

☞ trying to buy things from or do business with a service (e.g. when a shop owner, taxi or uber driver tries to crack onto you)

☞ trying to get into a place like a club (e.g. when a bouncer asks you to show your breasts (tits) to get in).

Some types of sexual harassment are also crimes and can be reported to the police.

What is vilification?

The law also says that no one can do anything in **public** which makes others hate you because you're Aboriginal, gay, lesbian, transgender or have HIV or AIDS. This includes writing and drawing pictures.

Making a complaint

Complaints about discrimination can be made to Anti-Discrimination NSW (ADNSW) or the Australian Human Rights Commission (AHRC). Some complaints can only be made to AHRC, so get legal advice.

Time limits

You need to make a complaint to the ADNSW within 12 months of the discrimination happening.

There is no specific time limit to complain to AHRC. **BUT** if you make a complaint **6 months** after the discrimination happens, the AHRC may refuse to deal with it.

If you have been discriminated against or you are a victim of sexual harassment call:

Wirringa Baiya Aboriginal Women's Legal Centre
1800 686 587 / (02) 9569 3847

Anti-Discrimination NSW
1800 670 812 / (02) 9268 5544

Australian Human Rights Commission
1300 656 419

DISCRIMINATION AND SEXUAL HARASSMENT

fact sheet 7



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DISCRIMINATION AND SEXUAL HARASSMENT

What is discrimination?

Discrimination is when you're treated unfairly or differently because you belong to a particular group. e.g. race, age, sex, religion or due to your sexuality.

When is discrimination against the law?

Discrimination is against the law if you can choose:

- **ONE** thing from Box 1; **AND**
- **ONE** thing from Box 2.

BOX 1

You were treated unfairly because you are:

- 📍 Aboriginal (or some other race)
- 📍 male or female
- 📍 married, single or living together as boyfriend/girlfriend (de-facto)
- 📍 gay or lesbian, or someone thinks you are
- 📍 considered too old or too young
- 📍 disabled – whether your disability is physical, mental or related to a disease
- 📍 transgender or transsexual, or someone thinks you are
- 📍 pregnant
- 📍 related to or hang around someone who is one of the above

BOX 2

This unfair treatment happens when you are:

- 📍 at work
- 📍 looking for work
- 📍 at school, TAFE or another educational place
- 📍 at a registered club
- 📍 trying to get accommodation or dealing with a landlord
- 📍 trying to buy something from or do business with a place like Centrelink, a bank, hospital, a local council or shop
- 📍 trying to get into a place or use transport

It is also discrimination if you are treated unfairly in employment because:

- 📍 you need to care for a child or close family member
- 📍 of your religion, criminal record, trade union activity, political opinion (but your options to complain are limited for these types of discrimination).

Sexual harassment

What is sexual harassment?

Sexual harassment is a form of discrimination. It is any sexual action which makes you feel uncomfortable, 'shame', embarrassed, offended or intimidated. It can include:

- 📍 unwelcome sexual advances (when someone tries to crack onto you)
- 📍 asking you to do sexual acts
- 📍 sexual jokes
- 📍 wolf-whistling
- 📍 staring/perving
- 📍 unwanted touching

If sexual harassment happens in **one** of the following situations it is against the law:

- 📍 at work or trying to get work (e.g. if your workmates make sexual jokes or have pornos/rude pictures lying around)
- 📍 at school, TAFE or other educational places (e.g. if a teacher or another student ask for sex or touches you in a sexual way)
- 📍 trying to get accommodation (e.g. being offered a discount on a room if you have sex)