lack of conviction.

Pregnancy: Being pregnant or planning pregnancy.

Race: Including skin colour, ethnicity or national origin or descent.*

Racial harassment: Offensive or insulting comments or behaviour about a person's race.

Religious conviction: Including a lack of conviction.

Sex: A person's sex, characteristic of their sex, or their perceived sex.

Sexual harassment: Including unwelcome requests for sexual favours, touching and comments.

Sexual orientation: Being heterosexual, gay, lesbian, bisexual, or any other sexuality, or being assumed to be one of these.*

* Includes discrimination on the ground that a relative or associate has this attribute.

Areas

The areas of public life in which it is unlawful to discriminate include:

- Work and employment
- Accommodation (renting or buying a home)
- Education
- Provision of goods, services and facilities
- Access to places and vehicles
- Disposal of land or estate
- Clubs/incorporated associations
- Application forms
- Advertising
- Superannuation schemes and provident funds
- Insurance
- Sport

Note: Some areas do not apply to every ground.

A person who believes they have been discriminated against or harassed can lodge a complaint with the Equal Opportunity Commission.

Victimisation

Victimisation includes threatening, harassing or punishing a person in any way because they have objected about the discriminatory manner in which they have been treated. It applies to anyone who has made a complaint to the Equal Opportunity Commission, or who intends to make a complaint, and anyone giving evidence about a complaint on behalf of another person.

Advertisements

It is unlawful to publish or display an advertisement that shows an intention to unlawfully discriminate. This includes television, newspaper and radio advertisements, as well as circulars, catalogues, and price lists.

Other Relevant Acts

Spent Convictions Act 1988

The Commissioner for Equal Opportunity can investigate complaints of spent conviction discrimination in the area of employment; however, certain employers and offences are exempt.

Public Interest Disclosure Act 2003

The Commissioner for Equal Opportunity can also investigate complaints of victimisation from people who have made a disclosure under the Public Interest Disclosure Act 2003.

Making a Complaint

A person who believes they have been discriminated against because of their race 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. Complaints can be submitted via email, post, or through the complaint form on the Equal Opportunity Commission's website.

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.


How to Contact the Commission

Call

General enquiries: 08 9216 3900

Training courses: 08 9216 3927

Country callers: 1800 198 149

 Interpreter service: 13 14 50

Online

 eoc@eoc.wa.gov.au

 www.eoc.wa.gov.au

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Our Office

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