

Discrimination and sexual harassment

A guide for young people starting work



Queensland
Human Rights
Commission

What is discrimination?

Discrimination - when you are treated worse than someone else because of something about you, like your race, age or sex - is against the law.



Discrimination is against the law.

There are laws in Queensland that protect people from being treated unfairly or discriminated against.

Stereotypes

Sometimes people make assumptions about you because you are a member of a particular group or because you look or behave a certain way.

They are not always correct.



These are stereotypes.

Stereotypes are usually unfair or negative.

If these stereotypes lead to you being treated unfairly or bullied it could be discrimination.

Discrimination can include:

- teasing or making fun of someone because of their religious beliefs.
- making threats against someone because of their sexuality.
- leaving people out because they have a disability.
- posting nasty comments on social media about someone because of their race.

The law

The law in Queensland says that people must not treat you unfairly because of your:



Impairment

Impairment includes many different kinds of disability. It also includes things you might not think of as a disability but which stop you from fully participating in some things. It includes physical disability, mental illness, having learning difficulties, being unwell, and many other things.



Sexuality

Your sexuality is about who you are attracted to. Although there are many sexualities, under the law in Queensland this means whether you are heterosexual, homosexual, or bisexual.



Sex

Whether you are male, female, non-binary or another sex.



Age

Whether you are 'too old' or 'too young' or 'not the right age'.



Gender identity

This means you identify as a gender which is different to the one you were assigned at birth. Gender is different to sex.



Sex characteristics

Some people are born with bodies that are not exactly like what doctors or society thinks are typical for boys and girls. This is sometimes called being intersex or variations of sex characteristics.



Family responsibilities

This means you have a responsibility to look after or support someone in your immediate family.



Parental status

Whether you have children or not.



Relationship status

Whether you are in a relationship and whether or not you are married, single, or living with your partner (sometimes called 'de facto').



Religious belief or activity

Whether you have religious beliefs or not. This includes things people do as part of their religion, like taking part in religious gatherings or ceremonies, or wearing certain clothes.



Race

The cultural group you belong to. Your race can include your skin colour, the language you speak, and what ethnic group you belong to.



Pregnancy

If you're pregnant or have been pregnant, or someone thinks you're pregnant (even if you're not).



Breastfeeding

If you're breastfeeding or expressing milk.



Political belief or activity

What you believe or do about the way governments or councils are run.



Trade union activity

A trade union is an official organisation made up of workers who all have the same sorts of jobs, to look after their rights. Trade union activity might include being a member of the union or going to meetings.



Sex work activity

This means providing sexual services, or being a sex worker.







Association with, or relationship to, someone who has any of these characteristics

Discrimination at work

All workers have a right to be treated fairly by their boss and co-workers.

It is everybody's responsibility at work to treat each other with respect. It is against the law to treat a person unfairly in any area of work because of things like race, religion, sex or age.

This applies to:

-  Getting a job
-  Your work conditions
-  Your opportunities for training and promotion
-  Your dismissal from work



The workplace brings together lots of people who may not have anything in common other than their jobs.

Most of the time you will get along with each other and you will be able to put aside your differences.

When you don't get along at work, it could lead to unacceptable behaviour like bullying or discrimination.

The law applies to all types of workers, not just paid workers, and includes:

-  Full/part time
-  Apprentices and trainees
-  Work experience
-  Volunteers

Examples of workplace discrimination



A burger chain requiring all their staff to wear a cap as part of their uniform which is for appearance only (that is, not for safety or hygiene reasons) could be discriminating against staff who are required to wear a particular head covering, like a head scarf or Sikh turban, as part of their religion.



A retail store that only requires their male staff to help unload deliveries because 'the girls can't handle the heavy boxes' could be discriminating on the basis of sex.



If a café has to cut shifts and only cuts those of the staff who are people of colour, they could be discriminating on the basis of race.

Applying for a job

Someone who is considering you for a job will want to get to know you a bit.

They might ask about your school, family, or interests.

However, employers should not ask questions that could be used to discriminate against you unlawfully.

Personal questions might influence decisions about your application and could lead to unlawful discrimination.

If it does, you have a right to complain.

Employers can ask relevant questions, such as:

- Are you able to work overtime at short notice?
- Are you able to perform the specific duties of this job?
- Are you able to travel?

When employers advertise a job they should be looking for the best person. When you apply for a job you should be judged on your skills and abilities. Personal matters should have nothing to do with your ability to do the job.

Examples of questions that might be used to discriminate include:



What is sexual harassment?

Sexual harassment is unwelcome sexual attention that is offensive, humiliating, or intimidating.



Sexual harassment is against the law.

It can happen anywhere, not just at work.

It is unlawful no matter where it happens.

Sexual harassment can be:



teasing, calling names or making rude signs.



sending nude pictures or offensive messages by text, email, or on social media.



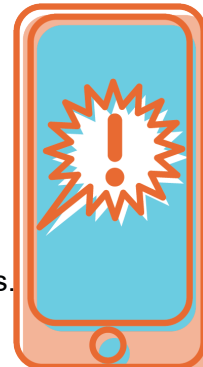
spreading rumours about someone's sex life.



telling dirty jokes or making suggestive sexual comments.



touching or deliberately brushing up against someone.



Anyone can be sexually harassed but it happens more to girls than boys.

You have a right to work in a place free from sexual harassment.

Is my employer responsible?

Yes.

Your employer, as well as the people who sexually harass you, can be liable for what happens to you.

They should provide training to managers and employees and have clear procedures in place if something does happen.

Examples of sexual harassment



A manager who keeps asking her male staff out for dates and cuts their shifts when they say no.



An employee who sexts his female colleagues even after they tell him it's unwanted.

What can you do?

Your workplace should have a complaint system where they will investigate your problem, talk to the person you are concerned about and try to fix the problem.

If you feel you are being treated unfairly or sexually harassed at work you can:

- talk to your parents, teachers or other supportive adults.
- approach your manager or supervisor at work.
- talk to the person you have an issue with.
- ask someone to come with you to talk to one of the above people.
- make a written complaint at work.
- make a written complaint to an outside organisation such as the Queensland Human Rights Commission.



What happens if you make a complaint to the Queensland Human Rights Commission?

To make a complaint, you'll need to provide information to the Commission in writing about what happened to you, when it happened and who did it. The Commission's complaint form will guide you through the information that is required. If you don't have all the information required, provide as much information as you can, and the Commission may be able to investigate your complaint for you.

If we can deal with the complaint, we will usually ask all the parties to attend a conciliation conference. This is a meeting between you and the people you are complaining about, supervised by an independent conciliator from the Commission. The conciliator will ask you to talk about what happened to you and the impact it has had on you. The people you are complaining about will be asked to listen and to talk to you about what happened in a respectful way. If you don't feel comfortable being in a meeting with the other people you can talk to the conciliator about this and we may be able to adjust the process.

The purpose of the conference is to try to resolve your complaint. You should think about how the discrimination or sexual harassment has affected you and what can be done to make that better and to move on with your life – for example, you might just want an apology, or you might want training for staff or financial compensation. Our complaint handlers can talk to you about your options. They will usually talk to the other people separately about what you are asking for to resolve your complaint.

This process is run by one of our conciliators. They are impartial, so they don't take sides, but they will make sure the process is fair and everyone gets a say.

If your complaint isn't resolved at a conciliation conference, you can ask for your complaint to be referred to a tribunal. A tribunal is like a court and will decide whether the discrimination or sexual harassment happened and what the other person should do to make things right for you. It is your decision whether you want to proceed to a tribunal.

There is more detailed information on our complaints process on our website, as well as some case studies so you can see how other complaints have been resolved.

You can also call our enquiry line for more information or to discuss your situation if you're thinking about making a complaint.



You don't have to put up with
unfair treatment at work.

Contact us

 1300 130 670

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 enquiries@qhrc.qld.gov.au



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