

# How to deal with discrimination, unfair treatment or harassment



**Had enough? Want to do something about it?**

**Who can help you? What alternatives do you have?**

## You do have rights

The anti-discrimination law says that every person has the right to expect to be treated fairly.

If you or someone you associate with, has been treated badly because of your sex, race, marital status, transgender (transsexuality), homosexuality (actual or presumed), disability, marital status, age, carer's responsibilities or you have been sexually harassed:

- at work
  - when you have been provided with goods or services
  - in rented accommodation
  - at a State educational institution
  - when you join or use a registered club
- the Anti-Discrimination Board can provide you with:
- free and confidential advice about how to handle a situation
  - publications about your rights.

## You can do something

While it may not seem like it, you do have options. There is always something that you can do.

### **Why should you do something?**

Doing something means that you may solve the problem. This will make things better for you and also for other people in the future.

Doing nothing means that the situation will stay the same or get worse.

### **What do you do?**

Decide who is treating you badly. Is it an individual or a group of people — a work mate, a worker in the local council, a real estate agent, a hotelier, a shop keeper, your boss, a credit provider, a police officer or your child's teacher?

### **What is happening to you?**

How are they treating you badly. What are they doing to you? Are they calling you names or ignoring you? Are you not being told things that you need to know to do your job? Are you being denied entry into a bar? Have you been denied an application for a job, a house, a building permit? Are you being denied overtime?

# How do you deal with unfair treatment?

There are a number of steps you can follow when dealing with any problem.

## STEP ONE

### *Do you know who to approach?*

It's always best to approach the person you are having the problem with directly, if you can. If you can't, you should approach someone who is in a position to do something about it —someone who is in a position of authority over that person. You should also check if the organisation has a formal grievance procedure.

If the problem has still not been resolved you may be able to go to an outside authority such as your union, the Anti-Discrimination Board, the Ombudsman, the Department of Fair Trading or the Department of School Education.

## STEP TWO

### *Do you know what you want to say?*

You should be able to tell them:

- what it is that you are unhappy about
- why you are unhappy about it
- what you would like to happen
- what you intend to do if what you want to happen doesn't happen.

## STEP THREE

### *Are you too angry or tearful?*

Don't contact someone when you're angry or tearful because it's often difficult to think clearly and actually say what you want to. If you are very angry, try talking it through with a friend first. Speaking calmly but firmly will get you the best results.

## STEP FOUR

### *Do you want someone to go with you?*

Some people find it useful to take a support person with them when they are confronting someone about a problem. This is perfectly OK. You could take a friend, a relative, a workmate, a

community centre worker, a specialist resource centre worker, for example a Migrant Resource Centre worker (see Immigration section on page 4) or a union representative.

## STEP FIVE

### *Do you have the main points written down?*

Writing down what you want to say is a good way of sorting out the issues for yourself. You can use your notes to remind yourself what you want to say, in case you get nervous or upset when you are confronting the person. Your notes can also be a useful record of your version of events if there is a disagreement about what actually happened.

## STEP SIX

### *What can you do if your first approach doesn't work?*

It's good to have an idea of what you will do if your first approach doesn't work. You should make it clear to the person you first approach that you will take the matter further if they don't help you resolve the problem. If they realise that you are serious about the matter, they are more likely to take action.

Some ideas about what to do if your first approach doesn't work are:

- go to another person above them
- lodge a written complaint with their organisation
- lodge a formal complaint with an outside authority that can help
- go to the media
- tell them that you'll make a formal complaint to the Anti-Discrimination Board.

Phone (02) 9268 5544 (Sydney),  
(02) 4224 9960 (Wollongong),  
(02) 4926 4300 (Newcastle)  
for advice.

Below you will find a list of organisations that may be able to provide you with some advice or help.

They have been arranged according to different types of problems.

## ACCOMMODATION

### **Real Estate Agents and Owners**

If you have a problem with how you have been treated by a real estate agent you can talk to the owner or manager of the agency. If that doesn't resolve the problem contact the **Real Estate Institute** on (02) 9264 2343 ([www.rei.net.au](http://www.rei.net.au)).

If you are already renting and are having problems with the agent or owner you could contact the **Tenants Union Hotline** on (02) 9251 6590 ([www.tenants.org.au](http://www.tenants.org.au)). Alternatively you could contact the **Office of Fair Trading Tenancy Service** on (02) 9377 9100 or 1800 451 301 ([www.fairtrading.nsw.gov.au/realestaterenting.html](http://www.fairtrading.nsw.gov.au/realestaterenting.html)).

### **Department of Housing**

If you have a problem with a decision that has been made by the Department of Housing, you should first speak to the Client Services Officer in your local branch. If you are unhappy with how that person deals with your problem, then contact the Area Manager, and if that doesn't work then contact the Regional Manager.

If your problem is still not fixed, then you could contact the **Office of the NSW Ombudsman** on (02) 9286 1000 or 1800 451 524 ([www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)) to see if they can help you.

## BANKING & FINANCIAL SERVICES

If you have a problem with how you were treated by staff in a bank, contact the customer services branch of the bank. If you have a problem about the administration of your account, contact the **Banking and Financial Services Ombudsman** on 1300 78 08 08 ([www.abio.org.au](http://www.abio.org.au)) or the **Consumer Credit Legal Centre** on (02) 9212 4111 or 1800 247 890 ([www.cclcnsw.org.au](http://www.cclcnsw.org.au)).

## DEPARTMENT OF COMMUNITY SERVICES

If you have a problem with a decision that has been made by the Department of Community Services (DoCS) you should first talk to the staff member you know best. If you prefer, you can also talk or write to their supervisor. If this doesn't work call 1800 000 164 to talk directly with a Complaints Officer. Alternatively visit the DoCS website and complete a Client Feedback Form ([www.community.nsw.gov.au/contact/complaints1.htm](http://www.community.nsw.gov.au/contact/complaints1.htm)).

If you are still not satisfied you could lodge a complaint with the **NSW Ombudsman's Office** on (02) 9286 1000 or 1800 451 524 ([www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)).

## EMPLOYMENT (see Work)

## GOVERNMENT

### **NSW Government Agencies**

If you are having problems with a State Government Department or Agency you should first try and discuss it with the officer you have been dealing with. You could also try to talk with their supervisor. If this doesn't solve the problem many Agencies have their own internal complaint resolution procedures, for complaints from customers.

If the problem is still not fixed you could contact the **Office of the NSW Ombudsman** on (02) 9286 1000 / 1800 451 524 ([www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)) to see if they can help you.

## Commonwealth Agencies

If the problem is about an unfair decision or administrative action by a Commonwealth agency you could contact the **Office of the Commonwealth Ombudsman** on (02) 9218 3000 or 1300 362 072 ([www.comb.gov.au](http://www.comb.gov.au)) to see if they can help you.

## Local Government

See separate section **Local Councils**

## HEALTH

If you have a problem with how you have been treated by a health care worker, doctor, nurse or any health care professional in a public or private hospital or clinic, contact the **Health Care Complaints Commission (HCCC)**. The HCCC is an independent organisation which deals with complaints about all aspects of the health care system, both public and private. Phone (02) 9219 7444 or 1800 043 159 ([www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au)).

If you have a complaint or problem with health insurance contact the **Private Health Insurance Ombudsman** on (02) 8235 8777 or 1800 640 695 ([www.phio.org.au](http://www.phio.org.au)).

## HOTELS

If you have a problem with how you have been treated in a hotel, you should talk or write to the publican or manager of the hotel. If that does not work then you could contact the NSW branch of the **Australian Hotels Association** on (02) 9281 6922 ([www.aha-nsw.asn.au](http://www.aha-nsw.asn.au)).

## IMMIGRATION

If the problem relates to an immigration matter or a decision made by the **Department of Immigration and Multicultural Affairs** you should first discuss the matter with the staff member you have been dealing with or with their supervisor. If you are still not satisfied, or are unable to contact the original staff member or their supervisor you can contact the Department's Complaints Officer. Phone 131 881—immigration, all visa types or 131 880—Australian citizenship ([www.immi.gov.au](http://www.immi.gov.au)).

You can also get independent advice from the **Immigration Advice and Rights Centre** on (02) 9281 8355 ([www.iarc.asn.au](http://www.iarc.asn.au)) or the **Refugee Advice and Casework Service** on (02) 9211 4001 ([www.racs.org.au](http://www.racs.org.au))

The **Commonwealth Ombudsman** can review decisions made by the Department of Immigration and Multicultural Affairs. Phone (02) 9218 3000 or 1300 362 072 ([www.comb.gov.au](http://www.comb.gov.au)).

If you are dissatisfied with the advice or services provided by a migration agent you should contact the **Migration Agents Registration Authority** on (02) 9299 5446 ([www.themara.com.au](http://www.themara.com.au)).

The **Department of Immigration Investigations Section** investigate complaints about people pretending to be migration agents. Phone 131 881

**Migrant Resource Centres** provide a range of services to immigrants. Some of the services provided include information and referral services, interpreting and translating services, advocates for housing/accommodation, health and immigration, conversation classes and bilingual workers.

Auburn	Ph: (02) 9649 6955
Blacktown	Ph: (02) 9621 6633
Botany	Ph: (02) 9663 3922
Canterbury/Bankstown	Ph: (02) 9789 3744
Fairfield	Ph: (02) 9727 0477
Illawarra	Ph: (02) 4229 6855
Liverpool	Ph: (02) 9601 3788
Macarthur	Ph: (02) 4627 1188
Newcastle/Hunter Region	Ph: (02) 4969 3399
Northern Sydney	Ph: (02) 9987 2333
St. George	Ph: (02) 9597 5455

## INSURANCE

If your problem relates to general insurance contact the **Insurance Council of Australia** on (02) 9253 5100 ([www.ica.com.au](http://www.ica.com.au))

For problems regarding life insurance or superannuation contact the **Financial Industry Complaints Service** on 1300 78 08 08 ([www.fics.asn.au](http://www.fics.asn.au))

## LAWYERS

The **Legal Services Commissioner** handles complaints regarding barristers and solicitors. Phone (02)9377 1800 or 1800 242 958 ([www.lawlink.nsw.gov.au/olsc](http://www.lawlink.nsw.gov.au/olsc))

## LEGAL ADVICE

**Community legal centres** can provide you with free legal advice. Phone (02) 9318 2355 to find out where the centre nearest to you is ([www.nswclc.org.au](http://www.nswclc.org.au)).

Alternatively you can contact the **NSW Legal Aid Commission** on (02) 9219 5000 ([www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)).

## LOCAL COUNCIL

Contact the local council first. On any official letter that you have received from the council, someone's name will appear on the letter. Ring or write to the council and ask to speak to the person whose name is on the letter. Tell them what you are ringing about and why you have problems with the decision that they have made.

If they do not solve the problem you can complain to the Department of Local Government on (02) 4428 4100—head office or (02) 9289 4000—Sydney ([www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)).

If this does not work, you may be able to complain to the **Office of the NSW Ombudsman** on (02) 9286 1000 / 1800 451 524 ([www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)).

## MEDIA AND ADVERTISING

If the problem relates to television or radio, complain first to the station concerned. If you are not satisfied with their response you should then contact the **Australian Broadcasting Authority** on (02) 9334 7700/1800 22 6667 ([www.aba.gov.au](http://www.aba.gov.au))

For complaints regarding print media contact the **Press Council** on (02) 9261 1930/1800 02 5712 ([www.presscouncil.org.au](http://www.presscouncil.org.au)).

If you have a complaint regarding the conduct of a journalist you should contact the **Media, Entertainment and Arts Alliance** on (02) 9333 0999 ([www.alliance.org.au](http://www.alliance.org.au)).

For complaints regarding the portrayal of gays and lesbians in the media contact the **Gay and Lesbian Rights Lobby** on (02) 9360 6650 ([www.girl.org.au](http://www.girl.org.au)).

If the problem is about an advertisement you could contact the **Advertising Federation of Australia** on (02) 8297 3800 ([www.afa.org.au](http://www.afa.org.au))

## NEIGHBOURHOOD DISPUTES

If you are having a dispute with your neighbour, you could contact your local **Community Justice Centre**. Community Justice Centres help neighbours sort out problems. To find the Community Justice Centre closest to you, contact the City office on (02) 9228 7455 ([www.lawlink.nsw.gov.au/cjc](http://www.lawlink.nsw.gov.au/cjc))

## POLICE

If you would like to make a complaint about how you were treated by a Police Officer, contact the **NSW Police Service Customer Assistance Unit** on 1800 622 571 or ask to speak with a relevant Community Liaison Officer. The Police Service now employs Ethnic Community Liaison Officers, Indigenous Community Liaison Officers, and Gay and Lesbian Community Liaison Officers to provide specialised culturally appropriate assistance to these target communities. ([www.police.nsw.gov.au](http://www.police.nsw.gov.au))

If the problem is still not resolved contact the **Office of the NSW Ombudsman** on (02) 9286 1000 or 1800 451 524 ([www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)).

## PRIVACY

If the problem relates to a breach of privacy contact **Privacy NSW** on (02)9268 5588 ([www.lawlink.nsw.gov.au/pc](http://www.lawlink.nsw.gov.au/pc)).

## REGISTERED CLUBS

If the problem relates to unfair treatment of a customer or staff member at a registered club contact the manager or one of the directors. Directors of registered clubs can contact the **Registered Clubs Association** for advice. Phone (02) 9268 3000 ([www.clubsnsw.com.au](http://www.clubsnsw.com.au)).

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## SCHOOLS

### **Government schools**

The anti-discrimination law says that government schools must be environments that are free from harassment and discrimination. If problems come up at school, managers and teachers within schools are supposed to deal with them.

Every school must have a policy on eliminating all forms of harassment and discrimination at school.

Generally the first person to take a problem to is the **Principal** of the school. If you find that you haven't got anywhere with him or her then you have to go to the next level up.

Every school in NSW is a part of a regional group of schools. If your problem has not been suitably dealt with at the school level, contact the **Regional Director** at your Regional Office. If you have no luck with the Regional Director, you should then contact the **Director-General of the Department of Education and Training** at the Department's head office in Sydney on (02) 9561 8000 ([www.det.nsw.gov.au](http://www.det.nsw.gov.au)).

You could also contact the **Federation of Parents and Citizen's Association** — an advocacy group that works for the interests of parents in government schools in NSW. Phone (02) 9360 2481 ([www.pandc.org.au](http://www.pandc.org.au)).

### **Private Schools**

If you have a problem with a **Catholic school** you should contact the **Principal** of the school and then the **Catholic Education Commission**, phone (02) 9287 1555 ([www.cecsw.catholic.edu.au](http://www.cecsw.catholic.edu.au)).

For **other private schools** you should contact the Principal or the governing body of the school.

## SHOP PROBLEMS

If you have problems with how you were treated by staff in a shop, contact the shop manager or the owner. If that doesn't resolve the matter contact the **NSW Office of Fair Trading** on 133 220 ([www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)).

## TRANSPORT

If you have problems with how you have been treated when using public buses, trains or ferries first contact the manager of the station or terminal.

If the problem relates to how you have been treated on **buses or ferries** then complain to **State Transit**. Phone 131 500 ([www.sta.nsw.gov.au](http://www.sta.nsw.gov.au)).

If the problem relates to unfair treatment by **City Rail or State Rail Authority** staff call 1800 047 731.

You could also contact the **Ministry of Transport** (02) 9268 2800 ([www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)).

For **Private buses** contact the individual bus company and ask for the complaints unit. You should then contact the **Ministry of Transport** (see above) if you wish to take the matter further.

If you have been unfairly treated when using a **taxi** call the relevant Taxi company or contact the **Ministry of Transport Taxi Customer Feedback Management System** on 1800 648 478 ([www.transport.nsw.gov.au/using\\_trans/taxis/feedback.html](http://www.transport.nsw.gov.au/using_trans/taxis/feedback.html))

## UNIVERSITIES AND TAFE

If the problem relates to unfair treatment at a TAFE or University contact the **Anti-Harassment Officer** or the director of **Equal Opportunity Unit** or the Head of the relevant department. If this does not work contact the **Vice-Chancellors office**.

Contact the **Student Union** or **Student Representative Council** for advocacy, advice or support in relation to unfair treatment. Many student organisations employ a welfare officer to help students who have problems with decisions made by administrators or lecturers.

## VIOLENCE

If you are threatened with or subject to violence first contact the local police station for assistance. If relevant ask to speak to an Ethnic Community

Liaison Officer, Aboriginal Community Liaison Officer, Gay and Lesbian Community Liaison Officer, Youth Liaison Officer or Domestic Violence Liaison Officer.

**NSW Victims Services** helps victims of crime in New South Wales access services and entitlements to assist in their recovery. Phone (02) 9374 3111 ([www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)).

The **NSW Rape Crisis Centre** provides advocacy, counselling and advice and can be contacted on (02) 9819 6565 or 1800 424 017 ([www.nswrapecrisis.com.au](http://www.nswrapecrisis.com.au))

The **Gay and Lesbian Anti-Violence Project** provides advocacy for gays and lesbians experiencing homophobic violence. Phone (02) 9206 2116 or 1800 063 060 ([www.avp.acon.org.au](http://www.avp.acon.org.au)).

## **WORK PROBLEMS**

If you think that you are being treated badly by a co-worker or your boss you have a number of options. Remember that you have the legal right to work in an environment that is free from discrimination and harassment. The law says that your employer must act immediately if you tell him/her about discrimination or harassment that you feel you may be experiencing.

### ***If you are worried about the terms and conditions of your employment***

If you are worried about how much you are being paid, or you think that you are being paid below the award wage, or you haven't been given the proper recreational leave, you should contact the Awards and Enquiries section of the **Office of Industrial Relations** on (02) 131 628 ([www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)). If you are employed under a federal award phone 1300 363 264 ([www.wagenet.gov.au](http://www.wagenet.gov.au)).

### ***If you have been unfairly dismissed***

If you have been unfairly dismissed or forced to resign from your job, you may be able to lodge a complaint of unfair dismissal with the NSW Industrial Commission — (02) 9228 7766

([www.lawlink.nsw.gov.au/irc](http://www.lawlink.nsw.gov.au/irc)) or with the Australian Industrial Relations Commission on (02) 8374 6666 ([www.airc.gov.au](http://www.airc.gov.au))

### ***If you want to deal with the matter at work***

If you feel that you are being treated unfairly at work, you should talk to your supervisor about it. Discrimination law clearly states that employers must do whatever they can to eliminate unfair treatment because of someone's sex, transgender, race, age, marital status, homosexuality, disability or carer's responsibilities.

If you find that your supervisor does not deal with your complaint satisfactorily you could use your organisation's formal grievance procedure. Most companies and government departments have internal grievance procedures for employees to lodge complaints if they think they have been treated badly by another employee, their supervisor or senior manager. Talk to your organisation's EEO Officer, Personnel Officer or Human Resources Manager and lodge a formal complaint — if this is possible. Contact the Anti-Discrimination Board Enquiry Line on (02) 9268 5544 or 1800 670 812 for advice.

### ***Your union may be able to help you***

If you are a member of a union and you want to take up your problem but are worried that you may not be able to do it on your own, you should contact the union representative in your workplace. If you are unhappy with how they handle your problem, then contact the regional or state office of your union and ask to speak to the industrial organiser or officer, who is responsible for your section of the workplace. If you want to join a union but don't know how, contact the Labor Council of NSW on (02) 9264 1691 ([www.council.labor.net.au](http://www.council.labor.net.au)).

### ***Other places that may be able to help you***

If you are a woman and you need some help with negotiating with your employer, you could contact the **Working Women's Centre** on (02) 9319 4977 or 1800 062 166 ([www.workingwomenscentre.com.au](http://www.workingwomenscentre.com.au)).

# The Anti-Discrimination Board of NSW



## What types of discrimination do we deal with?

The NSW Anti-Discrimination Board can only deal with discrimination complaints that are covered by the NSW Anti-Discrimination Act. This means that we can only deal with a discrimination complaint if:

- it is based on any of the grounds listed below **AND** happens in one of the areas of public life listed below; or
- it is racial, homosexual, transgender or HIV/AIDS vilification: that is, a public act of incitement to hatred, serious contempt or severe ridicule because of your race, homosexuality, transgender or because you are living with HIV/AIDS.

The laws do not allow us to deal with discrimination complaints based on other grounds (eg religion, political conviction), or based on events in your private life.

## Grounds

- Sex (including sexual harassment and pregnancy)
- Race (including colour, nationality, descent, and ethno-religious or national origin)
- Marital status
- Homosexuality (male or female, actual or presumed)
- Disability (past, present, future, actual or presumed)
- Age
- Transgender (transsexuality)
- Carers' responsibilities (in employment only)

## Areas

- Employment
- Education
- Obtaining goods and services (eg credit, access to public places, entertainment, government or professional services)
- Accommodation
- Registered clubs

## Where we are

### Sydney

Level 17, 201 Elizabeth St, Sydney NSW 2000  
PO Box A2122, Sydney South NSW 1235  
ph (02) 9268 5555, fax (02) 9268 5500, TTY (02) 9268 5522

Enquiries/Employers Advisory Service  
(02) 9268 5544

### Wollongong

84 Crown St, Wollongong NSW 2500  
PO Box 67, Wollongong East NSW 2520  
ph (02) 4224 9960 fax (02) 4224 9961

### Newcastle

Level 1, 414 Hunter St  
Newcastle West NSW 2302  
ph (02) 4926 4300 fax (02) 4926 1376  
TTY (02) 4929 1489  
Toll free number — 1800 670 812

### Website

[www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)  
for further information and information about publications and training.