



VICTIMISATION

Being threatened or
punished for making
a complaint?
Speak up – you are
protected.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Translating and Interpreting Service: 131 450

National Relay Service

TTY Users: Phone 133 677 then ask for 1300 305 062

Speak and Listen: 1300 555 727 then ask for 1300 305 062

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Celebrating Difference
Embracing Equality



VICTIMISATION

Under discrimination law, a person is 'victimsed' when they are threatened, disadvantaged or treated badly because they have spoken out against, or tried to stop, discrimination or are involved in a complaint. This means everyone is protected against being threatened with or subjected to retaliation for asserting rights under discrimination law or participating in the complaint process.

It is victimisation to make a threat or to cause harm or disadvantage to a person because the person or someone they are associated with:

- makes a complaint about discrimination or other unlawful conduct, or is going to make a complaint
- gives or is going to give information relevant to a complaint of discrimination or other prohibited conduct (as a witness, for example)
- refuses to participate in discrimination with others, for example refusing to rule out a person for a job interview because they have a disability
- helps a person with their complaint (such as helping to write a statement or going with them to a conciliation conference)
- reports discrimination or other unlawful conduct to try to get it stopped or have action taken

Victimisation is against the law because it punishes people for speaking out and prevents people from complaining and exercising their legal right to be free from discrimination or from participating freely in the complaint process.

The person who is threatened or harmed does not need to have made a formal legal complaint to be protected by the law. A complaint of victimisation may be successful even if an earlier complaint of discrimination or other unlawful conduct does not succeed or is withdrawn. Victimisation complaints are separate and distinct from complaints of discrimination.

Feel you've been victimsed?

If you think you have been victimsed, you can contact us to find out more or make a complaint. 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

Emil complains to his supervisor about his co-workers taunting him for being gay. He tells the supervisor he is going to make a complaint to the Anti-Discrimination Commissioner. The supervisor tells Emil not to complain or he will be sacked. Emil has been victimsed by the supervisor because the supervisor threatened Emil because of his decision to make a complaint.

Johanna makes a complaint to the Anti-Discrimination Commissioner about a sporting club. She is told by the club, 'You will never be welcome here again'. The club has victimsed Johanna. Johanna's original complaint about the sporting club is rejected. The victimisation complaint proceeds because the comment was made to her only a few days after she told the club she was making a discrimination complaint.

Petros makes a complaint about being discriminated against at work because of his religion. His colleague Susan offers to give a witness statement about what she saw. Both Petros and Susan have their hours cut without notice. Petros and Susan may both make complaints of victimisation.

Julie lives with her parents in a rented unit. She has been sexually harassed by the property manager. When she said she was going to make a complaint, the property manager threatened her parents with eviction. Julie's parents could make a victimisation complaint, even if Julie does not make a sexual harassment complaint to the Anti-Discrimination Commissioner.