

GENDER DISCRIMINATION

You may think men are
from Mars and women
from Venus – but on Earth
we are all equal.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference
Embracing Equality



GENDER DISCRIMINATION

It is gender discrimination to treat a person unfairly, or for them to be denied the same opportunities as others, because of their gender.

Discrimination often happens because we make a conscious or unconscious assumption about a person's needs or abilities based on their gender or we think that certain jobs or careers are specifically for men or better suited to women or we presume that women or men are incapable of doing certain tasks.

In what situations is gender discrimination against the law?

To be against the law, gender 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 gender, or to sexually harass a person (see separate brochures: *Offensive behaviour* and *Sexual harassment*).

Exceptions to the law

In certain circumstances a defence to gender discrimination may apply. For example:

- Some religions have doctrines that give men and women different roles within their rituals
- An all-boys' school may decline to admit a girl and vice versa
- Clubs established for men or women are permitted in certain circumstances
- Competitive sporting activity may be restricted to single-gender teams after the age of 12 years

(To understand how exceptions work see separate brochure: *Discrimination - exceptions to the rules*).

Exemptions

If you think there is a valid reason for doing something that might be considered gender 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 gender?

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

Sofia did not get the carpentry job she applied for in a predominantly male workplace because the supervisor was worried she would be subjected to sexist remarks. This may be discrimination on the basis of gender because Sofia missed out on the job because she is a woman.

Minimum height requirements for jobs may disadvantage women more than men, because women on average are shorter than men. Whether or not having a height requirement is against the law will depend on factors such as whether being a particular height is necessary to perform the job for safety or other reasons.

Jacob was denied a job as a child carer because the manager of the centre believes only women should be child carers. Jacob is being discriminated against because of his gender.

Maria was an Associate in a large law firm. After maternity leave she asked to return to work on a part-time basis for 12 months. The request was denied and Maria's employment was terminated. Maria believes she was discriminated against because of her gender and family responsibilities and made a complaint to the Anti-Discrimination Commissioner.