

FACT SHEET:

Victimisation

The *Anti-Discrimination Act 1991* makes victimisation unlawful in Queensland.

What is victimisation?

Unlawful victimisation under the Act is causing or threatening a detriment to someone because they:

- refused to do something that would contravene the Act;
- complained, or intend to complain, about something that would contravene the Act;
- is or has been involved in a proceeding under the Act, including as a witness, or supplying information to the Commission or tribunal; or
- are believed to have done or intend to do any of the above things.

Detriment means loss, damage, or injury to the person. It must be real and not trivial, and something that a reasonable person would consider to be a detriment.

The detriment, or threat, must be the result of one of the following grounds.

Refusing to do something that would contravene the *Anti-Discrimination Act*

For example, a nightclub security officer was told by his supervisor to refuse entry to any Aboriginal patrons and was sacked when he refused to follow this direction. The security officer could bring a complaint of victimisation.

Alleging a contravention of the Act

A person has alleged (or intends to make an allegation) about a contravention of the *Anti-Discrimination Act*. This could mean an internal workplace complaint, a complaint to the Commission, or other grievance procedures people could follow in different scenarios.

Examples include:

A worker complained to their human resource management department about discrimination. As a result, the worker was subjected to taunts by co-workers and snide remarks related to the complaint. He was further penalised for making a complaint when he was excluded from meetings and events that he would normally attend.

A tenant was sexually harassed by her property manager. When she said that she intended making a complaint about the sexual harassment, the property manager threatened her with eviction if she went ahead with the complaint. The tenant could make a victimisation complaint to the Commission, even if she does not proceed with the sexual harassment complaint.

Being involved in a proceeding

A person is (or intends to be) involved in a proceeding under the *Anti-Discrimination Act*.

For example, a woman agreed to be a witness for a co-worker who had made a complaint of sexual harassment against a supervisor. The supervisor contacted the woman and threatened to sack her if she gave evidence for the co-worker who made the complaint. The woman could make a victimisation complaint against the supervisor.

Supplying information or documents

A person supplies information or documents to a person performing a function under the *Anti-Discrimination Act*.

For example, an administration worker responded to a direction from the Commission to provide contact details for a person identified in a complaint. When the person found out who supplied the information, they made a number of false complaints to management about the administration worker and damaged that person's car. The administration worker could make a victimisation complaint against the person.

Victimisation is a separate action

A victimisation complaint may continue even if other proceedings do not.

A victimisation complaint is a separate and distinct claim from any other complaint made and is not affected by:

- the other complaint failing;
- the other complaint being withdrawn;
- the person intending to be involved with a proceeding not going ahead with it.

What if I have been victimised?

If you have experienced a detriment or threat for one of the reasons listed above, you may be able to make a complaint to the Commission.

