A DA will assist you to deal effectively with a situation or issue that is seen as discriminatory. Each matter will be approached with impartiality.

A DA is not an advocate or legal expert and does not ‘judge’ whether you are right or wrong, but can assist in implementing a quick and satisfactory resolution of the matter.

FOR ADVICE, CONTACT ANY OF THE UNIVERSITY DISCRIMINATION ADVISERS

To ensure that you have the most up-to-date list, please check the Fairness and Diversity website at:

hr.unimelb.edu.au/discrimination

If you have any difficulty contacting an Adviser please telephone the Fairness and Diversity on 8344 7798

FURTHER INFORMATION

The University’s Equal Opportunity Policy, and Discrimination, Sexual Harassment and Bullying Procedure is available in the Melbourne Policy Library and can also be obtained from Advisers or the Fairness and Diversity Unit.

policy.unimelb.edu.au/MPF1241

CONTACT FAIRNESS AND DIVERSITY

Fairness and Diversity Unit
Human Resources
The University of Melbourne
Telephone: 8344 7798
WHAT IS DISCRIMINATION?

Discrimination means direct or indirect discrimination on the basis of one or more of the following ‘attributes’ specified in the Equal Opportunity Act (Vic) or the Fair Work Act (Commonwealth):

- Age
- Breastfeeding
- Disability or impairment
- Employment activity
- Family or carer responsibility status
- Gender identity
- Industrial activity
- Lawful sexual activity
- Marital status
- Parental or carer status
- Pregnancy or potential pregnancy
- Physical features
- Political beliefs or activity
- Race or colour
- Religious belief or activity
- Sex
- Sexual orientation or preference
- National extraction or social origin

Discrimination on the basis of personal association with a person who is identified by reference to any of the above attributes is also prohibited.

To be considered unlawful discrimination or discriminatory harassment, the behaviour must be based on an attribute protected by legislation.

In determining whether you have been discriminated against it is irrelevant whether or not the discrimination is intentional.

DIRECT DISCRIMINATION

Direct discrimination means treating or proposing to treat another person less favourably on the basis of one or more of the attributes as listed above.

EXAMPLES

- A professional staff member is not recommended for a professional development course as she is told that “it won’t be much use to you as you’re pregnant and will leave soon.”
- A student with a disability is ignored when seeking service at a lunch counter and is asked to leave because he is taking up too much space due to his wheelchair.

INDIRECT DISCRIMINATION

Indirect discrimination occurs when a rule, practice or policy appears to be neutral, but in effect has a discriminatory impact on a particular group. It arises when practices that are fair in form and intention are discriminatory in impact and outcome. Indirect discrimination is unlawful when the rule, practice or policy is not reasonable in the circumstances.

EXAMPLES

- All tutorial classes and tutor consultation times for a subject are held after 5pm. While this requirement applies equally to all students, it may have a disproportionate impact on, for example, students with family responsibilities. The requirement may therefore amount to indirect discrimination.
- Short-listed applicants for a job are all invited to attend an interview that is held on the 3rd floor of a building with no lift. Applicants with a disability that affects their ability to use stairs would be disproportionately affected. This situation may give rise to indirect discrimination.

For more information on Indirect Discrimination please refer to the brochure ‘Indirect Discrimination: Fair in Form: Fair in Effect?’

DISCRIMINATORY HARASSMENT

Discriminatory harassment is offensive, humiliating or intimidating treatment based on an attribute.

EXAMPLES

- Name-calling, derogatory remarks, statements about assumed associations or behaviour, “jokes” which offend, humiliate, or intimidate.

VICTIMISATION

It is also unlawful to victimise (treat less favourably) a person because they have complained or are likely to complain about discrimination.

ELIMINATING DISCRIMINATION AT THE UNIVERSITY

The University has appointed Discrimination Advisers who:

- Help a person clarify whether behaviour perceived as offensive in fact constitutes discrimination.
- Explore possible strategies to resolve the difficulty using informal procedures.
- Advise the person of their rights under relevant legislation.

Separate Advisers can provide confidential support and assistance to both the person raising concerns and the person who is the subject of concerns.

If an issue proceeds to the conciliation stage, an independent Conciliator will be appointed by the University. The aim of conciliation is to enable the parties to discuss the issue and reach an agreement.

Where issues are not able to be resolved by any other means, a formal investigation and determination may be requested.

Use of the University’s internal procedures does not preclude a complaint being made to the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, or the Fair Work Ombudsman. However, internal procedures can save time, minimise emotional trauma and financial expense, and can provide a more sensitive approach to all persons involved.

WHAT IS THE ROLE OF A DISCRIMINATION ADVISER (DA)?

The DA’s role is to be a first point of contact if you believe you have been discriminated against.

A DA can provide advice and guidance on the University’s complaints resolution process and make a referral to appropriate University services.