

GUIDELINES WHEN PUBLISHING AND ADVERTISING

Be aware of discrimination
and how the material you
produce might affect those
who read it.

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Celebrating Difference
Embracing Equality

GUIDELINES WHEN PUBLISHING AND ADVERTISING

When advertising, promoting events or preparing a publication you need to be aware of discrimination and how the material you produce might affect the people who read it.

Discrimination law states you may not publish or display any material, including an advertisement, that promotes, expresses or depicts discrimination or other unlawful behaviour. There is an exception if the material is intended to discourage such behaviour.

Notices in shop windows and in newspapers, items on bulletin boards and billboards, and online posts (including on social networking sites) are all subject to discrimination law.

Discrimination in employment advertising

The aim, when preparing a job advertisement, should always be to recruit the best person for the job. A person's personal characteristics – other than their skills, qualifications and experience – must not act as a barrier to their applying or being considered for the job. Because of this, care must be taken with the words used in the advertisement.

Discrimination in accommodation advertising

Advertisements for accommodation can easily end up being discriminatory. Keep the advertisement specific to what is required. Think about whether your advertisement expressly or indirectly prevents or discourages a person from applying.

All advertisements are subject to anti-discrimination laws, not just those for employment and accommodation.

Exceptions

Sometimes it is necessary to discriminate in employment advertising because, for the job to be done, a person must be able to complete certain activities or have certain characteristics (these are called 'genuine occupational requirements' or 'inherent requirements'). For example, it may be necessary to advertise that an applicant needs to have a current driver's licence to apply for a chauffeur's job or have a high level of physical fitness to be a firefighter.

Exceptions do not automatically apply. If an allegation of discrimination is made, it is up to the person who wants to rely on the exception to prove the exception applies. There are a number of exceptions in the law (see separate brochure: *Discrimination - exceptions to the rules*).

Exemptions

If there is any doubt about whether an advertisement might be understood as discriminatory, it is wise to apply to the Anti-Discrimination Commissioner for an exemption for the particular situation. If granted, the exemption permits the advertisement to be published.

Who is responsible?

Both the advertiser and the owner of the place or publication in which the advertisement is published or displayed may have legal responsibility for any discriminatory advertising. This is because it is unlawful for a person to knowingly aid another person to contravene the *Anti-Discrimination Act*.

If you would like to know more

We can help you with specific questions and offer guidance and training on non-discriminatory advertising.

Employment advertising

Wanted: Asian chef

Instead, this should be worded as 'Wanted: chef with skills in Asian-style cooking'.

Must have at least 10 years' experience

This may be unlawful unless having that much experience can be shown to be essential for the person to be able to do the job.

Groundsman

This should be replaced with 'grounds person' or 'grounds maintenance worker'.

Young, enthusiastic receptionist

Insisting only young people can apply may be unlawful. Instead, use 'enthusiastic receptionist'.

Junior position

This should be replaced with 'position offering junior wages', as it is against the law to prevent an older person from applying for a position just because it has a low pay grade.

Accommodation advertising

FOR RENT: 2-bedroom house suited to a couple (man and wife), no children allowed.

This advertisement discriminates against people in same-sex relationships, people whose marital status is single or unmarried, and people with children. It may also exclude people with grandchildren or child-care responsibilities.