



RACIAL HARASSMENT

It is unlawful under the *Equal Opportunity Act 1984* to harass a person because of their race.

Under the *Equal Opportunity Act* race includes colour, descent, ethnic or national origin or nationality and may comprise two or more distinct races

The Australian population comprises Aboriginal and Torres Strait Islanders and people from a diverse range of ethnic and national backgrounds, and everyone is entitled to be treated fairly regardless of their colour or descent.

This means no one can harass someone else because of their colour, descent, ethnic, national origin or nationality. It is also unlawful to harass a person because a relative or associate of that person is of a different racial identity.

Racial harassment may take many forms including threats, abuse, insults and taunts based on a person's race or a characteristic belonging to, or generally believed to belong to, a particular race.

Where does the Act Apply?

The Act makes it unlawful to racially harass a person in certain areas of public life and these areas include:

- Employment – it is unlawful to racially harass an employee, a co-worker, a potential employee or employer, commission agent or contract worker.
- Education – it is unlawful for an employee of an educational institution to racially harass a student or potential student of that institution
- Accommodation – it is unlawful for a person who, as principal or agent, has control over accommodation or the letting

of that accommodation, to racially harass a person.

If a person is threatened, abused, insulted or taunted about their race, colour, descent, ethnic or national origin or nationality, and if they reasonably believe by objecting to that behaviour they will be disadvantaged in terms of their employment, education or accommodation, then they have been racially harassed under the Act.

Responsibilities

Organisations must ensure they provide a working environment free from racial harassment.

Organisations are liable for the unlawful action/s of their employees unless they can show they have taken all reasonable steps to prevent racial harassment.

Section 160 of the Act

A person who causes, instructs, induces, aids or permits another person to do something that is unlawful under the Act shall, for the purposes of the Act, be taken to have done the act.

How to Lodge a Complaint

A person who believes they have been racially harassed can lodge a complaint with the Commissioner for Equal Opportunity. The onus of proof lies with the person making the complaint. The complaint must be lodged within 12 months of the last incident of harassment however, in some circumstances; the Commissioner may decide there is good reason to accept a

complaint that falls outside the 12 month time frame.

The Commissioner tries to resolve complaints by conciliation. In some cases complaints may be dismissed if they lack substance.

Examples of Racial Harassment

- A courier of Italian descent claimed his employer repeatedly called him a ‘wog’ and would only let him deliver goods to his ‘wog mates’.
- An Asian woman who managed a housing complex was racially abused by an owner/occupier within the complex when she approached him on behalf of other tenants who had complained about his loud music.
- An employee resigned after arriving at work to find a note written on her desk pad stating ‘Golly wog leaves work early’ and ‘Black bitch’.
- A Samoan woman and her partner attended an appointment with a consultant. When the consultant saw her Samoan name he called her a ‘coconut vendor’.
- A student claimed his teacher picked on him because of his ethnic background. He said the teacher ridiculed his lunch, told him to ‘go back to his hole’ and if he wanted to be a ‘dirty Lebanese kid’ he was not to come back to the school.

The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programmes to promote equal opportunity.

How to Contact the Commission

By telephone:

General enquiries	08 9216 3900
Training courses	08 9216 3927
Facsimile	08 9216 3960
Country callers	1800 198 149
TTY	08 9216 3936

Interpreter can be arranged on request

By e-mail: eoc@eoc.wa.gov.au

By visiting our website: www.eoc.wa.gov.au

By visiting our office:

Level 2, Westralia Square,
141 St Georges Terrace, Perth WA 6000

By post:

PO Box 7370, Cloisters Square
Perth WA 6850

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