



# Preventing Discrimination...

## It's Good For Business!

### Your Rights and Responsibilities in Small Business



Northern Territory  
Anti-Discrimination Commission



Chamber of  
Commerce  
NORTHERN TERRITORY



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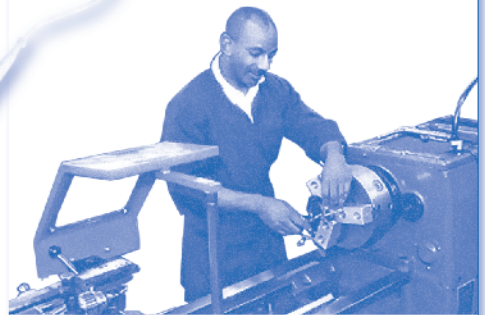
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The Anti-Discrimination Commission wishes to thank the Equal Opportunity Commission of South Australia for permission to use some of their material.

Disclaimer: Legal issues may be complex and will vary from case to case. This publication is only a guide and should not be used as a substitute for legal advice. Printed September 2006

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# Why knowing about Discrimination Law is good for Your Business



As the owner of a small business you are **legally liable** for any unlawful discrimination or sexual harassment that happens in your business – unless you can show you took all reasonable steps to prevent it from happening.

In the workplace, discrimination can occur in:

- the way you and your staff deal with customers and the public
- the way you advertise
- how you recruit or select staff
- employment terms, conditions and benefits
- the type of training offered and who receives it
- how staff treat each other in the workplace
- the kind of personal information asked for from staff or the public
- selecting staff for transfer, promotion, retrenchment or dismissal

If you can eliminate discrimination and harassment from your workplace, you are more likely to enjoy...

increased productivity ... higher staff retention and morale ... a better public image ... **and** spend less time dealing with complaints!

The financial, legal and emotional costs of ignoring discrimination and



# What is Discrimination?

We discriminate every day when we make choices, so discrimination is not always wrong. However the *Northern Territory Anti-Discrimination Act 1992* (the Act), and various other laws across Australia make many forms of discrimination unlawful.

It is unlawful to discriminate against people for any of the reasons outlined in the Act. Discrimination can be direct or indirect. Sometimes it is deliberate. Sometimes it happens unintentionally.

## Direct Discrimination

This is when people are treated unfairly, or receive less favourable treatment, just because they have (or are believed to have) an 'attribute' under the Act (see pages 9-19). Direct discrimination might also arise because of a person is treated unfairly because of their association with someone who has any of these attributes.

Eddie had excellent qualifications for an executive position but was unsuccessful because he was single. The company wanted its executives to have the “stability of being married as the clients preferred it”. Eddie was being discriminated against because of his marital status. He complained to the Commission, who consulted with the company. Eddie received an apology and compensation. The company also agreed to change its recruitment policy.

## Indirect Discrimination

This is when everyone receives the same treatment but the unfortunate result is that people who have certain attributes – such as race, sex, or disability – end up (often unintentionally) being treated unfairly. Northern Territory discrimination law does not specifically deal with indirect discrimination but it is covered by Commonwealth law.

Deanna, who is partially blind, wants to pay for her groceries by cheque. She is told that anyone using a cheque has to show a driver's licence. Deanna doesn't have a licence due to her visual impairment and is told her other forms of I.D. are unacceptable. The store says it is not discriminating against Deanna because everyone is asked for the same I.D. However, as visually impaired people are unable to meet the store's requirements the store is *indirectly* discriminating against Deanna because of her impairment. The store would not be disadvantaged by agreeing to accept some other form of genuine photo I.D.



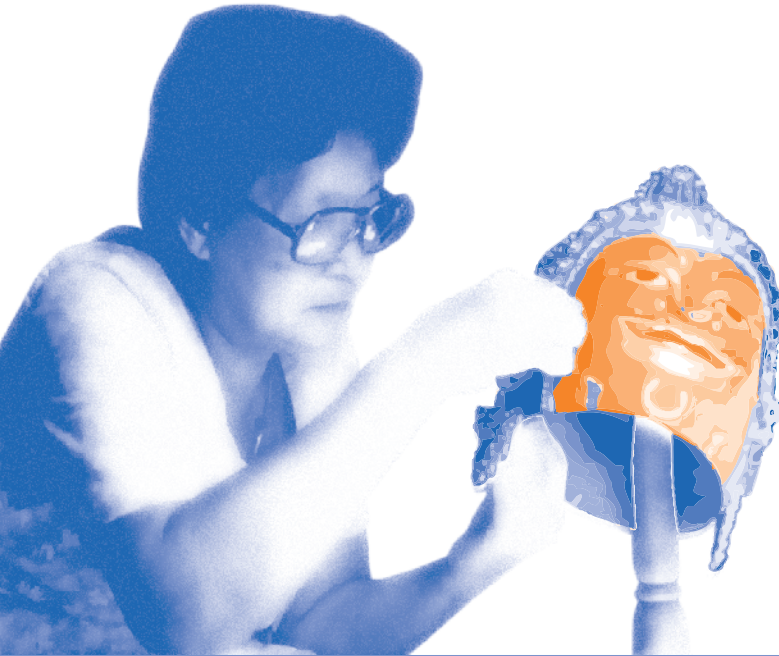
# What Discrimination is against the Law?

It is against the law to treat people unfairly or subject them to harassment for any of the following reasons, (these are called “**attributes**” under the *Anti-Discrimination Act*):

## Race

Treating a person unfairly because of their colour, country of birth, ancestry, ethnic origin or nationality.

Dave is Aboriginal. When he goes into shops he is often followed around by shop staff and asked to show his money to prove that he can pay for goods. Dave has noticed that other people, who are in the shop at the same time but who are not Aboriginal, are not asked to do this. Dave has complained a couple of times to shop staff and pointed out that he dresses and behaves the same as any other customer. He has been told by staff that they ask because “Aboriginal people always steal things”. Dave is being discriminated against as he is being treated unfairly just because of his race.



## Age

Includes treating people less favourably because of their age – whatever age that might be. However discrimination law does not affect the legal age of consent, voting, obtaining a driver's licence, signing a contract, drinking alcohol or standard retirement age.

Mayling is 58 and works for a small craft business. Her employer instructed some staff to attend a training course and Mayling asked her employer if she could also attend. The employer told her that she was “too old and due to retire, so it wasn’t worth sending her”. The employer is discriminating against Mayling as she should be granted the same opportunities as other staff regardless of her age.

## Sex

Treating a person unfavourably because they are male or because they are female.

Laura applied for a promotion to lead a team on a building site. Although she had experience as a supervisor and was an excellent worker, the contractor did not believe a female supervisor would be respected by the all-male staff and refused to consider her application. Laura complained to the Commission that this was sex discrimination. After discussions with the contractor she was offered an apology and given an interview for the job.



## Impairment (Disability)

Includes physical, intellectual or psychiatric disability (permanent or temporary) and medical conditions, such as diabetes or asthma. It includes people who rely on guide/hearing dogs or devices such as wheelchairs.

It also includes presumed disability – that is, discrimination or harassment of people because someone *thinks* they have a disability.

Andrew has cerebral palsy and was refused service at a small roadhouse because the owner thought he was drunk. Andrew tried to explain that his slurred speech was due to his condition but he was made to leave. He complained to the Commission who contacted the owner and discussed the problem with him. The owner apologised to Andrew and agreed to attend training about discrimination and disability issues.

## Irrelevant Criminal or Medical Records

It is against the law to discriminate against someone who has an irrelevant criminal or medical record.

**Irrelevant criminal record** means a record relating to arrest, interrogation or criminal proceedings and includes:

- “spent” records
- no charges have been laid
- records that are not relevant to the present circumstances/job/service etc.
- the person being found not guilty
- findings of guilt quashed or set aside

**Irrelevant medical record** means a record of any mental or physical condition, disease, or disorder, (for example; HIV Aids, epilepsy or depression) that is not relevant to the job being sought or the service being provided.

**Think Carefully!** Sometimes it is appropriate to ask questions about criminal or medical records but only request this information if it is essential. You may only ask people whether they have a record that would *directly impact on*, or *have relevance to*, the *specific job they are applying for*. You must assure applicants that you will only take into account a record that is directly relevant to the duties of the job. It is unlawful to refuse to employ a person with a record that is not directly relevant to the job.

When Maria applied for a job in a clothes shop she was asked about her criminal record. She said she had a dangerous driving conviction. The employer told her they would have given her the job if it hadn't been for her record. This is illegal discrimination. Maria was not required to drive in the course of her employment and therefore her conviction had no relevance as it would not affect her ability to do the job. The employer should only have asked her if she had a record that would in any way affect that specific job.

When Craig applied for a job as an office manager he was told that the job involved handling money so all applicants were required to have a criminal history check in case they had fraud or theft convictions. However he was assured that any history not relevant would be ignored. Craig was relieved to hear this as he had a conviction for smoking marijuana from his university days. The employer carried out the check, was satisfied that Craig's past conviction was not relevant to the job and offered him the position.

## Marital status

Treating a person unfairly because they are single, married, divorced, separated, widowed, or living in a de facto relationship.

Su Lin complained that she wasn't given a job at a youth centre because her husband was the supervisor there. If she would otherwise have been the best choice for the job it would be marital status discrimination not to appoint her.

## Pregnancy

Treating a woman unfairly because she is, or may be, expecting a baby. Women have the right to work whilst pregnant and return to work afterwards. They must be treated the same as other workers.

Kate worked full time as a receptionist. Her doctor said she was fit to remain full time but after she told her boss she was pregnant her hours were reduced to three days a week "for her own good" and she was told "she shouldn't come back full time". This is direct discrimination based on her pregnancy.





## Parenthood

Treating people unfairly because they are a parent, this includes step-parent, adoptive parent, foster parent, guardian or a person who provides care, nurturing and support to a child.

Sally went for an interview and was offered the job, which required travel. However when the employer found out she had children, the job offer was withdrawn. Sally was told that “people with kids couldn’t be flexible enough to travel”. This is discrimination due to parenthood. Since travel was part of the job the employer should have given Sally the opportunity to explain that she had suitable childcare in place and what these arrangements were.

## Breastfeeding

Treating a woman unfairly because she is breastfeeding.

Jasmine went to a restaurant with her husband and new baby. During dinner she discretely started to breastfeed. The owner came up to her and told her that “she couldn’t do that in here” and told her to use the female toilet. This is discriminatory and Jasmine had the right to feed her baby in the restaurant.

## Sexuality

Treating people unfairly because of their sexual identity. This can be heterosexual, homosexual, bisexual or trans-sexual. It also includes discrimination or harassment of a person based on assumptions or stereotypes about the nature of their sexuality, for example, “all homosexual people have AIDS”.

Paul was in a relationship with his partner Steven for 8 years. Steven died and Paul requested bereavement leave which his employer refused, saying this was for people who “were in proper relationships”. Paul lodged a complaint with the Commission who explained discriminatory practices to the employer. Paul was granted bereavement leave and the company altered the wording in their staff policies.

## **Trade union or employer association activity**

Includes harassing or treating someone differently either because they are a union member or because they do not wish to be a union member.

## **Religious belief or activity**

Treating a person unfairly because of their religious beliefs - including Aboriginal spiritual belief or activity.

## **Political opinion, affiliation or activity**

Treating a person unfairly because of their political beliefs, for example, not employing a person just because you don't agree with their politics.

## **Association with a person who has, or is believed to have, an attribute**

For example, harassing a person or not employing someone because their partner has HIV Aids or because their spouse is Aboriginal.

## Other Prohibited Conduct

This covers:

- sexual harassment (see page 24)
- unreasonable failure to accommodate a special need (see page 29)
- seeking unnecessary information about an attribute when it has no relevance to the job, loan, course etc. that the person is applying for or to the service the person wants to use
  - using discriminatory advertising
  - instructing or assisting a person to break discrimination laws
  - victimisation

### Victimisation

It is also unlawful to treat people unfairly in retaliation for complaining about discriminatory behaviour or for helping others to complain about this.

Julia signed a witness statement supporting a co-worker who complained of discrimination because of her disability. Julia was then abused by her supervisor, threatened with the sack and moved to a different section. This is an example of victimisation and Julia would have a legal right to complain to the Commission.



# Where is it against the Law to Discriminate?

Before discrimination becomes unlawful in the Northern Territory it must be based on an attribute and it must occur in one of the following areas of activity:

- employment
- provision of goods, services and facilities
- accommodation
- insurance and superannuation
- clubs
- education

## Employment

Anti-discrimination law applies to paid full time, part time, casual or contract work, including probation periods. Federal Workplace Relations laws do not permit discrimination – no matter how many employees you have.

All stages of employment are covered – from job advertisements, applications and offers of employment, to promotions, training, transfers and dismissal.

## Goods, Services and Facilities

It is against the law to withhold goods, services or facilities from people because they have an attribute. It is also unlawful to offer different terms or conditions because of an attribute. The law applies to:

- shops and restaurants
- transport and travel
- sale and leasing of land
- any profession, trade or business
- access to and use of public places
- councils and government departments
- entertainment, sport and recreation
- banking, hire purchase and finance companies

Alfred was refused a loan to buy a computer. The bank said that as he was over 65 he may not be able to meet the repayments. Alfred couldn't draw on his savings in a large lump sum but he did have access to enough money to service monthly loan repayments. He phoned the Commission for advice and when he was clear about the law he talked to the bank. As a result the bank gave Alfred the loan and offered to waive the loan fee. They also agreed to change their policy and make future decisions based on a person's ability to repay rather than discriminatory factors such as age.



## Accommodation

Anti-discrimination law applies to renting flats, rooms or houses and staying in hotels, motels or caravan parks. It covers applications for accommodation, sale terms and conditions, and waiting lists. It does not cover renting rooms to people in the home where you live.

Karl was a real estate agent and received an application to rent a property from a couple, one of whom was Aboriginal. The landlord had instructed him “not to rent to black people”. Karl thought this might be against the law so rang the Commission for advice who confirmed that this was discriminatory behaviour. Karl then felt confident enough to inform the landlord about the law and suggest he offer the property to the applicants.

## Insurance and superannuation

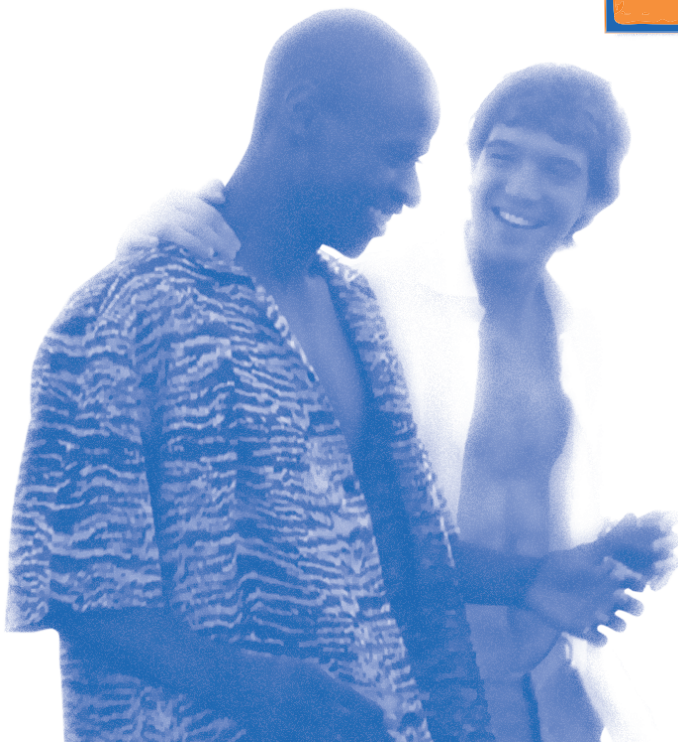
It is unlawful to refuse to supply, or to offer less favourable conditions for, insurance or superannuation because of any attribute, unless this is based on genuine statistical information.

## Clubs

Anti-discrimination law applies to the activities of clubs that have over thirty members and a liquor licence. It includes memberships or benefits offered by those clubs.

However, clubs are permitted to cater for specific groups of people. For example: clubs for people of a particular age, sex, or ethnic group; or for people with physical or intellectual impairments.

**THE MANAGEMENT  
RESERVES THE RIGHT  
TO REFUSE ENTRY**







## Education

The law applies to schools and education institutions. It covers entry to courses, access to facilities, benefits and expulsion. However, single-sex schools are permitted to select only male or female students and religious schools can limit enrolment to students of that religion.

# How does the Law cover Harassment?

## Harassment

This is distressing, worrying or annoying behaviour that is usually carried out by people with more power against those who have less power. Harassing a person because of an attribute is illegal. Behaviour is usually repeated and can include:

- verbal attacks
- humiliating a person (putting them down)
- seriously embarrassing or teasing a person
- intimidating a person (making them afraid)

It is also unlawful to harass a person because of their association with someone else who has an attribute or who you believe has an attribute.

**Pam's boyfriend Mohammed was a Muslim. Her supervisor repeatedly gave her a hard time about her boyfriend "being a terrorist", constantly told terrorist jokes and sent Pam offensive emails about terrorists. Pam complained to the management. The supervisor received anti-discrimination training, apologised and stopped the behaviour.**

## Sexual Harassment

This is behaviour of a sexual nature which is; offensive, embarrassing, intimidating or humiliating and which is not wanted, not asked for and not returned. It includes behaviour such as:

- leering or staring
- unwelcome requests for dates
- unwelcome touching or kissing
- direct or indirect requests for sex
- repeated comments or jokes that are sexually suggestive
- asking intrusive questions about social life or sexual activity
- displaying offensive or pornographic posters or screen savers
- explicit or sexually suggestive emails, phone calls or text messages



**Mutual attraction or friendship is not sexual harassment. If there is consent, it is not sexual harassment – although the behaviour may still be inappropriate for the workplace .**

A woman lodged a complaint of sexual harassment against her manager. She said that he had left sexually explicit messages on her phone, given his private number and told her to ring him. She did not reply but feared to raise it with her employer.

The manager then sent emails saying that he would block her promotion unless she “came across”. The woman left her job because of stress caused by his behaviour.

The manager admitted he had sent the woman messages but denied blocking her promotion, however, email evidence proved that he had threatened this.

The company acknowledged the manager’s behaviour was illegal, said that he had been severely reprimanded and attended extra training. However, it did not accept the woman had to resign, as clear policies and processes were in place to deal with such matters. The employer agreed to pay the woman \$15,000 compensation and the manager had to provide a written apology.

# What is Vicarious Liability?

You have a legal obligation to take 'all reasonable steps' to prevent discrimination and harassment from happening in your business.

Taking "all reasonable steps" can include a number of things. For suggestions about what you can do to avoid liability see "What can I do to avoid Discrimination?" (see page 30) and "Checklists" (see page 32).

If a complaint is made about you or one of your employees, you will need to demonstrate the steps you have taken to prevent discrimination or harassment happening in your business. If you can't show that you have taken steps to prevent the behaviour then you can be held "vicariously liable" for the behaviour, even if you were not personally involved.

If you are an owner/employer in small business, it's sensible to attend any seminars or training sessions on discrimination, harassment and your legal responsibilities, which are being offered by employer organisations, small business associations, industry associations or the Anti-Discrimination Commission.

It's much wiser to take steps to prevent problems arising in the first place than try to fix them up afterwards. Damages awarded against small businesses can have devastating financial consequences – so there is every reason to be careful to prevent claims arising.

**IF YOU ARE UNSURE ABOUT WHAT AN ATTRIBUTE IS, WHAT APPLIES TO YOUR SITUATION – OR WHEN, WHERE OR HOW DISCRIMINATION MIGHT TAKE PLACE, THEN RING THE COMMISSION ... IT'S EASIER TO MAKE A QUICK CALL THAN FIX A BIG MISTAKE!**

**CALL THE FREE TELEPHONE HELP LINE 1800 813 846**

# When can I Lawfully Discriminate?



## Special Measures

It is not always fair to treat people equally. To achieve equality of opportunity some people, or groups of people, may need special or extra help to overcome past disadvantages and compete on an equal basis. So if a program or service intends to create equal opportunity or assist people specifically because of an attribute it will be considered a “special measure”.

If a discrimination complaint is made about such a program or service, the Commission will investigate. If there are good reasons for treating people differently and the intention is to assist disadvantaged people, the Commission may find that there is no illegal discrimination.

**A garage needed to employ a mechanic. As Aboriginal unemployment was high in that area, the garage owner decided to specifically advertise for an Aboriginal person to fill the position. This was not unlawful discrimination because it was intended to benefit a disadvantaged group of people.**



## Inherent Needs of the Job

You can discriminate against someone if there is an inherent requirement for a specific skill, ability or qualification genuinely needed for the job, and without that skill, qualification or ability then the job couldn't be performed properly.

Jack had an injury to his knee which made it hard for him to move freely. He was also overweight and unfit. He applied for a job as a roofer. He didn't get the job and he complained that it was due to disability discrimination. However his complaint was rejected by the Commission as there was an inherent need for the successful applicant to have a high level of fitness and mobility due to safety issues and the physical demands of the job.

## Reasonable Accommodation of a Special Need

It is usually unlawful to discriminate against a person who has a special need because of an attribute. However, when a person does have a special need, you are only required to make “reasonable accommodation” for this. So when the cost or disruption of accommodating the need is “unreasonable” you may not be required to do this.

Simon uses a wheelchair and applied for an office job. He was told that he was a good applicant but the office was on the second floor and the toilet was too small for his wheelchair, so he couldn't be considered. Justin is also in a wheelchair. He wanted to attend classes at a small business centre, however his classes were on the third floor. Justin asked the centre to install a lift but they refused stating high cost. The Commission looked at both cases. In Simon's case the employer ran a small business from rented premises, wasn't allowed to substantially alter the premises and the cost to accommodate Simon's need would be “unreasonable” as it outweighed his ability to pay for alterations. In Justin's case, the centre wasn't forced to install a lift as this was “unreasonable”. However they did have to install a ramp and make changes so that Justin's classes were held on the ground floor. The cost and disruption of making these relatively minor changes was not considered “unreasonable”.

Susan was still breastfeeding when she returned to work. She wanted her husband to bring her baby into work to be fed. Her employer was worried that this would take up too much time but Susan was a good worker and he didn't want to lose her. He discussed it with Susan and they settled on an outcome that suited them both. They agreed that Susan would take an extra 30 minutes for her lunch break but would arrive at work 30 minutes earlier.

# What can I do to Avoid Discrimination?

## As an employer you can ....

- develop a clear written workplace policy stating that harassment and discrimination are not tolerated
- give every staff member a copy of the policy and ask them to sign to say they have received and read it
- display your policy on your company intranet or noticeboard
- discuss your policy at staff meetings – make sure staff understand the policy and what you expect of them
- provide staff training on discrimination and harassment
- establish a process for hearing complaints confidentially
- appoint an appropriate 'Contact Officer' to deal with complaints
- respond quickly, seriously and effectively to any complaints
- give this booklet to your employees to read
- role model appropriate workplace behaviour

To develop strategies and written policies to address discrimination and harassment you can draw on the views and experience of:

- the Anti-Discrimination Commission
- industry and professional associations
- employer organisations
- unions
- staff

Providing your policy to every employee when they first begin employment with you is a good idea. It then becomes routine and everyone knows what is expected of them before there can be any suggestion that an employee has done anything wrong or, become the victim of inappropriate conduct.



In a very small business where you are the owner/employer and have direct contact with all employees and are responsible for overseeing all aspects of daily operations, a written policy may be unnecessary

– **but you must make sure that you:**

- verbally inform everyone that discrimination and harassment will not be tolerated under any circumstances
- verbally inform everyone that disciplinary action will be taken against any employee who harasses a co-worker, client, customer, contractor, etc.
- provide all staff with brochures containing information on harassment – these can be obtained from the Anti-Discrimination Commission and employer organisations
- keep a diary note of when you inform staff about the policy on discrimination and harassment

### As an employee you can ....

- read workplace policies and make sure you understand them – and ask questions if you don't
- request that a formal complaints process be put in place
- ask for policies to be displayed at work
- discuss the policies at staff meetings
- act promptly if you're offended by someone's repeated behaviour
- make sure you don't harass or discriminate against others

Don't let things get out of hand – seek assistance from your supervisor, contact officer, employee representative or the Anti-Discrimination

# Checklists

## Talking to a person who is experiencing discrimination

If you are approached by a person who is experiencing discriminatory or harassing behaviour:

- be aware ... the person who approaches you may feel: angry, distressed, scared, frustrated or powerless
- support them ... reassure them they have done the sensible thing by seeking your help
- listen to them ... take them seriously, be sensitive, don't judge them
- reassure them ... harassment is not acceptable and they have a right to complain and have the offensive behaviour stopped
- ask them ... how they want the situation to be handled
- discuss with them ... confidentiality, options and outcomes

## Talking to a person who is accused of behaving offensively

If you are having discussions with the person who has been accused of discriminatory or harassing behaviour:

- listen ... to their point of view
- advise ... even if they didn't mean to offend, offence has been taken
- make it clear ... what and when behaviour is acceptable and not acceptable
- discuss ... what is needed to resolve the complaint
- get agreement ... that the offensive behaviour, regardless of whether admitted or not, will not happen again
- inform ... about possible penalties if the behaviour doesn't stop
- remind ... about confidentiality and victimisation

# What does the Anti-Discrimination Commission do?

A 'fair go' for all is part of our Australian way of life. We believe if people are given equal opportunities and are fairly treated at work, they will offer their employer their best. Give your workers "a fair go" and you'll get 'a fair go' in return!

We handle hundreds of enquiries and complaints each year and deliver information and training programs to business and organisations all over the Territory. We offer a confidential Freecall Help Line for managers and supervisors (see page 40).

We do not act for either party in disputes. We assist people to reach a confidential agreement that suits both parties. We also promote understanding and acceptance of equal opportunity principles through public education.

The Commission will:

- provide training on discrimination issues
- assist you to understand discrimination law
- assist you to act appropriately if a problem arises
- offer assistance with your workplace policies and procedures

Education and training help reduce the risk of vicarious liability and increase staff morale.

Regular courses are held at the Commission for individuals or groups. Alternatively, training can be customised to meet your specific needs and conducted in your workplace. Training can be tailored to target managers, staff or contact officers and linked directly to your policies and procedures.

We have the experience, knowledge and expertise to help you get it right. Our service is impartial and confidential.

# What happens when someone makes a



If a person believes they have been unlawfully discriminated against, sexually harassed or victimised, it may be possible to lodge a complaint under the Northern Territory Anti-Discrimination Act. A staff member at the Commission will discuss the situation with the person and if it is covered by the law and the person wishes to proceed then the complaint must be made in writing. Interpreters can be arranged if required.

## Completing a Complaint Form

Complaint forms can be downloaded from the Commission website and posted or emailed to us; or people can phone and ask for a form to be posted to them; or a form can be collected from our office.

Any evidence or documents that support the complaint should be included, (e.g. emails, text messages, photographs or medical certificates). Forms should be signed and dated. Complaints should be lodged within six months of the alleged discrimination, harassment or victimisation taking place.

When we receive a complaint it is assessed to decide if it is covered by the law. If it appears that the person who is complaining has been treated unfairly under the law, the complaint will be accepted. A staff member will be appointed to handle the complaint.

If it is not covered by the law the complaint will not be accepted and the person who is complaining will be informed in writing.



## The Complaint Process

The person making the complaint is called “the Complainant” and the person who the complaint is made against is called “the Respondent”. The staff member handling the complaint is called a “Conciliator”.

If a complaint is made against you or your organisation, it means a person believes they have been subjected to discrimination or harassment by you or your employee. Once the complaint has been accepted the Conciliator will:

- provide the Respondent with a copy of the complaint
- ask the Respondent to present a written or verbal response within three weeks
- seek more information and relevant documents from each party
- keep both parties informed of progress

The process is impartial and confidential and the Conciliator does not represent either party.

## Possible outcomes

- the Complainant may decide to withdraw the complaint
- the Commission may decide to dismiss the complaint
- both parties may agree to try and resolve the complaint through conciliation

If the parties are unable to resolve the complaint then it may be referred to the Commissioner for a formal “Hearing”.

# What Is Conciliation and What Does It Do?



Conciliation is negotiation and discussion between both parties with a Conciliator assisting them. It allows both parties to settle a problem and reach a satisfactory outcome for all. The Conciliator independently assists both parties to try and reach an agreement but has no power to impose agreement.

Conciliation is a good way to reach agreement. It is faster, free of charge and less distressing than going to Hearing and gives both parties greater control over the outcome.

Conciliation can be informal or sometimes the Conciliator will suggest a meeting between the parties called a Conciliation Conference.

## Conciliation Conference

This is an impartial and confidential meeting held by the Conciliator with the people directly involved in the complaint. It can be held at any stage of the complaint process.

The aim is to give parties the opportunity to discuss the issues and attempt to find a mutually agreeable way to resolve the problem. Parties are given equal speaking time.

It is a free and open discussion - nothing that is said or done may be used in further proceedings and agreement may be reached without any admission of liability.

Under certain circumstances this meeting may be held by telephone conference or with each party in separate rooms.

## Successful Conciliation

Discussion and negotiation usually leads to agreement between both sides.

Agreements can include:

- changes to policies and procedures to prevent discrimination
- agreement to have anti-discrimination training
- job reinstatement, transfer, promotion, training or some adjustment to hours, pay or conditions
- access to previously refused accommodation or services, course admission, etc.
- a written or verbal apology
- compensation for economic loss or damages

If both sides agree, then the complaint is settled and both parties sign a confidential written agreement. The Commission confirms in writing that the complaint has been conciliated.



## What Happens if a Complaint is not Conciliated?

Most complaints conciliated by the Commission are resolved successfully, however if the parties do not reach agreement, the matter can be referred for Hearing. Hearings are public and formal, (similar to a court) and conclude with a written judgement. This may contain orders such as dismissing the complaint, awarding compensation, enforcing disciplinary action, re-instatement, etc. Outcomes or penalties awarded as a result of the Hearing are legally enforceable.

# Where can I get more Information and Advice?

## The Northern Territory Anti-Discrimination Commission

Telephone: (08) 8999 1444

Freecall: 1800 813 846

TTY: (08) 8999 1466

Fax: (08) 8981 3812

### **Managers and Supervisors HelpLine: 1800 813 846**

Darwin Office: Floor 7, 9 -11 Cavenagh Street, Darwin

Postal: LMB 22, GPO Darwin, NT 0801

Email: [administrationadc@nt.gov.au](mailto:administrationadc@nt.gov.au)

Website: [www.adc.nt.gov.au](http://www.adc.nt.gov.au)

In Alice Springs

contact: The Ombudsman's Office,  
Ground Floor, Centrepont Building, Hartley Street

Telephone: (08) 8951 5818

Fax: (08) 8951 5828

## Chamber of Commerce Northern Territory

Darwin: (08) 8936 3100

Katherine: (08) 8972 3830

Nhulunbuy: (08) 8987 1985

Alice Springs: (08) 8952 4377

Website: [www.chambernt.com.au](http://www.chambernt.com.au)

## Community Justice Centre

The CJC provides mediation services to the community to assist people resolve their own disputes, without legal action, in a safe, informal environment. The CJC is able to assist in resolving complaints that are not covered by the NT Anti-Discrimination Act.

Feeecall: 1800 000 473

Website: [www.cjc.gov.au](http://www.cjc.gov.au)

## Human Rights and Equal Opportunities Commission (HREOC)

Telephone: (02) 9284 9600

TTY: 1800 620 241

Complaints Infoline: 1300 656 419

Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

## PLAY BY THE RULES

'PLAY BY THE RULES' provides information on the need for respect in sport. Online learning is available on preventing and dealing with discrimination, harassment and child abuse for players, coaches, sporting clubs and administrators.

Website: [www.playbytherules.net.au](http://www.playbytherules.net.au)

