

# Race discrimination at work: What are my rights?

As an employee, you are protected from race discrimination under the *Equal Opportunity Act 2010 (Vic)*.

Under the Equal Opportunity Act, it is unlawful for employees to be discriminated against on the basis of their race. This includes their skin colour, descent or ancestry, nationality, ethnic background, or any characteristics associated with a particular race (unless an exception applies).

Under the *Racial and Religious Tolerance Act 2001 (Vic)*, vilification – publicly inciting hatred or ridicule on the basis of religion and/or race – is also unlawful.

## Where are employees protected from race discrimination?

The Equal Opportunity Act protects people from discrimination in key areas of public life, including employment. Race discrimination can occur in any industry or organisation at any point in the employment cycle.

Employees (including paid staff, paid interns and job applicants) and contractors are protected:

- at work
- in common spaces (car parks, lifts, reception areas and bathrooms)
- during work-related events, meetings and settings (for example, a party or work trip)
- in online spaces.

## What do race discrimination, vilification and victimisation look like in the workplace?

The Equal Opportunity Act prohibits discrimination in the workplace. This includes race discrimination perpetrated by employers and other employees. Examples can include racism between people (both blatant and subtle), microaggressions, organisational bias, and hostility to cultural needs.

- **Race discrimination** can be both direct and indirect.

**Direct race discrimination** is where someone treats another person unfairly because of their race.

*For example: an employer refuses to accept or progress the application of a First Peoples applicant because of negative and incorrect assumptions about their skills or work ethic.*

**Indirect race discrimination** is when there is an unreasonable requirement, policy or practice in the workplace that disadvantages or unfairly impacts employees because of their race.

*For example: a company sets and enforces a dress code for all employees that bans employees from wearing any headwear at work, which disadvantages employees who wear clothing of religious or cultural significance on their head.*

■ **Vilification** is public behaviour that encourages others to hate or ridicule a person or group of people based on their race or religion. To understand the differences between vilification and race discrimination, see **Chapter 3: Understanding the law on workplace racism** in our *Guideline: Race discrimination in the workplace*.

*For example: an employee accuses a colleague of being a 'foreign agent' because of their race and 'obtaining industry secrets to give to their government' and encourages co-workers to hate all people from the same racial background.*

■ **Victimisation** is where an employee is treated badly because they have raised an issue or made a complaint of alleged race discrimination or racism or other unlawful conduct.

*For example: an employee who reported their manager for using racial slurs in conversation is then unfairly dismissed because they tried to report an incident of race discrimination.*

## What can I do if I've experienced race discrimination in the workplace?

If you have experienced race discrimination or vilification in the workplace, you can contact the Victorian Equal Opportunity and Human Rights Commission for information or to lodge a complaint.

The Commission also has a confidential interactive **Reporting racism chatbot** which can help you understand your rights and report race discrimination and vilification.

You can call the Commission's free Enquiry Line on 1300 292 153 or visit our website [humanrights.vic.gov.au](http://humanrights.vic.gov.au).

### Other organisations you can contact for further information

<b>Victoria Legal Aid</b>	Free legal services to support people with legal problems including racism, discrimination, harassment and bullying. <b>Phone</b> 1300 792 387 <b>Online</b> <a href="http://legalaid.vic.gov.au">legalaid.vic.gov.au</a>
<b>Victorian Aboriginal Legal Service</b>	Free legal information for Victorian Aboriginal and Torres Strait Islander people on a range of legal issues, including discrimination. <b>Phone</b> 1800 064 865 <b>Online</b> <a href="http://vals.org.au">vals.org.au</a>
<b>JobWatch</b>	Free legal information and support on employment rights-related issues, including discrimination. <b>Phone</b> (03) 9662 1933 (Metropolitan), 1800 331 617 (Regional Victoria) <b>Online</b> <a href="http://jobwatch.org.au">jobwatch.org.au</a>
<b>Fair Work Commission</b>	Free legal assistance program offering advice on legal issues, including workplace bullying. <b>Phone</b> 1300 799 675 <b>Online</b> <a href="http://www.fwc.gov.au">www.fwc.gov.au</a>

For more information, download the Commission's *Guideline: Race discrimination in the workplace* available at [humanrights.vic.gov.au/resources](http://humanrights.vic.gov.au/resources) or via the QR code.

