



Review of Queensland's Anti-Discrimination Act: Information for young people

The Queensland Human Rights Commission is conducting a review of the Queensland Anti-Discrimination Act, and wants to hear from young people about discrimination issues. If the law isn't working, we want to know why and what needs to change.

You can find more information about the Review [on the Commission's website](#).

What are discrimination laws?

The *Anti-Discrimination Act 1991* is a law about protecting people from discrimination, including because of their age.

Have you ever:

- Been treated badly at your job because you're the youngest employee?
- Been discriminated against at a shop or a business because you're a young person?

Discrimination happens when you are treated worse than somebody else because of something about you, such as your race, age, sex, or disability.

These types of behaviour are discrimination and are against the law. You can read more about the law at <https://www.qhrc.qld.gov.au/your-rights/discrimination-law/easy-read-guide-to-the-anti-discrimination-act>.

How can I have my say?

The Commission has released a [Discussion Paper](#) that explores themes and issues people have raised with us in our consultations.

This information sheet includes the most relevant questions for young people drawn from the Discussion Paper. You don't have to answer all the questions as they are just a guide.

We are also asking people to tell us about their own experiences of discrimination by [filling out our online submission form](#) – or if you prefer, you can send us a written document, an audio or video message, image or artwork to <mailto:adareview@qhrc.qld.gov.au>.

What do we want to hear about?

We want to hear about any of your insights and perspectives about discrimination.

If you want to share your own story, use our online submissions form.

If you want to talk more about your thoughts on how the law should change, or more widespread issues, we have included a list of questions below to help inform your submission or what you want to talk to us about.

Experiences of discrimination

Only around 6% of complaints to the Commission last year were about age discrimination. But we know that complaints only represent some of the issues happening in the community.

Questions

- *What are the areas of daily life (such as in the workplace, at a school or place of study, at a shop or business) in which discrimination is most likely to happen to young people?*
- *Do you know what to do if you experience discrimination?*
- *Is it hard to speak up about discrimination? What other things make it difficult to report your experiences?*
- *What is the impact of discrimination on the lives of children and young people?*

Experiences of sexual harassment

Despite the #metoo movement and a growing understanding about sexual harassment, the Commission has not received many complaints about sexual harassment in the last couple of years (about 7% of complaints). Almost all the sexual harassment complaints we get happen in workplaces, and young people are often on the receiving end.

Sexual harassment under the law right now is only unlawful if it is directed at or is *about* the person – for example, a co-worker making sexual comments at you or sending inappropriate texts. In some workplaces, there is a ‘culture’ of sexual harassment which is not managed. One issue that we are considering is whether the laws about sexual harassment should be changed to include where it happens in the *presence* of other people – for example, sexualised jokes told in your hearing, or sexual imagery displayed on posters or screensavers.

Another option is to make it unlawful for an employer to allow for a toxic work environment where sexual harassment is allowed to continue without consequences.

Questions

- *How big a problem is sexual harassment for young people?*
- *Is there a need to strengthen sexual harassment laws to address underlying workplace culture?*

Discrimination on combined grounds

The law currently allows people to make complaints on the basis of any of the 16 'attributes', such as sex, age, impairment, or race. But we have heard that people often experience discrimination because of the combined effect of more than one attribute – e.g. age and race.

Sometimes it is hard to say if it was a person's race or age alone that caused the discrimination. This is called 'intersectional discrimination'.

Questions

- *Should the law include discrimination on combined grounds?*
- *Can you think of any examples where this type of discrimination has happened? What is the impact?*

Making complaints

The Commission does not receive many complaints from younger people. This may be because there are barriers to young people using complaints processes. For example, a complaint must be made, in writing, within 1 year after the issue you want to complain about has occurred, and there are no exceptions for children. Also, we have heard from some groups that there is stigma attached to the word 'complaint' and maybe 'dispute resolution' is a better term.

Questions

- *What would make it easier to make a complaint?*
- *Would it help for the terminology to change?*
- *How long is a fair and reasonable timeframe to make a discrimination complaint?*

A new approach

The law currently relies on individuals to make written complaints about discrimination. If people don't make complaints, the situation stays the same. A 'positive duty' on employers and businesses to not discriminate has been suggested as a different approach. This may require organisations to have effective anti-discrimination policies and provide training on discrimination and sexual harassment.

Questions

- *Do you support including a positive duty in the Anti-Discrimination Act?*
- *What are some examples of how it could protect people with disability from discrimination?*

What the Commission can do

The Commission can only act if it receives a complaint. The Commission then tries to resolve the complaint through an impartial conciliation process, and if it doesn't resolve a tribunal may decide the outcome.

This means that often the law fixes problems for an individual, but does not deal with discrimination against people with disability on a wider scale. This is known as 'systemic discrimination'.

The current law does not respond well to systemic discrimination. For example, if a person made a complaint about the rail network being inaccessible, a tribunal could order remedies for the one rail user, but not fix the underlying problem that the rail network is not accessible.

The Review has been asked to consider whether the Commission, or another body, should have more powers to proactively deal with discrimination – this could include making guidelines or issuing compliance notices that organisations are required to follow to prevent discrimination.

Questions

- *Do you think that the Commission (or another body) should have more powers to take action, even where there has been no complaint made?*

What will we do with your information?

During the roundtable, we will record what everyone says. We value what you have to say and will consider that information to prepare our recommendations to the Attorney-General.

We may use the information you provide in our public report and in other resources produced by the Commission in connection with the Review. Your privacy is also important. So, if we want to quote you directly, we will check with you first.

For notetaking purposes, we use a voice recording and transcription app. If you do not want us to record your voice, please let us know by email or at the beginning of the round table. Chat function on Zoom may be used as an alternative to speaking.

Someone outside the Commission might request access to the notes, recording, or transcript from the roundtable under the *Right to Information Act 2009*. If they do, we will decide whether to release the information under that law.

What happens after the roundtable?

At the conclusion of the Review, we will provide a report to the Attorney-General.

This report must be finalised by 30 June 2022.

The report will outline what we did, what we found, and our recommendations for updates to the law.

It will then be up to the Queensland Government to decide whether to implement these recommendations.

Accessing support

Thinking and writing about discrimination and sexual harassment can be distressing.

If you become distressed during or after you join the roundtable, you can access support.

These services provide counselling and other forms of support:

- [Headspace](#) – support for young people ages 12-25, various locations
- [Kids Helpline](#) – ph. 1800 55 1800 and online counselling for ages 5-25
- [Lifeline](#) – ph. 13 11 14 – telephone and online crisis support
- [Reach Out](#) – youth mental health service - online resources
- [Beyond Blue](#) 1300 22 4636 — telephone or online counselling with a mental health professional