

Spent Conviction Discrimination

It is against the law under the Equal Opportunity Act 1984 (WA) to discriminate against a person with a spent conviction.



 Equal Opportunity Commission



Where does the protection apply?

It is unlawful to discriminate on the ground of a spent conviction, in the following types of employment or work:

- Applicants and employees (full time, part time, contract and casual)
- Commission agents
- Contract workers
- Professional or trade organisations
- Qualifying bodies
- Employment agencies.

Making a complaint

A person who believes they have been discriminated against because of a spent 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.

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.

Exceptions

There are special considerations for some jobs such as those involving children and in health services.


An employer may lawfully discriminate against a person for a conviction for some offences, even if an spent conviction order was made.

You can find the [Spent Conviction Act here](#) or by scanning the QR code.






Call

General enquiries: 08 9216 3900
Training courses: 08 9216 3927
Country callers: 1800 198 149

 Interpreter service: 13 14 50

Online

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