

# Discrimination and Making a Complaint



## What is Discrimination?

Discrimination is when a person is treated unfairly because of a characteristic. Like:

- age
- race
- gender
- disability
- sexual orientation
- pregnancy
- relationship status
- legal sexual activity
- family responsibilities
- religious belief, affiliation or activity
- political belief, affiliation or activity
- union activity
- medical history.

## When is discrimination against the law?

To be against the law, discrimination must be related to one of these places or activities:

- work – paid or volunteer
- training or studying – for example at school, TAFE or university or training
- providing or accessing services
- club membership or activities
- hotels and pubs
- housing and accommodation.

## Direct and Indirect Discrimination

Discrimination can be direct or indirect. Both are against the law.

**Direct discrimination** is when a person is treated unfairly because of a particular personal characteristic.

For example:

- If a person is not given a job because of their age or disability.

**Indirect discrimination** is when treatment of everyone appears to be the same but actually disadvantages some people.

For example:

- If a company gives bonus payments only to employees who have worked for five continuous years. This may exclude women who have had significant time off work due to illness, disability or family responsibilities.



## Approaches to making a complaint

If you think you have been discriminated against, or someone has treated you unfairly, the first step to making a complaint is working out how to approach the situation.

### Informal complaints

In some cases, you may want to talk directly to the person who treated you badly, to tell them how you feel. This can work well if the person is a friend or family member.

If you want to make a complaint about being treated badly at an organisation or service, it may help to speak to a manager or a senior staff member. You could also call the organisation or send them a short email explaining what happened and why you are upset. This could also include your suggestions for how the situation could have been handled better and what may need to change.

### Formal Complaints

In cases where making an informal complaint does not work, or is not suitable, you can make a formal complaint in the form of a letter to the organisation, or to an external organisation.

Some organisations, like the Australian Human Rights Commission (AHRC) have forms you can fill out to make a complaint. You can check with the organisation or look at their website to find out.

### Australian Human Rights Commission

For more information you can

- call **1300 656 419**
- email: **[infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)**
- go to: **[www.humanrights.gov.au/complaints#main-content](http://www.humanrights.gov.au/complaints#main-content)**



## What information should I include in a complaint?

When you write your complaint, you should make sure you think about and include all the following information.

**Your Details-** Provide all the contact details you can, like your phone number, address and email.

**Details of your characteristics –** Provide information about any characteristics that are relevant to the complaint. Like your disability, gender, or beliefs.

**What happened –** Detail the events. Explain who did what, where they did it and when.

Give a clear description of how you were treated.

**What do you want to happen next? -** What do you hope to achieve from your complaint? Would you like a policy change, a payment, an apology?

You can ask for other things later, but is important to have a list of your preferred outcomes.

*Once you have written a draft of your letter, you should ask someone to look over it before you send it in. This could be a family member, friend, support person or advocate.*

## Advocacy Support

If you need support to help you make a complaint, you can ask an advocate to help.

You can ask an advocate to help you do things like:

- make a phone call
- write a complaint letter
- understand anti-discrimination laws.

You can find an advocate at the Australian Government **website:**

**Disability Advocacy Finder**

