

EMPLOYMENT LAW
VIDEO 4 ANSWERS
DISCRIMINATION

Please note: these materials are educational resources. They are not intended to constitute legal advice and should not be relied upon as such. Last reviewed April 2015.

ANSWERS

ACTIVITY A: DISCRIMINATION AND BULLYING

1 Why won't Gary let Ida do the customer service training?

Gary won't let Ida do the customer service training because she wears a hijab.

2 Where does Gary move Ida to? What reason does he give for moving Ida?

Gary moves Ida to accounts (a different team in the organisation). He says he is moving her so she is away from the customers, because some customers don't like her hijab.

3 Below is a list of actions. Circle the actions which Gary took that may be unlawful discrimination:

Gary's actions which may be unlawful are:

- Moved Ida to another team
- Refused Ida's training request
- Used offensive language and called Ida names
- Treated Ida badly because of her hijab

4 What organisation told Ida about discrimination?

The Victorian Equal Opportunity and Human Rights Commission (sometimes abbreviated to the Equal Opportunity Commission)

5 What organisation does Ida contact for help?

Victoria Legal Aid

6 How can these two organisations help Ida?

The Victorian Equal Opportunity and Human Rights Commission helps people resolve complaints of discrimination, sexual harassment or victimisation through a free dispute resolution service. They have a free phone line.

Victoria Legal Aid offers free legal advice and in some cases help at court and legal representation for people who have experienced discrimination, sexual harassment or victimisation.

Ida could also contact Footscray Community Legal Centre or JobWatch for assistance.

7 If Gary had moved Ida into a different team with more supervision because her sales were very low and she was not performing the job well, would this be discrimination?

Probably not. For discrimination to be unlawful, it must be connected to a protected attribute (for example, the worker is treated unfairly **because of** their age). For this situation to be unlawful discrimination, Ida would need to be able to show a connection to her protected attribute.

ACTIVITY B: DISCRIMINATION

1. Usually you cannot be treated unfairly at work, refused a job or lose your job because of your attributes. What are 'attributes' when we are talking about discrimination? Under State and Federal anti-discrimination law, attributes include:

- age
- race or nationality
- sex
- gender identity or intersex status
- disability
- religious belief or activity
- political belief or activity
- sexual orientation or lawful sexual activity
- employment or industrial activity
- marital or relationship status
- pregnancy or breastfeeding
- parent or carer status
- physical features
- having a friend or relative with any of these attributes

2. For discussion.

See <http://www.victorianhumanrightscommission.com/www/simplified-definitions> for some further examples.

ACTIVITY C: BULLYING

1. What sorts of 'persistent and negative behaviour' that occurs in a workplace might be bullying?

- Repeated hurtful remarks or attacks
- Making fun of you (including your family, sex, gender, race, culture)
- Stopping you from working with people or taking part in activities relating to your work
- Intimidating you (making you feel silly, and undervalued)
- Giving you tasks that have nothing to do with your job
- Giving you tasks that cannot be completed in the given time
- Changing your work hours or schedule to make it difficult for you
- Deliberately keeping information from you
- Pushing, tripping or grabbing you in the workplace

2. What action/s could you take if you thought you were being bullied at work and you wanted it to stop?

You could:

- (a) Ask for help from your employer or human resources (HR) department
- (b) Ask the bully to stop
- (c) Keep a diary of the bullying behaviour
- (d) Talk to colleagues or friends and family about what is happening
- (e) See your doctor if you are feeling unwell as a result of the bullying
- (f) Contact your union, JobWatch, Footscray Community Legal Centre or WorkSafe for assistance
- (g) Make an application to the Fair Work Commission for an order to stop bullying at work