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Q1.

Yes, the Act should clarify that direct and indirect discrimination are not mutually inclusive. People experience discrimination in different ways and they then define it through their own use of language, understanding of societal structures and world view. Having as wide a definition that enables a wide range of people to feel it is relevant to them, is beneficial.

Q2.

I believe that it would be easier for potential complainants to identify if they have experienced discrimination. However from a systemic view, I can see the advantages of having an 'unfavourable' approach. If the 'advantages' approach was to be implemented, I don't see that it would stop a comparative approach being taken by complainants when self assessing if it is worth lodging a complaint. Community facing information needs to be clear and understandable.

Q3.

Yes

Q4.

Yes, any changes that will make it easier for people to self advocate and understand the operation and implementation of the Act is an advantage and improvement on the current model.

Q7.

Yes, there is a need to protect people from discrimination because of the effect of a combination of attributes. It will widen the scope of what people's self assessment could be. For example, if someone who identifies as transgender, who is also Vietnamese, who is also a sex worker, who is also a sole parent, who is also being treated unfairly by an education provider, which attribute do they go under? They might believe it is because they are transgender but through the process it may identify that it is because she is a sole parent. If the combined attributes are not able to be considered, then the commission is expecting people to make an assessment (and guess) about why they are being treated unfairly.

Q8.

There are many barriers to people who are disadvantaged, stigmatized, struggling with internal stigmatization and have communication issues. To have the onus of proof solely on the complainant, it is creating a barrier for people to access this option to resolve. It is putting a level of complexity which could be overwhelming for people before lodging which leads them to not lodge the complaint at all.

Q9.

My first concern with this question is about the perception of what people see as sexual harassment. Some people may believe that the exposure to sexual context is inappropriate regardless of if there is 'intimidation, hostile, humiliating or offensive'. These are all very value based words that don't allow for a clear definition.

As sex industry workers, we are told by outsiders that by providing sexual services we are subservient so are being intimidated by employers and clients. They are wrong.

For me, it is about locations that can't be avoided or if they are, it will cause disadvantage.

For example, service's providing basic needs such as a supermarket, can't be avoided by a wide range of community members including children and people who would believe that explicit sexual content is inappropriate. However, within sex industry premises (sex shops, strip clubs, brothels, sex on premises venues) we are going to be including a lot of sexualized imagery, behaviour and activities. It is important to not further condemn businesses that trade in sexual services for doing what they do or for the risk of them being tagged as intimidating, hostile, humiliating or offensive by ill-informed outsiders.

Q10.

Yes the Act should include a direct right of access to the tribunals but the complainant needs to be the decision maker. Not the respondent nor the Commission.

I believe that the biggest risk of vexatious and misconceived is lack of understanding of coverage and what remedies they could achieve at conciliation. I believe that the cone of silence over conciliation creates attitudes of people thinking it won't work, they won't get what they want, they won't get their chance to have their points heard or it just won't work.

Because QCAT publish some of the outcomes, it makes it a bit more accessible to people who want to know what they are walking into. But it is only a small selection of the outcomes and more should be published. Publishing de-identifying conciliation agreements should allow people to make more informed decisions.

Q11.

I don't think the change in terminology will make any difference to minimizing the risk of people seeing it as an adversarial environment. The complaints were preceded by an act of discrimination or at the least someone feeling that they had been treated unfairly. To try and change the language within the resolution of this inappropriate act seems unnecessary and futile.

I also believe that people don't understand the difference between mediation and conciliation so to confuse the situation further, referring to it with a generic term such as dispute resolution could create even less understanding of the difference between the two. More people have probably been engaged in mediation rather than conciliation. I believe it is important to spend longer explaining to all parties, including in written information from the Commission, the difference and the role of a conciliator.

If someone doesn't accept the Conciliator is impartial, it is probably because they are the ones losing the argument or are trying to push through an agreement that doesn't comply with the Act.

Q12.

I agree with written complaints being needed however I believe that more funding should be provided to a range of external services such as Legal Aid or other advocacy groups who can assist with the process. I

think the HRC needs to take steps to educate themselves of these various groups so that they can make referrals to them when someone is struggling to articulate themselves in writing. It should not be the role of the Commission to decide the best option for them but to allow them to know all the available resources and let the complainant have the right to decide the best referral option for them.

I think that there are many barriers to access but the need for the complaint to be in writing is not high on the list. Some of these can be addressed by the Commission and some are better addressed within the community. This can be done by increasing the capacity of a community group to be supported in going through the process. I also believe that having the ability for organisations to provide details of discrimination occurring in community will enable complaints to be heard without one person needing to be responsible for their community group being heard.

Q13.

Yes but tread with caution. It is important that a complaint or act of discrimination is not addressed appropriately because the Commission is trying to manage their wait list.

Q14.

I think the timeframe should be removed altogether as some people will need some distance of time to have placed themselves in a safer position, recovered from the acute trauma and have gathered the support to be able to lodge the complaint. I think that there are significant disadvantages to the complainant when they have delayed by way of available evidence, ability to recall specific details, etc. I am sure that people aren't delaying the lodgment of the complaint without reasons that they believe to be reasonable and justified.

With regards to the process for seeking the extension through the Commission and then again through the Tribunal, it should be similar to the seeking of anonymity, it should happen once and then that decision stands until the complaint is resolved through all the available venues.

Q16.

A representative body should be able to make a complaint on behalf of an affected person both in conciliation and the tribunal. If the Commission wants to reduce the barriers to access, this will assist in this. It will also allow people to feel more united and supported by their peers.

Q18.

There are significant barriers to sex workers making a complaint. Further changes to the conciliation process should reduce barriers by:

- The anonymity of a sex worker must be protected at every stage of the process, instead of having to be applied for at each stage. This would make the process less intimidating and reduce the risk for sex workers. Protecting sex workers' anonymity throughout the entire process is critical to being able to make a complaint as a sex worker. The procedures should make it clear that the anonymity of a sex worker will be protected at every stage, up to and including in the Supreme Court. This must occur to allow sex workers to have faith in, and use, these processes available to other citizens.
- Removing financial barriers. Although the conciliation process is free to access, if the person/organisation you have made a complaint about refuses to 'settle' the matter, it is then referred to the Queensland Civil and Administrative Tribunal (QCAT), and then the Supreme Court (if not resolved at QCAT). This can result in huge financial costs.

When a complaint is resolved at the conciliation stage, the agreement often includes a release, discharge and indemnity agreement (both parties sign) and this can:

- withdraw the right to pursue the case further in other ways.

- result in people accepting way less than they deserve.
- include a non-disclosure or 'gag' clause (especially where financial compensation is agreed) that prevents the parties discussing the discrimination or the agreement with anyone else. The current process does not result in systemic or behavioural change because the results cannot be made public and so other similar businesses (who discriminate) don't know about it and other sex workers also don't get the information needed to know they could pursue their own complaints.

The Queensland Human Rights Commission should be able to take action where discrimination is occurring repeatedly, is systemic discrimination against an individual or a group, or where they are unable to progress a complaint themselves.

Q19.

I don't think the name of the Act should change.

Q21.

Yes I support a positive duty in the Act.

Yes it should cover all forms of prohibited conduct and in all areas of activity and to all entities that currently hold obligations under the Act. These proposed changes will assist to break down barriers and reduce the occurrence of under reporting due to the requirements on the individual being beyond what many are willing to take on.

Q28.

My understanding of the intent of this review is to ensure that it is reflecting of the changes in our society, community expectations and our use of language. I would hope that there is also a desire to ensure relevance and the continued use of the Act to prevent discrimination.

I ask that the attribute is clearly understood as being for sex work and sex workers.

Q30.

Yes, sex workers need protection from discrimination on the basis of their sex work criminal records. I have a criminal record with sex work offences, and it has been problematic in many areas of my life. When all I wanted to do was work safely.

The next question asks us to consider if there is a need for the Act to cover discrimination on the grounds of irrelevant medical record. Maybe there should be consideration given to the Act covering discrimination on the grounds of irrelevant criminal record.

Q47.

Yes the sex worker accommodation exemption should be repealed. Before this was implemented, we were able to use the ADA to self advocate with accommodation providers for the provision of our work premises and for our home premises.

Holiday accommodation providers such as motels, have the availability to remove someone from their premises if they are causing a disturbance or risk of violence. Allowing them to refuse accommodation based on nothing more than our identity as a sex worker is a common issue. Having the ability to remove us from this sort of accommodation has led to many occasions where sex workers are stranded in communities that are not their home community, they have little or no support network around them and they are then at greater risk of crimes being perpetrated against them. Not to mention the loss of income.

It also affects us with our home premises. Many of us have children, I have grand children. This exemption not only allows my real estate to evict me from a premises I don't provide sexual services from but it also allows them to out me in my home environment. Some sex workers hide their work from friends, family, neighbours and sometimes even their partners. We do this because it isn't always safe to disclose because of the risk and hazard of discrimination, vilification and criminalization.

This exemption causes harm for many sex workers in various ways in many areas of our lives.