



RACIAL AND RELIGIOUS DISCRIMINATION AND VILIFICATION

What is discrimination based on race or religion?

Racial and/or religious discrimination is treating you less favourably than someone else because of your colour, descent, racial or ethnic background, or your religion or beliefs, or because you don't have a religious belief.

Examples:

You don't get a job because you're told 'you wouldn't fit in with other staff' because of your race.

You're banned from a hotel because the owner says 'you Aboriginal blokes always drink too much and get into fights'.

A prospective employer tells you you'll 'have to change your name if you want a job here'. Your name is Mohammad.

The law that prohibits this conduct is the Queensland *Anti-Discrimination Act 1991*.

Where and when can discrimination occur?

Unlawful discrimination on the basis of race or religion can happen at work, school or college, in a shop or a restaurant, looking for accommodation, buying property, applying for credit, insurance or a loan, dealing with tradespeople, businesses or state or local government.

What can I do about it?

You could talk to the person or people involved. Tell them you object to what they are doing, and ask them to stop. Often, this is enough.

If the behaviour happened at work, ask your manager, union representative or contact officer what you might do. If

your workplace has a process for dealing with complaints, you could lodge a complaint with your employer.

You could also phone or visit one of our offices. Our staff can give you information about the law and explain how complaints are handled.

How do I make a complaint?

Write down the details of what happened to you in a letter, get a complaint form from our website (www.adcq.qld.gov.au) or call one of our offices for a form.

Include:

- your name, address for service and phone number
- a description of what happened, when and where
- who your complaint is about and their contact details and
- any other useful information.

Your complaint must be lodged with the Commission within twelve months of the discrimination happening.

The Commission's service is free. However, you may have to pay for any legal or other advice you decide to get.

Your complaint can be in any language as we will use translators if we need to.

What happens to my complaint?

Your complaint will be assessed to see if the conduct you describe may be illegal. If so, we may arrange a meeting with both you and the person or people you have complained about to discuss the issues and try to come to some

agreement. The Commission will not take sides or represent anyone.

If you can't agree, the complaint may be referred to the Anti-Discrimination Tribunal, which will hold a public hearing and make a decision based on the evidence.

What is vilification on the basis of race or religion?

Vilification is different from discrimination. While discrimination involves unfair treatment, vilification is a public act that incites others to hate you or your group (or have serious contempt for, or severely ridicule you) because of your race or religion.

This sort of hatred can show up in a number of ways including hate speeches, leaflets, graffiti, websites, public abuse or media remarks.

Example: Posters and graffiti inciting hatred of Jewish people are put up outside a synagogue.

A spectator at a football match urges supporters to abuse a Muslim woman and to take off her hijab (veil).

How can I tell if it's vilification?

You'd need to show a few things to make out a complaint of vilification.

Did it happen publicly? In other words, apart from those involved, could other people see it, hear it or read it? If it happened in private, it's not vilification.

Could it incite hatred (serious contempt or severe ridicule) of you because of your race or religion? Or, how serious was it? Serious enough to have an

impact on other people? If the act was fairly minor, or a light-hearted joke, it's not vilification.

Was it something that could be seen as free speech, and therefore legal? The law allows for free speech to be protected, and says that things like fair reports, discussions or debates, or material used in parliament, courts, tribunals or other government inquiries are not vilification.

Example: A fair report by a news reporter of someone else's act of hatred is not vilification unless extra material has been added which is vilifying.

Can I make a complaint?

Yes, you can make a complaint as an individual or one can be made on your behalf by a 'relevant entity'. This means organisations that promote the interests or welfare of particular racial or religious groups. If an organisation makes a complaint, it needs to be based on vilification of the people they represent, to be made in good faith and in the interests of justice.

What else do I need to know?

The Commission runs information sessions and training courses about anti-discrimination law. We also have brochures on a range of discrimination issues.

There is a federal *Racial Discrimination Act 1975*, which is administered by the Human Rights and Equal Opportunity Commission, phone 1300 656 419.