



RACE DISCRIMINATION

Show racism
the **red card**

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference
Embracing Equality

RACE DISCRIMINATION

It is race discrimination when a person is treated unfairly, or is denied the same opportunities as others, because of their racial or cultural heritage, their skin colour or nationality, or because they are a migrant.

Relatives, friends and co-workers sometimes experience discrimination because of their association with a person from a different nationality or race. The law protects them too.

In what situations is race discrimination against the law?

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

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Other unlawful behaviour

It is also against the law to offend, humiliate, intimidate, insult or ridicule a person because of their racial or cultural heritage, their skin colour or nationality, or because they are a migrant, or to publicly incite hatred, serious contempt or severe ridicule on the basis of race (see separate brochures: *Offensive behaviour* and *Inciting others*).

Exceptions to the law

In certain circumstances race discrimination is allowed. For example:

- Some clubs have been set up by people of particular national or cultural origin to celebrate their culture or provide services specific to that group
- An organisation may employ an Aboriginal worker to work with an Aboriginal community
- There may be parts of a cultural place, such as sacred sites, that only members of that culture are allowed to visit

Exemptions

If you think there is a valid reason for doing something that might be considered to be race discrimination, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law - should you be exempt?*).

Do you feel you have been discriminated against on the basis of race?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

Following a job interview, Tony was told he was not successful because 'he may not fit into the workplace because of his cultural background'. Tony felt this was unfair so he made a complaint of race discrimination in employment.

Atong is from Sudan. She responded to a rental advertisement and made an appointment to view the property. When she arrived she was told, 'I'm sorry but the place has already been let'. Atong noticed it was advertised again in the paper the next weekend and for several more weeks. Atong believes she was told the place had already been rented because the owners did not want anyone of African background renting the property, so she made a complaint.

A real estate agent required all prospective tenants to have three references from former landlords before being considered. This requirement may disadvantage some new arrivals to Australia who, because they lived in refugee camps before coming here, do not have rental references. This may be race discrimination if such applicants are not given the chance to provide other information to support their application, such as a personal reference.