



What is victimisation?

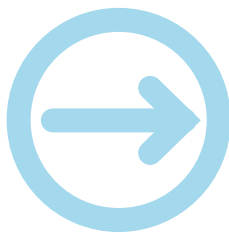
Under the Tasmanian *Anti-Discrimination Act* 1998 (“the Act”) victimisation is unlawful.

Victimisation has a special meaning under the Act. It takes place if a person subjects, or threatens to subject, another person or an associate of that person to any detriment.

A person making a complaint of victimisation needs to demonstrate that they have suffered detriment – that is:

- that something bad has happened to them, and/or something bad has been threatened; or
- that something bad has happened to one of their associates (say, a family member, or a work colleague, or a close friend) or has been threatened.

The threat does not have to be followed through for it to be victimisation.



Example

Jonah lodges a complaint with the Office of the Anti-Discrimination Commissioner against an accommodation provider and he is told by the accommodation provider “You will never get accommodation with us again”.

And the detriment happened because the person:

- Made, or intended to make, a complaint under the Act;
- Gave, or intended to give, evidence or information in connection with proceedings under the Act;
- Alleged, or intended to allege, that a person had committed an act which would amount to a contravention of the Act;
- Refused or intended to refuse to do anything that would amount to a contravention of the Act;
- Has done anything in relation to any person under or by reference to the Act.

What has to be proven is that the detriment occurred because of one of the matters listed above.

You can still be victimised even if your original complaint of discrimination or prohibited conduct is found to be unsubstantiated.

If you are unsure whether your complaint involves victimisation, you can contact the Office of the Anti-Discrimination Commissioner and/or arrange an appointment with an Investigation Officer.



Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841
Facsimile **(03) 6233 5333**
TTY **(03) 6233 3122**
Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998. To maintain confidentiality case examples are not based on actual complaints lodged with this office.

Where is victimisation unlawful?

The Act prohibits victimisation in the following areas:

Employment – this includes paid or unpaid, casual, permanent or temporary employment.

Education and training – at schools, colleges, universities or other educational institutions where education and training is provided.

Provision of facilities, goods and services – this includes access and use of public places, transportation and travel and private or government service providers.

Accommodation – this includes residential housing and business accommodation i.e. rental property, hotel, motel, boarding house or caravan.

Membership and activities of clubs – being a member of a club and participating in activities associated with the club.

If a person has been victimised, he or she may lodge a separate complaint in addition to, or following, a complaint of discrimination.

Example

Rodney complains about sexual harassment in the workplace. Jennifer, a colleague close to Rodney, who provided a witness statement, suddenly has her hours reduced with no notice or explanation from her employer. If Jennifer is penalised because Rodney complains about sexual harassment, this is victimisation and Rodney can lodge a complaint. Jennifer can also lodge a complaint of victimisation because she has done something in connection with the Act.



Please advise the office prior to an appointment if you require special assistance or the services of an Interpreter/Auslan.