

1999-2000 annual report



anti-discrimination board of new south wales

From the President

In many ways this last year has seemed very much preoccupied with preparing and planning for various things.

- we have had to address real issues which were anticipated with the so-called 'Y2K' problem
- we prepared for the introduction of a new database system
- we had to plan for the impact of the Goods and Services Tax (GST)
- we were involved in providing assistance and advice for various authorities in preparation for the Sydney 2000 Olympic Games
- we prepared, planned and executed our physical move from Redfern to the City
- we planned for the co-location of Privacy New South Wales with our offices
- we were involved in planning for an internal restructuring of the Board which came into effect in the subsequent financial year



- we provided detailed policy advice and response to the report of the Law Reform Commission which anticipated the wholesale rewriting of the legislation we administer.

As a result, every part of the Board was involved at some time and to some degree in planning exercises. These were in addition to the usual round of planning which is associated with the development and revision of the Board's business plan and the plans of each of the various Branches.

This planning of course has not diverted us from attention to the 'normal' activities of the Board. As this Report makes clear we have experienced an increase in the number of complaints received, in the number of people we trained, in the number of advices we provided, in the number of cases in which we were involved before the Industrial Relations Commission and in the revenue which we generated.

Pressure on our Complaints Handling staff has been particularly intense and has been added to by the fact that for much of the year we were not at full strength in this Branch. I acknowledge the excellent work done by all members of this Branch to respond to and cope with this pressure. Their dedication to the task is quite remarkable. The Branch has also been without a full-time Manager for much of the year and I pay tribute to Maggie Smyth who has acted in this capacity with great skill and dedication.

There has been, again as the Report indicates, a decline in the rate of finalisation of cases during this year. The reasons for this are complex. They include the fact that with more cases being resolved through the activities of the parties themselves, acting upon our advice, the cases proceeding to a full investigation are those of increasing complexity and

difficulty which take longer to resolve. In addition, changes to administrative law mean that we must take more time in preparing statements of reasons for our decisions. Finally it must be acknowledged that we do allow parties (especially complainants), all the time that they claim they need to respond to our enquiries, especially for information. This is an area which needs attention in the year ahead, and the Board will have to consider the imposition of stricter deadlines for people to respond to our requests so that our rate of complaint finalisation and closure is not reduced by factors outside our control.

The increasing role which the Board plays in the Industrial Relations area is one of the highlights of this Report. We have been generally very pleased with the outcomes of our interventions in matters before the Industrial Relations Commission which we believe have resulted in New South Wales leading the nation in the way in which anti-discrimination principles have been integrated more fully into our system of industrial relations. Angelene Falk and Catherine Duff have made significant contributions in this regard.

Education and training remain central to our activities and will be especially so as we contemplate the possible enactment of a totally rewritten Anti-Discrimination Act with new grounds added and with new procedures in place. The efforts of Anthea Lowe and her team, who have substantially increased both the number of employers and service providers they have trained and the revenue they have generated for the Board, should be noted.

Planning on the Y2K, GST, information technology and office relocation fronts presented Victor del Rio and his Branch with numerous challenges, most of them not faced before. The fact that all of these challenges were met in an outstandingly successful fashion is a tribute to them all.

Our Regional Managers and the members of the Indigenous Outreach Team also had great success this year and their efforts are underscored in the Report.

I would like to thank the members of the Statutory Board and my Executive Assistant, Lorraine Orfanidis, for their exceptional support and assistance during the year.

The Director General of the Department, Laurie Glanfield and a number of his senior officers (of whom Barbara Phillips deserves special mention) have been a source of constant support for the Board and for me personally, particularly in relation to planning for our internal restructuring, our relocation and responding to our constant pleas for adequate resources. I would also like to thank the Hon Jeff Shaw QC MLC who, as our Minister, continued to show his support and encouragement for our work.

The year ahead promises to be another challenging one, especially in relation to the decisions which Government will have to make about the recommendations of the Law Reform Commission and our response to those recommendations which have not always been favourable.

The Anti-Discrimination Act plays a vital part in securing the human rights and equal opportunities which are the right of all the people of this State. However, the Act is old and in many ways inadequate — issues such as the potentially discriminatory use of the findings of genetic testing were mere science fiction when the Act was written. Turning it into an Act which recognises the full flowering of a multicultural State, the widest expression of aspects of human and personal diversity, and the challenges of the new scientific, technological and information era will not be easy. I am however supremely confident that this can be done, and I know that at the Anti-Discrimination Board of New South Wales we have the people to do it.



Chris Puplick
President

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27 September 2000

The Hon. R. Debus, **MP**
Attorney General
Level 25
59-61 Goulburn Street
SYDNEY NSW 2000



Suzanne Jamieson

Dear Minister,

In accordance with section 122 of the *Anti-Discrimination Act 1977*, the Anti-Discrimination Board of NSW presents its Annual Report covering the period 1 July 1999 to 30 June 2000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Puplick', written over a horizontal line.

Chris Puplick
President



Phillipa McDermott

A handwritten signature in black ink, appearing to read 'Suzanne Jamieson', written over a horizontal line.

Suzanne Jamieson
Member

A handwritten signature in black ink, appearing to read 'P. McDermott', written over a horizontal line.

Phillipa McDermott
Member



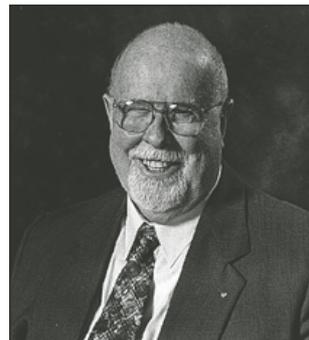
Shaughn Morgan

A handwritten signature in black ink, appearing to read 'Shaughn Morgan', written over a horizontal line.

Shaughn Morgan
Member

A handwritten signature in black ink, appearing to read 'H. E. Murray', written over a horizontal line.

Hugh Murray **QAM**
Member



Hugh Murray

Summary of achievements

Review of the Anti-Discrimination Act

In early 2001 amendments to the Anti-Discrimination Act introducing a new ground of discrimination on the ground of carers' responsibilities will commence. The Board has been campaigning for this amendment for some time.

The NSW Law Reform Commission's long-awaited report into the Anti-Discrimination Act was published in December 1999. The Board held consultations with stakeholders in order to formulate a response to government.

Access and equity plan

The Board finalised its Access and Equity Plan in 1999/2000. The plan aims to provide improved and equal access to the Anti-Discrimination Board's services for all. The plan should help the Board extend its service delivery where gaps exist and empower community groups to play a greater role in working with us to achieve shared goals.

Recommendations in the plan include improving access and equity for people with a disability, Indigenous Australians, people from non-English speaking backgrounds, women and older people.

Better access will ensure that the Board's services are more widely and genuinely available to anyone in NSW who needs them. Greater effort is required to further extend our service delivery to regional and remote areas of NSW, and to people with particular disabilities and disadvantages.

New training resource

Discrimination & harassment: The rights and responsibilities of employees was specially piloted and developed for use in entry-level training in the vocational education and training sector. These resources were developed with funding from the Australian National Training Authority, through the NSW Department of Education and Training.

Published in February 2000, the resource aims to make people of all ages entering or re-entering the workforce aware of their rights and responsibilities in relation to discrimination and harassment at work. More practically, it demonstrates some steps that students can take themselves to deal with and prevent discrimination and harassment at work.

Continued success of our education programs

Once again the Board's talks and training program has been a great success attended by over 16,000 people. The revenue raised from our publications sales and training fees fully funded the education services we provided to employers and service providers.

International Year of Older Persons Forum

In November 1999 the Board held a very successful forum on age discrimination attended by 50 people from a variety of community and government agencies. A number of recommendations were made to the NSW Government about how to address discrimination against older people.

Industrial relations work

The Board did a substantial amount of industrial relations work during the year including:

- preparing for and appearing before the Equal Remuneration Principle State Case
- contributing to the Review of the Principles for Approval of Enterprise Agreements
- intervening in the Salaried Senior Medical Practitioners Award
- intervening in a case which raises the issue of access to Personal Carers Leave by people in de facto and same sex relationships.

In addition, we published new guidelines jointly with the NSW Department of Industrial Relations, *Identifying and eliminating discrimination from industrial awards and agreements*.

New rights posters

In June 2000, the Board published a series of three vibrantly coloured posters designed to help raise people's awareness of their rights under anti-discrimination law. As well as a poster generally promoting the Board's services, one poster is aimed at an Indigenous audience and the third poster is aimed at people from a non-English speaking background. The posters have been freely distributed to organisations such as community centres and legal centres that advise people about their rights. Otherwise the posters are available at a minimal cost of \$3 per poster.

Right: Dannielle Spokes, Wollongong's Senior Workplace Adviser at an employer's policy launch.

Success of website

The popularity of the Board's website continued to increase during 1999/2000, receiving on average 81,049 hits per month, a 120% increase over the average 36,704 hits per month in 1998/99.

Complaints handling

In 1999/2000, the Board received 1,381 formal complaints, an increase of 10% over the previous year. Of the complaints finalised during the year, the conciliation rate increased by a pleasing 7%. In addition, all complaints were finalised at a rate that equalled or bettered our targets.

Relocation

After nine years in Redfern, the Board moved its Sydney office to the centre of the city in March 2000. Privacy NSW has co-located with the Board. The move locates the Board in the heart of the city, close to public transport links and other centralised services.

The Board's Newcastle office also moved its offices at short notice with minimal disruption of services to the public.



1 *what the Board does*



*we aim to prevent discrimination
and harassment throughout NSW*

What the Board does

The Anti-Discrimination Board was set up under the NSW *Anti-Discrimination Act 1977* to administer that Act. It is our job to promote anti-discrimination and equal opportunity principles and policies throughout NSW. We are part of the NSW Attorney General's Department.

Functions of the Board

We have three major functions:

- We handle complaints of discrimination. We provide an enquiry service for people who want to know about their rights or responsibilities under anti-discrimination laws. We also accept complaints of discrimination, investigate complaints and conciliate complaints when appropriate.
- We try to prevent discrimination from happening in the first place. We inform the people of NSW about their rights and responsibilities under anti-discrimination laws. We explain how they can confront and prevent discrimination. We do this through education programs, seminars, talks, the media, and the production and distribution of written information.
- Finally, when we think legal or policy changes are needed to ensure more people get a fair go, we make recommendations to government about what we think needs to be done and by whom.

The Anti-Discrimination Act provides a more detailed list of our functions:

- to investigate and conciliate complaints of discrimination
- to research and formulate policy on discrimination and human rights issues
- to undertake community education and community relations activities to try to ensure that everyone acts in accordance with the anti-discrimination laws

- to consult with government, business, industry groups, community groups and organisations to develop ways of improving services and conditions affecting minority and other groups subject to discrimination and unequal treatment
 - to review the laws of NSW to see whether they have a discriminatory effect
 - to hold public inquiries
 - to report on any matter that the Minister refers to the Board
 - to investigate and determine a reference from the Director of Equal Opportunity in Public Employment relating to equal opportunity management plans
 - to make recommendations to the Minister about applications for exemption from the Anti-Discrimination Act.
- sex (including pregnancy and sexual harassment)
 - race
 - marital status
 - homosexuality/lesbianism
 - disability (including HIV/AIDS, hepatitis, other infectious diseases)
 - age
 - transgender.

It is also against the law to discriminate against or harass a person because of the sex, race, marital status, disability, homosexuality, age or transgender of any of their relatives, friends or associates.

These types of discrimination and harassment are against the law if they happen in one of the following areas or circumstances:

- employment
- government education (however, sexual harassment and race discrimination are covered in private education)
- goods or services
- accommodation
- registered clubs.

Anti-discrimination law

Under the NSW Anti-Discrimination Act certain types of discrimination (or unfair treatment), harassment and vilification are against the law. In 1999/2000, these types (or grounds) were:

Discrimination can be direct or indirect

Direct discrimination means treating someone unfairly or unequally simply because they belong to a particular group or category of people — for example, refusing to hire a woman because she may become pregnant.

Indirect discrimination means treating someone according to a requirement (or rule) that is the same for everyone but has an effect or result that is unequal and 'unreasonable in all the circumstances'. For example, an employer who says they need a person over 180 cm tall to do a job is likely to discriminate against women and some ethnic groups. This is because women and people from some ethnic groups are less likely to be that height than men or people from other ethnic groups. If it is possible to show that the job does not need someone 180 cm tall, or that it could be easily adapted to suit people who are not that tall, then indirect sex discrimination or indirect race discrimination might exist.

Below: Corporate Services Branch staff.



Vilification

Some types of vilification are also unlawful:

- racial
- homosexual
- HIV/AIDS
- transgender.

Vilification is any act, done publicly, that is capable of inciting or encouraging others to hate, have serious contempt for, or severely ridicule a person or group of people because:

- they are from a particular racial group
- they are, or are thought to be:
 - lesbian or homosexual
 - living with HIV/AIDS
 - transgender.

Vilification laws allow the Board to deal with anti-racist, anti-homosexual/lesbian, anti-HIV/AIDS or anti-transgender behaviour that happens not only inside but outside the usual areas of employment, goods or services, and so on, as listed on page 10. It allows us to look at problems in the media or in public places (for example, graffiti or public abuse).

Developments in Corporate Services

Corporate Services Branch focused its 1999/2000 activities on the following activities:

- implementing information technology changes, organising training and adapting working practices to ensure that the Board experienced no Y2K associated problems
- planning for and overseeing the Board's move from Redfern to the City in February 2000 which resulted in the Board's Sydney office only being closed to the public for three days
- preparing for the smooth implementation of the Goods and Services Tax which took effect on 1 July 2000 with no substantial issues having arisen regarding this change
- developing the infrastructure required to provide greater client services flexibility during the Sydney Olympics — the Board now has the infrastructure to support 20% of staff working from off-site locations (eg home, other offices)

- achieving a budget surplus — for the fourth year in a row, the Board ended the financial year with a small surplus. This year the surplus was approximately \$1,467.00. This surplus was the result of tight budget control; achieving our income targets, in particular from our highly successful self-funded education program; income generated by external activities performed by the President; and savings in areas like telephones and stationery.

The Board achieved its objectives through:

- a close and co-ordinated working relationship with different areas of the Attorney General's Department (human resources, capital works, finance, corporate training and development, communications, information technology, etc)
- intensive use of the successful Migrant Work Experience Program run by the Office of the Director of Equal Opportunity in Public Employment.

Financial statements

In the 1999/2000 financial year, the Board's financial position was as follows:

Income	\$
Revenue earned	598,373
Government funding	3,061,739
TOTAL	3,660,112
Expenditure	\$
Salary related expenses	2,712,499
Other expenses	946,146
TOTAL	3,658,645[†]

[†] Estimated figures as at 7 August 2000. The Board's full financial figures are included in the consolidated accounts of the Attorney General's Department and published in that Annual Report.

Structure of the Board

The President and the Board

The President is the salaried chief executive officer of the Board. Chris Puplick, President of the Anti-Discrimination Board of NSW since September 1994, was reappointed as President for another five years effective from 1 November 1999. The members of the Board are the President as Chair and four part-time members appointed by the Governor of NSW. The members during 1999/2000 were Fr Hugh Murray OAM, Ms Suzanne Jamieson, Mr Mark Richardson (until November 1999), Ms Linda Burney (until November 1999), Ms Phillipa McDermott (from February 2000) and Mr Shaughn Morgan (from February 2000).

Staff of the Board

The President heads an organisation with 47 full-time staff and 10 staff employed on a part-time basis in offices in Sydney, Wollongong and Newcastle. During 1999/2000, the Board employed six officers through the public sector Migrant Work Experience Program.

Below: Kay Jackson, Manager, Newcastle office.



Student placements

In 1999/2000, the Board benefited from the work of six students on placement from the law faculties of the University of Sydney, University of Wollongong and Columbia University, New York, and the social work faculty at the University of New South Wales. The students made important contributions to the legal research, policy and complaints work of the Board.

Complaints Resolution Branch

This Branch is responsible for the investigation and conciliation of discrimination complaints received by the Board. Conciliation and Assistant Conciliation Officers are also involved in promoting compliance with anti-discrimination laws and policy work. The Acting Manager is Maggie Smyth.

Education Services Branch

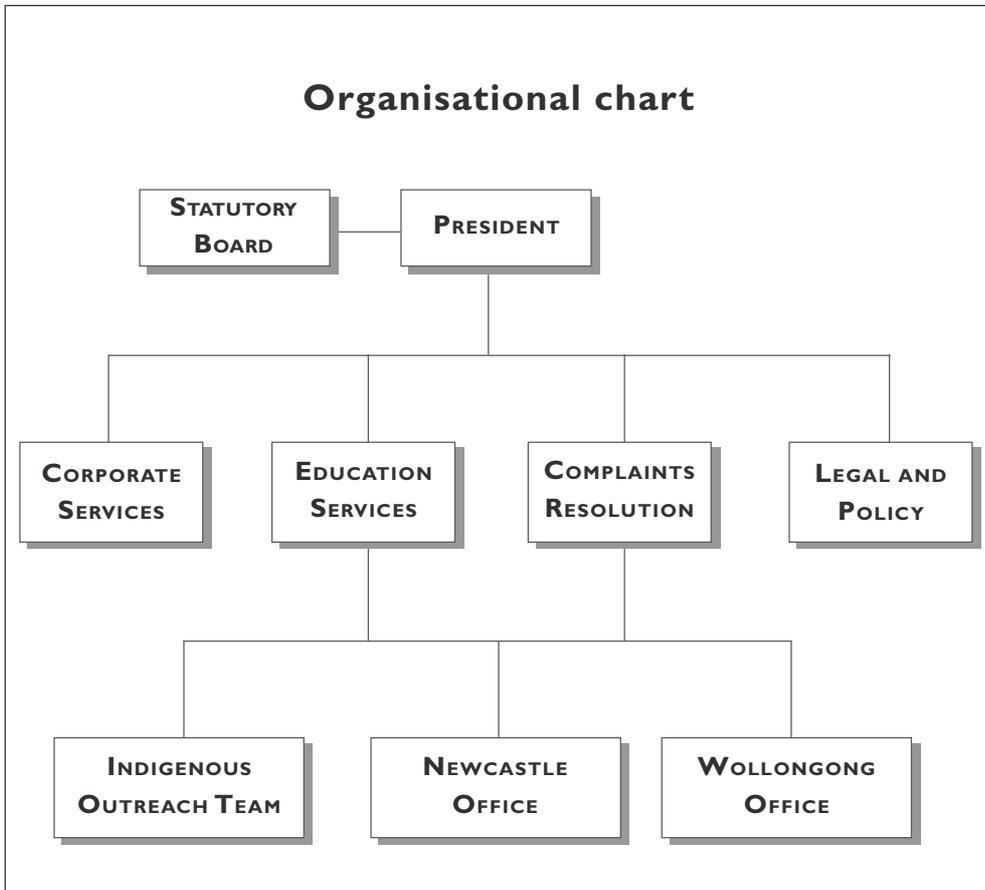
The Education Services Branch oversees the Board's provision of community education and information services, and is responsible for co-ordinating the handling of initial enquiry phone calls for information or advice about discrimination. The Indigenous Outreach Team is also part of this Branch. The Manager is Anthea Lowe.

Legal and Policy Branch

The Legal and Policy Branch provides policy and legal advice to the NSW Attorney General, the President and Board, Board staff, Ministers and Members of Parliament, officers of other NSW Government Departments, and members of the public. It also co-ordinates the Board's work on legal and policy reform in relation to human rights issues generally. The Acting Manager is Catherine Duff.

Corporate Services Branch

The Corporate Services Branch provides the support services, especially financial control and information technology, which contribute to achieving the primary aims and goals of the Board. The Manager is Victor del Rio.



Below: Some of the Board's staff.



2 *handling complaints*



we aim to manage complaints as effectively & quickly as possible

Handling complaints

We handle three types of complaints or enquiries about discrimination.

- The first are general enquiries about the law. These enquiries tend to be about what the law does and does not cover.
- The second are enquiries from members of the community who need more detailed responses about complex legal issues to do with anti-discrimination law.
- The third type of complaints we receive are formal complaints of discrimination. These complaints must be investigated and, where appropriate, conciliated or referred to the Administrative Decisions Tribunal.

This chapter describes the types of enquiries and complaints that we received during 1999/2000.

Initial enquiries

Individual members of the public, employers, service providers, managers, employees, advocates, community workers, public servants and others use our enquiry service for a number of reasons:

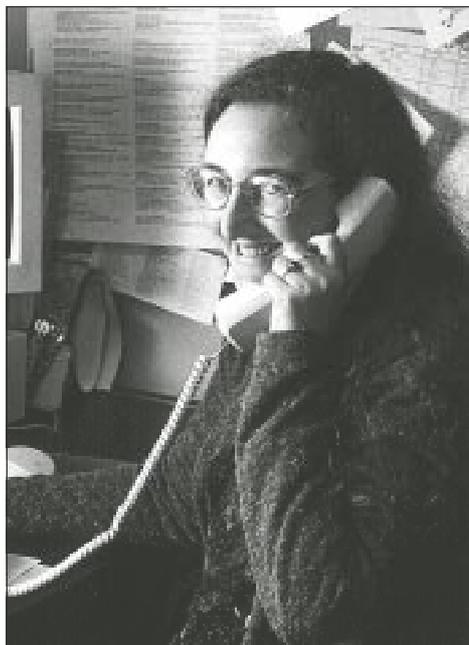
- to find out if the unfair treatment they have experienced is covered by anti-discrimination law
- to ask our advice about how to handle an actual or potential discriminatory situation
- to seek our assistance in developing policies, procedures or guidelines to prevent discrimination or harassment from occurring
- to request publications or other services from the Board.

Many complaints about discrimination are resolved with the help of the enquiry officers. By informing callers about their legal rights and giving them suggestions about how to resolve their situations, the enquiry officers assist callers and in many instances prevent the need for a formal complaint, reducing the number of complaints received.

The Board has two enquiry services — one for general calls and one specifically to advise employers. During 1999/2000 we answered 16,655 enquiries, about 64 a day. This is a 4% decrease on the number of calls taken by the enquiry service in the previous financial year. We attribute the decrease in call numbers to the spectacular success of the Board's website, which received an average 81,049 hits per month (see page 45).

In 1999/2000, there were 15,338 calls to the general enquiry service. As in the past, women (50% or 8,404 enquiries) continued to use our general enquiry service more than men (39% or 6,497 enquiries). The remainder of calls were made by individuals contacting us on behalf of another person or organisation.

Below: Marie Dustmann, Enquiry Officer.



Employers, personnel officers, human resource managers and legal advisers all used our Employers Advisory Service. This service provides specialised advice and assistance to employers on anti-discrimination law issues. The number of employers using the Employers Advisory Service in 1999/2000 was 1,317 compared with 1,031 the previous year, a pleasing increase of 28%.

The majority of callers (69% or 11,473 enquiries) wanted to discuss a situation where discrimination was happening. Only 10% of people making enquiries (1,665 calls) were advised to lodge a formal complaint of discrimination, a slight decrease from the previous year. This low figure is a result of our policy of empowering and assisting callers to attempt to solve their problem first before making a formal complaint.

Similar to previous years, the most common types of discrimination people enquired about in 1999/2000 were sex discrimination (2,815 enquiries), disability discrimination (2,168 enquiries) and race discrimination, including racial vilification (1,745 enquiries). Of the sex discrimination enquiries, 1,142 were about sex discrimination, 1,074 were about sexual harassment and 599 were about pregnancy related discrimination.

Problems that people experienced at work, that were not covered under anti-discrimination law, accounted for 13% of calls (or 2,151 enquiries). Generally we refer these enquiries to trade unions or to the Department of Industrial Relations, or we give strategic advice about how to resolve the problem within the workplace.

Thirty percent of calls (5,102 enquiries) were to do with other problems that were not covered by the law, such as people who were treated unfairly because they have a criminal record, family responsibilities, or because of their religion.

The majority of enquiries continued to be employment related (56% or 9,288 enquiries). The second largest area of discrimination callers enquired about was the provision of goods and services (14% or 2,310 callers).

Total number of enquiries by ground 1999/2000

	No	%
Sex†	2,815	16.5
Disability	2,168	12.5
Race	1,594	9.0
Age	1,152	6.5
Homosexuality	382	2.0
Marital status	250	1.5
Racial vilification	151	1.0
Transgender	124	0.75
Victimisation	67	0.5
HIV/AIDS	48	0.25
Homosexual vilification	46	0.25
HIV/AIDS vilification	13	0.25
All grounds	1,204	7.0
Not covered by ADA — other problems	5,103	29.5
Not covered by ADA — workplace problem	2,151	12.5
Total	17,268	100

† Includes sexual harassment and pregnancy.

NB: The total number of enquiries by ground is greater than the total number of enquiries received because many enquiries are about multiple grounds.

Enquiry success story

A friend of a person with multiple sclerosis rang the Board’s enquiry line for advice. The disability toilets at his club were kept locked, which meant that each time his friend wanted to use the facilities they had to go to the front desk and ask for the key.

The enquiry officer telephoned the club and spoke to the general manager who said that the toilets were locked in order to keep non-disabled patrons from using them and to keep them clean. He also stated that the local council could provide a universal key, at a cost of \$7, so that people could access most disabled facilities in the area.

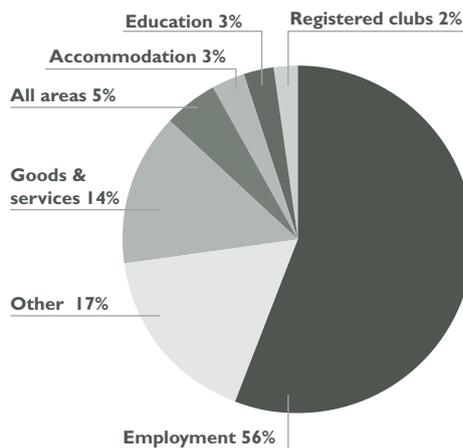
The enquiry officer explained that by locking the toilets the club is treating patrons with a disability less favourably than able-bodied patrons, and that the Board would take a complaint from a disabled person who was inconvenienced by the club’s policy of locking the toilets.

After several phone calls the general manager agreed to change the locks on the toilets so that they could only be locked from the inside. The enquirer phoned the Board a week later to say that this had indeed happened and both he and his friend were grateful for the Board’s intervention in the matter.

Total number of enquiries by area 1999/2000

	No
Employment	9,288
Other	2,842
Goods and services	2,310
All areas	780
Accommodation	609
Education	524
Registered clubs	302
Total	16,655

% of enquiries by area 1999/2000



Legal and policy enquiries

We receive many requests for legal and policy advice about the Anti-Discrimination Act. These requests come from the Attorney General, Members of Parliament, government departments, employers, peak bodies and associations, consumer organisations and advocates, lawyers, researchers, community organisations and others with an interest in discrimination.

In 1999/2000, 129 written legal and policy advices were given externally by our Legal and Policy Branch to other people and organisations, a massive 84% increase over the 70 advices given externally in 1998/99, while 120 advices were given internally. The increase in external advices is partly due to an increase in requests flowing from training conducted by our educators. We are also often asked by organisations to comment on policy statements, application forms, recruitment or service guidelines and other documents that are sources of potential discrimination.

Below: Maggie Smyth, Acting Manager of Complaints Branch.



Formal complaints

Lodging a formal complaint involves either completing one of our complaint forms or sending a letter to the President of the Board describing the type of discrimination, harassment, vilification or victimisation that has occurred, and why the complainant thinks the conduct was unlawful. If the person is unable to write a letter, for example because they have a disability, they can get someone else to write the letter on their behalf or this can be done by an officer of the Board itself. That officer will then have no further contact with the case. Letters of complaint can be lodged in any language, including Braille.

All complaints are handled confidentially, impartially and free of charge. Complaints are first investigated to see if what is alleged may amount to a breach of the Anti-Discrimination Act. If this appears to be the case, we then attempt to conciliate the complaint, that is, get all the parties to the complaint to come to a confidential agreement or settlement that will resolve the complaint.

Settlements may involve the complainant:

- receiving an apology
- being reinstated/promoted/interviewed
- receiving the goods or services required
- being provided with accommodation
- receiving monetary compensation
- other form of compensation.

Many complaints are settled in this way. Only 9% of all finalised complaints in 1999/2000 were referred to the Equal Opportunity Division of the Administrative Decisions Tribunal (ADT) for a legal determination. For more information about ADT referrals, see pages 26, 28–29.

In some instances the problems that have led to the complaint affect more than one person and may reflect poor organisational practices. In such cases, the parties may agree to resolve the individual complaint and to introduce policy changes or educational programs that will reduce the possibility that discrimination will continue or recur.

How many complaints were received?

We received 1,381 complaints in 1999/2000 compared with 1,250 in 1998/99, an increase of 10%. Of the 1,381 complaints received:

- 237 (17%) were complaints that we could not investigate because they were outside our jurisdiction compared with 173 complaints (14%) in 1999/2000
- 1,144 (83%) were complaints within our jurisdiction compared with 1,077 complaints (86%) in 1999/2000.

Possible reasons for the increase in the overall number of complaints received are:

- the Board's extensive and well developed education programs, which are helping to increase awareness of people's right to complain
- the interventions of the President in matters before the Industrial Relations Commission, which are helping to increase awareness of worker's and employer's rights and responsibilities under anti-discrimination laws
- improvements in the period of time taken to allocate complaints for investigation at the Board's Sydney office — during 1999/2000 most complaints were allocated within three months of lodgement.

Sexual harassment in employment

A young woman (17 years old) who worked for two male partners in a small company alleged she had been sexually harassed by one of the partners. Although she was extremely distressed, she returned to work after the incident. She was again alone in the office with the alleged harasser who made several sexual remarks to her. He then told her he would be trying to make sure that his partner had a full diary of appointments outside the office so they could be alone.

The complainant became physically ill, left work and consulted her doctor who referred her for counselling. Several days later she resigned from her position informing the other partner what had occurred. She also lodged a complaint with the Board.

When the Board advised the employer that the complaint had been lodged, they obtained legal advice. Their solicitor made an immediate offer of settlement to the complainant and, after some negotiation, an agreement of substantial financial compensation was quickly reached.

Complaints received by ground and area 1999/2000

Ground	Employment	Goods & services	Accom	Education	Clubs	Racial vilif	Homosexual vilif	Other	Total
Race	129	82	21	16	5	0	0	6	259
Racial vilification	0	0	0	0	0	28	0	0	28
Sex	240	30	3	3	6	0	0	6	288
Marital status	11	7	0	1	0	0	0	1	20
Disability	175	68	8	19	8	0	0	10	288
Age	72	27	10	1	1	0	0	1	112
Compulsory retirement	1	0	0	0	0	0	0	0	1
Homosexuality	30	18	3	2	1	0	0	2	56
Homosexual vilification	0	0	0	0	0	0	20	0	20
Victimisation	74	9	1	1	2	0	0	4	91
Transgender	3	12	0	1	1	0	0	1	18
Other	59	37	6	7	4	0	0	35	148
Unknown	17	13	0	0	2	0	0	20	52
Total	811	303	52	51	30	28	20	86	1,381

What were the main grounds of complaint?

As illustrated by the chart on this page, sex, disability and race discrimination complaints accounted for nearly two-thirds of the 1,381 complaints received in 1999/2000:

- sex discrimination (288 complaints) represented 21% of complaints received
- disability discrimination (288 complaints) represented 21% of complaints received, an increase over the 207 complaints (16.5%) received in 1998/99
- race discrimination (259 complaints) and racial vilification (28 complaints) together represented 21% of complaints received.

Although more complaints were received in 1999/2000 than in the previous year, the breakdown between grounds was fairly similar to the previous year except in disability complaints which saw a significant increase.

Complaints received by ground 1999/2000

	No	%
Disability	288	21
Sex	288	21
Race	259	19
Other	148	11
Age	112	8
Victimisation	91	7
Homosexuality	56	4
Unknown [†]	52	4
Racial vilification	28	2
Marital status	20	1
Homosexual vilification	20	1
Transgender	18	1
Compulsory retirement	1	<0.1
Total	1,381	100

[†] No ground specified by complainant — usually out of jurisdiction

What were the main areas of complaint?

The largest number of complaints were employment related — 811 complaints or 59%. Goods and services complaints (303 or 22%) were again the second largest area of complaint. This is comparable with the previous year. The numbers for all complaint areas are shown in the chart on page 19.

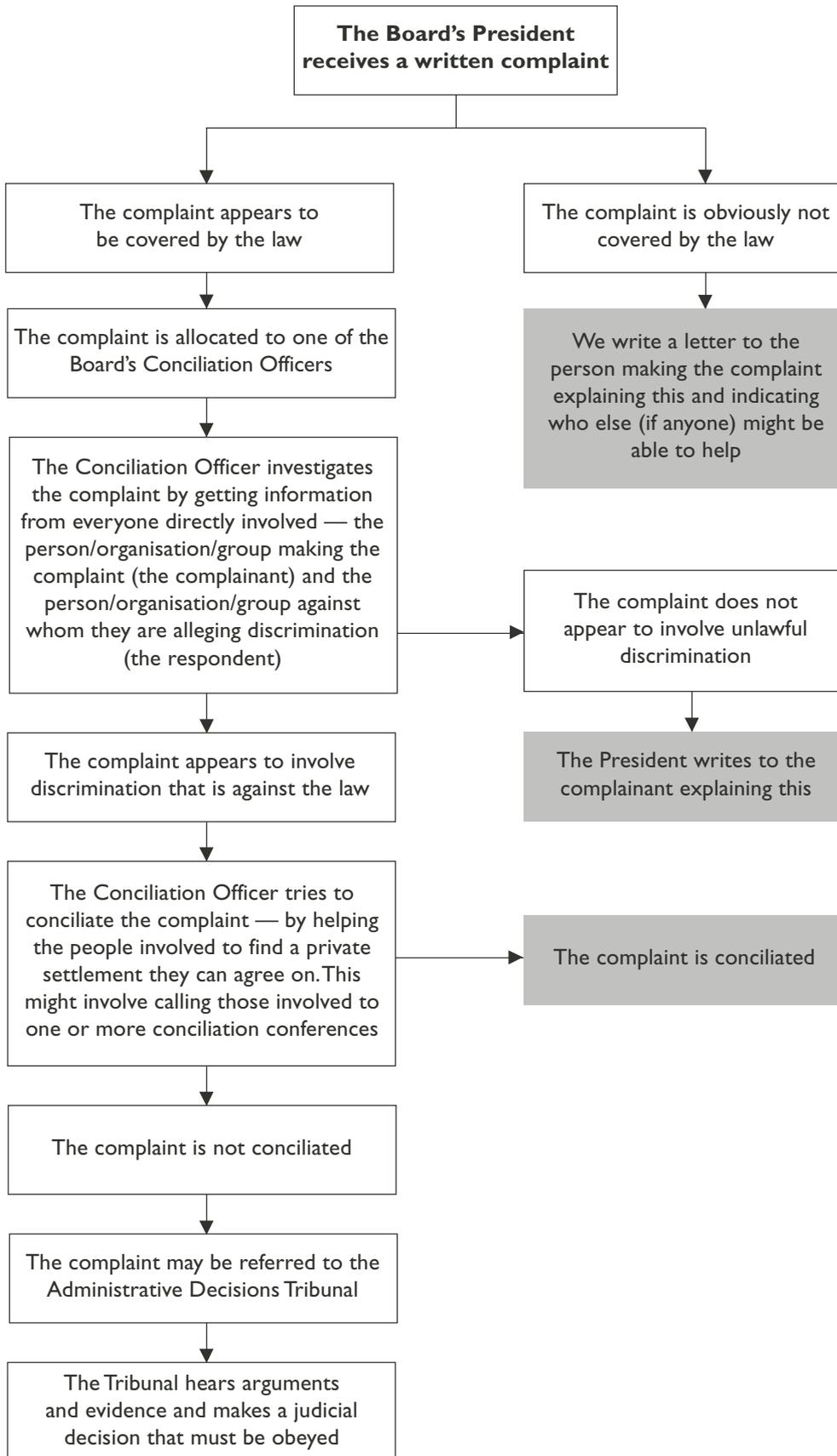
Complaints received by area

	No	%
Employment	811	59
Goods and services	303	22
Other	86	6
Accommodation	52	4
Education	51	4
Clubs	30	2
Racial vilification	28	2
Homosexual vilification	20	1
Total	1,381	100

Disability discrimination in employment

The complainant alleged discrimination on the ground of disability because she was rejected as an applicant for a position with the respondent on the basis of a congenital spinal defect (scoliosis). The respondent claimed that the complainant, on the basis of the medical assessment provided by the respondent's inhouse medical officer, was incapable of performing the inherent requirement of the job. The complainant alleged that the medical assessment, which did not involve any physical examination, was inadequate. The matter was settled for \$4,500 as compensation for general loss and damage.

How we handle complaints



What were the main problem areas within the employment related discrimination complaints?

Fifty-one percent of employment-related complaints (412 complaints) were about work environment and/or harassment, a slight increase from the 372 complaints (49%) received in the previous year. Of those, 153 complaints (37%) concerned sexual harassment.

Thirty percent of complainants (240) claimed sex discrimination in employment.

Twenty-two percent of complaints (175) were about disability discrimination, compared to 17% (128 complaints) in 1998/99. Of these, 120 or 69% concerned current physical disability, 18 or 10% concerned current psychiatric disability and 33 or 19% were about a past, future or presumed disability.

Sixteen percent of employment complaints (129) were about race discrimination.

Similar to last year, 53% of employment-related complaints (432) were about private enterprise and 18% of complaints (149) were about treatment by public sector employers. See chart at right for the breakdown of other employment categories.

Race discrimination in employment

The complainant was employed as a storeman by the same company for over 13 years.

The complainant, who is of German descent, claimed that he was subjected to racial harassment by a colleague. He claimed that his employer did not take reasonable steps to prevent the unfair treatment against him. He produced evidence of swastikas and other racist labels stuck to his overalls and also produced photos of racist graffiti at his place of work.

After the conciliation conference, the complainant was paid a sum of \$8,000 in full settlement.

Type of employment complaints 1999/2000

	No	%
Work environment & harassment	412	51
Dismissal	128	16
Recruitment	123	15
Classification	58	7
Redundancy	22	3
Resignation	19	2
Promotion	14	2
Demotion	10	1
Transfer	8	1
Other	6	0.5
Not known	5	0.5
Retirement	4	0.5
Awards & enterprise agreements	2	0.5
Total	811	100

Where the unfair treatment occurred at work

	No	%
Private enterprise	432	53
State government	124	15
Other	76	9.5
Individual male	46	6
Hospital	37	4.5
Educational authority	24	3
Club	19	2.5
Local government	17	2
Non-profit association	11	1.5
Commonwealth government	8	1
Media organisation	5	0.5
Not known	4	0.5
Individual female	4	0.5
Trade union	4	0.5
Total	811	100

What were the grounds of goods & services complaints?

We received 303 complaints that related to goods and services delivery — 22% of all complaints. Similar to the previous year, the main ground of goods and services complaints were complaints of race discrimination (82 complaints or 27%) and the second most common ground of complaint was disability discrimination (68 complaints or 22%).

What type of vilification complaints did we receive?

In 1999/2000:

- we received 28 complaints of racial vilification compared with 26 complaints in 1998/99
- complaints of homosexual vilification increased by over 200% — we received 20 complaints this year compared with 6 complaints in 1998/99
- we received no complaints of transgender vilification compared with 22 complaints in 1998/99
- we received no complaints of HIV/AIDS vilification compared with 3 complaints in 1998/99.

Homosexual vilification by area 1999/2000

	No	%
Public conduct	7	35
Private dispute	7	35
Print media	5	25
Electronic media	1	5
Total	20	100

Racial vilification by area 1999/2000

	No	%
Print media	11	40
Private dispute	6	21
Public conduct	4	14
Electronic media	3	11
Other public communication	2	7
Work	2	7
Total	28	100

Did men or women lodge more complaints?

In contrast to previous years, in 1999/2000 men lodged more complaints than women (672 as opposed to 654 complaints). The remaining complaints were lodged by organisations or by people whose gender was not stated. Men lodged more complaints in all grounds except for sex discrimination, marital status discrimination and transgender discrimination.

In relation to sex discrimination complaints, of a total of 288 complaints, 232 or 80% were lodged by women and 50 or 17% were lodged by men, a slightly higher proportion of male complainants than in previous years.

Pregnancy discrimination complaints (43) represented 15% of sex discrimination complaints compared to 2% in 1998/99. They mainly related to employment.

The number of sexual harassment complaints was 166; these mainly related to employment (92% or 153 complaints). Although the overwhelming number of sexual harassment complaints were lodged by women (80% or

Sex discrimination in employment

The complainant alleged gender and sexuality-based harassment in employment and victimisation. The matter was settled on the basis of written apologies from the alleged harasser and the company directors, a promise of employment in a full-time permanent position when the next vacancy arose and \$7,500 in compensation for injury to feelings.

Sexual harassment in employment

The complainant alleged that she was sexually harassed by her employer and by her manager; and that as a result she felt compelled to leave her position as a trainee. The matter was settled for \$25,000 as compensation for general loss and damage.

134 complaints), the Board is receiving an increasing number of complaints from men. In 1999/2000 we received 27 sexual harassment complaints from men (16%) compared with 9 complaints (8%) in 1998/99.

As in previous years, in 1999/2000:

- men continued to lodge the greater proportion of complaints received about homosexual discrimination — 75% or 42 complaints — and 90% of homosexual vilification complaints were lodged by men (18 complaints)
- race discrimination complaints were predominantly lodged by men — 56% or 146 complaints
- complaints of marital status discrimination were predominantly lodged by women — 65% or 13 complaints
- complaints of transgender discrimination were predominantly lodged by women — 72% or 13 complaints.

In 1999/2000 men lodged nearly twice as many disability discrimination complaints (60% or 174 complaints) as women (37% or 107 complaints).

Women lodged 53% of the complaints (435) and men lodged 44% of the complaints (359) of employment-related discrimination. In the goods and services area, men lodged 160 complaints (53%) and women 121 complaints (40%).

What was the complainant's ethnic background?

The Board collects information about the ethnic background of complainants on a voluntary basis except in complaints of race discrimination or racial vilification where the person lodging the complaint must state their race and/or demonstrate that they belong to the group that allegedly has been vilified.

Sexual harassment complaints by area 1999/2000

Area	Male	Female	Other	Total
Employment	24	126	3	153
Goods and services	2	6	0	8
Education	1	2	0	3
Other	0	2	0	2
Total	27	136	3	166

Ground of complaints received by sex of complainant 1999/2000

Ground	Male	Female	Other	Total
Race	146	99	14	259
Racial vilification	19	7	2	28
Sex	50	232	6	288
Marital status	6	13	1	20
Disability	174	107	7	288
Age	60	46	6	112
Compulsory retirement	0	1	0	1
Homosexuality	42	12	2	56
Homosexual vilification	18	2	0	20
Victimisation	47	42	2	91
Transgender	3	13	2	18
Other ground	79	62	7	148
Unknown	28	18	6	52
Total	672	654	55	1,381

This year 44% of individual complainants (602 people) gave us information about their ethnicity. Of these, 7% of complainants (91) identified themselves as Indigenous people and 23% (313) identified their background as 'Australian'. The other most commonly identified backgrounds were Indian (20 or 3%), Fijian (20 or 3%) and Chinese (18 or 3%).

Complainant's ethnic background

	No	%
Indigenous	91	7
Non-English speaking background	185	13
English speaking background	326	24
Not known	779	56
Total	1,381	100

Homosexual discrimination in employment

A young gay man who worked for a large insurance group complained to the Board about being harassed in his workplace by a colleague because he was homosexual.

He reported the incident to the appropriate person in the organisation's human resources department, who allegedly didn't investigate the matter.

The complainant stated that the situation worsened and that he resigned because he was distressed about the way he was being treated. The Human Resources Manager arranged for the complainant to return to work the following day to 'discuss the grievances'.

The complainant alleged that he was referred to a more senior manager, who told the complainant that it was up to him to get on with his colleagues. If he was unable to do this, the manager suggested that it would be better for the complainant to leave the company. The complainant resigned and received pay in lieu of notice that day.

After conciliation, the company agreed to pay the complainant an ex gratia payment of \$5,000.

How many complaints were finalised?

860 open complaints were carried over from the previous year. Of the 2,241 complaints handled during the year, 1,201 were finalised, leaving 1,040 complaints to be carried into the 2000/2001 year. Therefore in 1999/2000, 13% more complaints were received (1,381) than finalised (1,201).

How were complaints finalised?

The Board is only allowed to investigate complaints that come within our legal jurisdiction. So the first decision to be made after we receive a complaint is whether that complaint appears to come within the provisions of the Anti-Discrimination Act. Of the complaints finalised during 1999/2000, 238 (20%) were considered to be outside our jurisdiction compared to 180 (13%) in 1998/99. Some of these complaints, although outside our jurisdiction, are either covered by other laws or are able to be dealt with by another agency. When we decline these complaints, we inform the complainant about any other possible avenues they could pursue.

When complaints fall within federal rather than State anti-discrimination legislation, we refer them directly to the federal Human Rights and Equal Opportunity Commission (HREOC). Nine complaints (<1%) were referred to HREOC in 1999/2000. This is the same percentage as the previous year.

Of the remaining 954 finalised complaints (that is, those that were within jurisdiction), 31% (299) were settled either by the Board negotiating with parties or as a result of a conciliation conference compared with 24% in 1998/99. This represents a significant increase in the settlement rates for complaints.

The complaints most likely to be settled were:

- victimisation (34%)
- sex discrimination (41%)
- disability discrimination (29%)
- age discrimination (29%).

Overall, 49% (471) of complaints within jurisdiction were not proceeded with in 1999/2000, a slight decrease from the 52% not proceeded with in the previous year.

There are many reasons why a complaint may be withdrawn. For example, investigation may reveal that unlawful discrimination has not been the cause of the problem or for personal reasons the complainant may decide that they are not prepared to pursue the matter. In some instances the Board has assisted complainants by suggesting avenues (especially in the industrial area) where the person could resolve the complaint themselves. When a complainant succeeds in using an alternative

way to resolve their complaint, the complaint is then withdrawn by the person. Where appropriate, the Board has also continued to encourage complainants to sort out their complaints themselves. If the complainant successfully resolves the problem, the complaint is withdrawn.

In addition, where there had been delay in the allocation of complaints for investigation, the Board had a policy of regularly contacting complainants to check on the status of the complaint. Where the complainant indicated that the matter had been resolved or that they did not wish to proceed with the complaint, those matters were finalised as not proceeded with.

Outcome of 1,201 complaints finalised 1999/2000

	No
Not proceeded with	471
Outside jurisdiction	238
Referred to ADT	100
Settled before conciliation	118
Settled at or after conciliation	181
Formally declined	71
Formally declined and referred to ADT	13
Referred to HREOC	9
Total	1,201

Outcome of 954 finalised complaints within jurisdiction 1999/2000

	No	%
Not proceeded with	471	49
Referred to ADT	100	11
Settled before conciliation	118	12
Settled at or after conciliation	181	19
Formally declined	71	7
Formally declined and referred to ADT	13	2
Total	954	100

Rate of finalisation (%)

	Target	96/97	97/98	98/99	99/00
One month	15	28	34	35	36
Two months	20	37	45	50	46
Three months	30	45	51	56	53
Six months	60	61	66	75	71
Twelve months	85	80	85	87	90

The complaints least likely to proceed were:

- race discrimination (54%)
- marital status discrimination (50%)
- age discrimination (50%)
- disability discrimination (49%).

Of complaints within jurisdiction, 84 or 9% were formally declined, after often lengthy investigation, as lacking in substance or as not revealing a contravention of the Anti-Discrimination Act after they had been investigated. This is comparable to the previous year.

The referral rate for hearings in the Administrative Decisions Tribunal decreased from 14% in 1998/99 to 10% (100 complaints) this year.

How quickly were complaints finalised?

In our Business Plan, we aim for:

- 20% of allocated complaints to be finalised in two months
- 60% within six months
- 85% to be finalised in 12 months.

This year we met or surpassed all of these targets with:

- 36% of complaints finalised in one month
- 46% of complaints finalised in two months
- 53% of complaints finalised in three months
- 71% of complaints finalised in six months
- 90% of complaints finalised in 12 months.

Community initiatives

The Complaints Resolution Branch has been working on developing links with other discrimination complaint handling bodies and staff attended the National Discrimination Conciliators Conference held in February 2000. The Branch organised a session for community legal centre and pro bono lawyers on the Board's complaint handling processes in June 2000 and has also met with a variety of respondent groups to discuss complaint handling procedures.

How the Board helps

Conciliation conferences at the Board can have some very positive outcomes. The Board received a letter during the year from a complainant expressing her feelings on the conciliation conference and illustrating the beneficial nature of the process:

"You made me feel at ease and I think that was a major contributing factor in the success and pleasantness of the conference. I had no idea both parties would end up shaking hands and walk out the door together smiling."

Disability discrimination in goods & services

A woman who has paraplegia and uses a wheelchair for independent mobility was employed by a tertiary institution. Although she moved between several locations quite frequently her 'home base' was in a building not owned or controlled by her employer. Only one entrance to the building was wheelchair accessible. When security arrangements were changed and the accessible door was replaced with one requiring an electronic key, staff were advised that they could obtain a key on payment of a deposit at the cashier's office.

The complainant argued that she should not have to pay the deposit because, unlike other staff, she had no choice but to use the security door. The owners of the building refused to issue her with a key. After trying to resolve the matter herself without success, in frustration, she lodged a complaint with the Board. The Board immediately contacted the person dealing with EEO and equity for the building owner. She had only that day been informed about the complainant's issue by staff of her organisation but immediately directed that the key be issued without charge to the complainant. The complainant received her key the following day.

Below: Diana Bell, Senior Conciliation Officer in Complaints Branch.



Cases from the Tribunal

In the past year, staff at the Board have been working with members of the Administrative Decisions Tribunal (Equal Opportunity Division) to develop some new protocols and procedures. In recent years, the Tribunal has been moving increasingly to the use of pre-hearing conferences and these appear to have been generally very successful.

We are also anxious to ensure that the 'President's Report' (the report of the President's inquiries into the case which the Board submits to the Tribunal) is written and presented in a way which will be of maximum assistance to the Tribunal and the parties, and so that some of the extra paperwork and delays which sometimes attend Tribunal hearings can be reduced or eliminated.

Ali Kazak v John Fairfax Publications Ltd

[2000] NSWADT 77

Racial vilification

Date of decision: 22 June 2000

Mr Ali Kazak, a Palestinian, complained to the Tribunal that an article published in *The Australian Financial Review* was racially vilifying against Palestinian people.

The article, written by Mr Tom Switzer, with the heading 'FOOTNOTE *With friends like the Palestinians, who needs enemies?*' alleged that the Palestinians couldn't be trusted in the Middle East peace process and that they were 'vicious thugs.'

Mr Kazak wrote to *The Australian Financial Review* in reply to the Switzer article. This letter was published except for the last paragraph, which asked for a public apology and an undertaking that no such article be published in the future.

The *Australian Financial Review* argued that Mr Switzer's article was merely expressing an opinion and that the

ordinary reader would realise this, especially because the paper printed other letters with opposing views on later dates. The Tribunal said this made no difference, the issue was the original article and what it expressed at the time of publication. The article presented an extremely negative view of the Palestinian people and was not published reasonably and in good faith. Some of the other points the Tribunal considered in its decision were that:

- a complainant doesn't have to prove that there was an intention to incite hatred or that someone was actually incited
- the identity and history of the group and the amount of racism they have suffered in the past are relevant
- an opinion can be vilifying even in the context of a debate
- subsequent views 'balancing' the original public act are irrelevant to what the original publication is vilifying.

The Tribunal found the complaint of racial vilification was substantiated and will decide at a later date what remedy to award.

*Brandon v Ramsay Meats Pty Ltd
(in liq)*

[2000] NSWADT 93

Sex discrimination and victimisation in employment

Date of decision: 23 June 2000

Ms Brandon worked at Ramsay Meats. Ms Brandon alleged that Mr Parker, a director of Ramsay Meats, sexually harassed her at work.

There were two respondents in this case:

- the first respondent was Ramsay Meats Pty Ltd and Ms Parker did not pursue Ramsay Meats, a company in liquidation, in this matter
- the second respondent was Mr Parker.

Although Mr Parker had reasonable opportunity to be present at the hearing, he did not appear, and the matter proceeded without him.

The Tribunal accepted that Ms Brandon was discriminated against on the ground of her sex, that the discrimination was unwelcome and that Ms Brandon made it clear to Mr Parker that his conduct was unwelcome.

Following her allegations that Mr Parker was sexually harassing her, Ms Brandon's terms and conditions of employment were changed and she was subsequently terminated in June 1996.

The employer was responsible for the unlawful acts of Mr Parker under section 53 of the Anti-Discrimination Act. Section 52 of the Act renders a person liable who causes, instructs, induces, aids or permits another person to do the unlawful act. The Tribunal found Mr Parker liable under section 52 for the acts of harassment he perpetrated and for the subsequent victimisation under section 50.

The Tribunal directed Mr Parker to pay Ms Brandon \$40,000 in damages. The award would have been greater but the Tribunal's jurisdiction is limited to \$40,000.

Liseo v Canterbury City Council

[1999] NSWADT 118

Marital status discrimination in employment

Date of decision: 24 November 1999

Mr Liseo had worked for Canterbury City Council since 1989 as a basement attendant. Mr Liseo's wife also worked at the council.

A new Mayor made it clear that she did not want to work with Mr Liseo's wife. Mr Liseo alleged that after the election of the new Mayor, things changed — he was not asked to drive the Mayor, he was hardly ever asked to drive the General Manager and his overtime opportunities declined. He claimed his employer discriminated against him because of his marital status (because he was married to Mrs Liseo and the new mayor did not like her).

Mr Liseo believed that he carried out his duties, which included driving the Mayor and senior management staff to civic functions, to a satisfactory standard and this was confirmed by witnesses. Mr Liseo's supervisor also confirmed that he had told Mr Liseo that Mr Liseo was not required as a driver at any function the Mayor attended. This directive was not refuted by council.

The Tribunal found that Mr Liseo was treated differently because of who his wife was. This discrimination caused Mr Liseo hurt, anxiety and stress, and contributed to his retirement. The Tribunal ordered the council to pay Mr Liseo \$15,000 as damages.

These are three examples of cases determined by the Tribunal after being referred by the Anti-Discrimination Board. Tribunal decisions are available on the Tribunal's website at:
<http://www.lawlink.nsw.gov.au/adt>

Indigenous outreach

The Indigenous Outreach Program allows the Board to provide culturally appropriate services to Indigenous communities and people in NSW.

Complaints

During the 1999/2000 year 91 complaints of discrimination were made by Indigenous people. This is comparable to the number of complaints received last year (95 complaints).

Seventy-nine percent of complaints (72) from Indigenous complainants were of race discrimination or racial vilification. This is similar to previous years.

The area of complaints received in 1999/2000 from Indigenous people differed from the overall pattern of complaints:

- 34% of complaints (31) were about employment related discrimination compared with 59% of overall complaints
- 31% of complaints (28) were about discrimination related to the provision of goods and services compared with 22% of overall complaints
- 10% of complaints (9) were about discrimination related to accommodation compared with 4% of overall complaints.

Ground of complaints received from Indigenous people 1999/2000

	No	%
Race	61	67
Racial vilification	11	12
Other	5	6
Victimisation	4	5
Age	3	3
Disability	2	2
Sex	1	1
Unknown [†]	1	1
Compulsory retirement	1	1
Marital status	1	1
Transgender	1	1
Total	91	100

[†] No ground specified by complainant — usually out of jurisdiction

Area of complaints received from Indigenous people 1999/2000

	No	%
Goods and services	28	31
Employment	31	34
Racial vilification	11	12
Accommodation	9	10
Clubs	5	5.5
Education	5	5.5
Other	2	2
Total	91	100

Race discrimination in employment

The complainant, an Aboriginal man, worked for the respondent as a car salesman. He alleged that he was harassed during his period of employment by the sales manager. The alleged treatment took the form of comments and names directed at him such as 'Abo' and 'black bastard'. He alleged that this sometimes occurred in front of customers. The respondent refuted the allegations and asserted that the complaint was lodged by a disgruntled employee who had been terminated because of poor performance. The parties agreed to resolve the matter with an ex-gratia payment of \$2,000 to the complainant.

Education

The outreach team conducted many training sessions over the year for a variety of community and government agencies. The outreach team undertook a number of country trips to raise awareness among Indigenous communities about their rights under the Anti-Discrimination Act. The outreach team aims to assist and support communities to develop community based strategies to deal with the discrimination that daily confronts community members.

The Indigenous team:

- conducted rights-based workshops in Kempsey, Dubbo, Broken Hill, Redfern and Menindee to inform Indigenous communities and their service providers of their rights and responsibilities under the Anti-Discrimination Act
- conducted two *Discrimination, rights advice & strategies* seminars with a specific focus on Indigenous issues as part of the Sydney community workers seminar program
- regularly attended interagency meetings to discuss Indigenous issues.

Major initiatives

The outreach team:

- continued work on the joint project with the Department of Fair Trading to provide training for the Department's Aboriginal and Torres Strait Islander staff in relation to accommodation issues — their contact officers have been dealing with discrimination issues at a local level and having some good results
- participated in a project looking at discrimination and Aboriginal women with the Public Interest Advocacy Centre and Wirringa Baiya Aboriginal Women's Legal Centre
- concentrated on developing strategies to combat discrimination against Indigenous people in relation to alcohol bans.

Indigenous Advisory Committee

This consultation was set up by the Board so that staff from the Board can work with individuals from Indigenous communities on discrimination issues that affect community members.

In 1999/2000, the Advisory Committee met four times and discussed:

- the implications of DNA testing for Indigenous communities
- accommodation issues
- the discriminatory impact on Indigenous people of the summary offences orders to move on.

A joint consultation was held with the Board's Women's Advisory Committee on issues of particular relevance to Indigenous elders as part of the International Year of Older People.

Below: Rhonda McCormack and Michelle Gardner of the Indigenous team.



Newcastle office

Complaints

The Newcastle office received 141 complaints in 1999/2000. This is comparable to the number of complaints received in the previous year (140 complaints) Although the type of complaints received in the Newcastle office have moved closer to the overall pattern of complaints, there are still some significant differences:

- 35% (50) alleged disability discrimination compared with 21% of overall complaints received
- 7% (10) alleged race discrimination compared with 19% of overall complaints received
- 70% of complaints received alleged discrimination in employment compared to 59% of overall complaints received.

Newcastle — complaints received by ground 1999/2000

	No	%
Sex	31	22
Disability	50	35
Other	13	9
Age	12	9
Victimisation	10	7
Race	10	7
Homosexuality	9	6
Marital status	3	2
Transgender	1	1
Racial vilification	1	1
Unknown [†]	1	1
Total	141	100

[†] No ground specified by complainant — usually out of jurisdiction

Enquiries growth

The Newcastle office has seen an immense growth in the number of enquiries they are receiving. In 1999/2000, staff in Newcastle dealt with 1,652 enquiries compared with 1,147 in 1998/99, an increase of 44%.

Newcastle — complaints received by area 1999/2000

	No	%
Employment	99	70
Goods and services	24	17
Other	6	4
Accommodation	8	6
Education	1	1
Clubs	2	1
Racial vilification	1	1
Total	141	100

Education

During the past year staff in the Board's Newcastle office continued to offer a range of education services to the people in the Hunter, Central Coast and Northern regions of NSW.

The demand for education services in the region has been such that the positions of Senior Workplace Adviser and Education Officer have now both been made permanent.

Employer & service provider education program

The past year has seen continuing interest in, and demand for, this program. The Newcastle office continued to provide services to the northern part of the State and we delivered a number of programs to organisations in the New England, Northern Tablelands and North Western regions.

Some employers/service providers request training from the Board directly as a result of discrimination and/or harassment complaints. A significant proportion of complainants request, as part of the resolution of their complaints, that the respondent review or implement discrimination and harassment policies, and grievance procedures, as well as provide training to staff. Increasingly however, employers are being pro-active by including discrimination and harassment

issues in their induction programs for new staff, and providing regular refresher training for existing staff.

Individual local councils were significant consumers of education programs. This is a pleasing result, as local government is a major employer in non-metropolitan centres. In addition, the Hunter Region Organisation of Councils (HROC) arranged for the Board to deliver a 'Train the Trainer' program for Human Resources staff from a number of Hunter-based councils.

Towards the end of the financial year, a number of agencies involved in the Job Network enquired about training for their consultants who have direct contact with employers. Their consultants are often subjected to considerable pressure by clients asking them to apply discriminatory criteria when selecting potential employees. This is not a new phenomenon, but these agencies appear to be aware of the risks they face if they go along with their clients' requests that they engage in unlawful discrimination. We are now working with several agencies to develop appropriate education programs and strategies to address this issue.

A seminar program was offered in Newcastle over two days in October 1999. Responding to the expressed needs of local employers and service providers, training was offered in grievance handling and pre-employment (medical) testing. The seminar program will not be offered in the next financial year as it appears there is greater demand in our region for on-site training, tailor made for the individual organisation.

Education staff continued to work with other government departments. We addressed several principals' conferences at the request of the Department of Education and Training (DET) as part of the implementation of the Department's 'Learning Together' package. This program forms part of DET's strategy for addressing the needs of students with disabilities in State schools.

Community sector education program

This program incorporates the Community Workers Seminar Program and extensive regional outreach.

The Community Workers Seminar Program was delivered in Muswellbrook in November and in Ballina, Murwillumbah and Tweed Heads in May 2000.

In addition to ongoing participation in disability networks on the Central Coast and in the Hunter, we became involved in the Rural Multicultural Workers Network, the Homeless Interagency, and the Central Coast NESB Interagency, and provided information and training to these organisations.

We worked closely with the Department of Fair Trading (DFT) on several of their initiatives. We have been providing regular information and education sessions at a rehabilitation program on the Central Coast. Many of the participants in the program have experienced lifelong discrimination and other forms of disadvantage. Together with staff from DFT, the Residential Tribunal and the Department of Housing, we have been giving them information about their rights and responsibilities in such areas as employment, accommodation, access to goods and services, and education.

Also at the invitation of DFT, we have participated in training sessions for over 250 principals and employees of real estate agencies on the Central Coast, Newcastle and Lake Macquarie. Further sessions are planned for the Mid-North Coast later in the year.

Regrettably, staffing and funding constraints continue to inhibit the Board's capacity to provide a comprehensive program of community education to people outside the largest population centres in our region.

Wollongong office

Complaints

Wollongong office received 152 complaints in 1999/2000. This represents a 16% decrease from the number of complaints received in the previous year (182 complaints).

There were some significant differences in the types of complaints received in Wollongong from the Board's overall pattern of complaints:

- 10% (16) alleged race discrimination compared with 19% of overall complaints received
- 25% (38) alleged sex discrimination compared with 21% of overall complaints received
- 27% (41) alleged disability discrimination compared with 19% of overall complaints received.

Once again victimisation complaints in Wollongong were almost double the overall number of victimisation complaints received — 13% of complaints received in Wollongong alleged victimisation compared with 7% of overall complaints received.

Sixty-nine percent of complaints received in Wollongong alleged discrimination in employment, higher than the overall amount received of 59%. Only 12% of complaints received in Wollongong were about goods and services compared with 22% of overall complaints.

Wollongong — complaints received by ground 1999/2000

	No	%
Sex	38	25
Disability	41	27
Victimisation	19	13
Race	16	10
Age	13	9
Unknown [†]	9	6
Racial vilification	5	3
Homosexuality	3	2
Homosexual vilification	3	2
Marital status	2	1
Other	2	1
Transgender	1	1
Total	152	100

[†] No ground specified by complainant — usually out of jurisdiction

Wollongong — complaints received by area 1999/2000

	No	%
Employment	105	69
Goods and services	18	12
Other	8	5
Clubs	7	5
Racial vilification	5	3
Education	4	3
Homosexual vilification	3	2
Accommodation	2	1
Total	152	100

Sexual harassment in employment

The complainant is currently employed by the respondent. She alleged that she was sexually harassed in her employment when sexually explicit graffiti which referred to her appeared in the male toilets. She alleged that management did not initially respond appropriately and were too slow in getting the graffiti removed.

The complaint was resolved when the respondent agreed to provide:

- an apology and an assurance that her complaint would not disadvantage her in the future
- an undertaking to conduct an education program for all employees
- training for workplace harassment contact officers
- provision of personal counselling for the complainant
- a payment of \$4,000 for anxiety and humiliation suffered.

Education

Community based training

The Wollongong office continued to run general seminars for community workers in 1999/2000. In addition to the general rights-based seminar program, the Wollongong office also ran numerous seminars on non-discriminatory management for community managers. These seminars were successfully delivered in Wollongong, Moruya, Tumut, Cooma, Griffith and Wagga Wagga.

A number of seminars were targeted at specialist groups, including:

- non-discriminatory community management for various childcare agencies under the umbrella of the Illawarra Children's Services Group
- client rights under anti-discrimination law for the Disabilities Team, Department of Community Services (Nowra).

Other sessions with a rights-based focus included Department of Industrial Relations award enquiries staff, Illawarra Mental Health Network, Wollongong University's Student Representative Council, Illawarra Migrant Resource Centre, young people's forum on discrimination, Shoalhaven, Cootamundra and Lake Illawarra High Schools, and TAFE Welfare & Youth-Work Students.

Staff in the Wollongong office continue to meet with representatives of trade unions as part of the ongoing union consultation.

Employer & service provider education program

Education staff in the Wollongong office have provided education and consultation services to different industry types this year including local government, mining, union, finance, small business, heavy industry, information technology, the community sector, health and corrective services. To enhance a greater awareness of equal employment opportunity, well attended seminars were conducted in the Southern Highlands, Illawarra, Western Sydney, Hume, Murray and Riverina regions, targeting specific sectors.

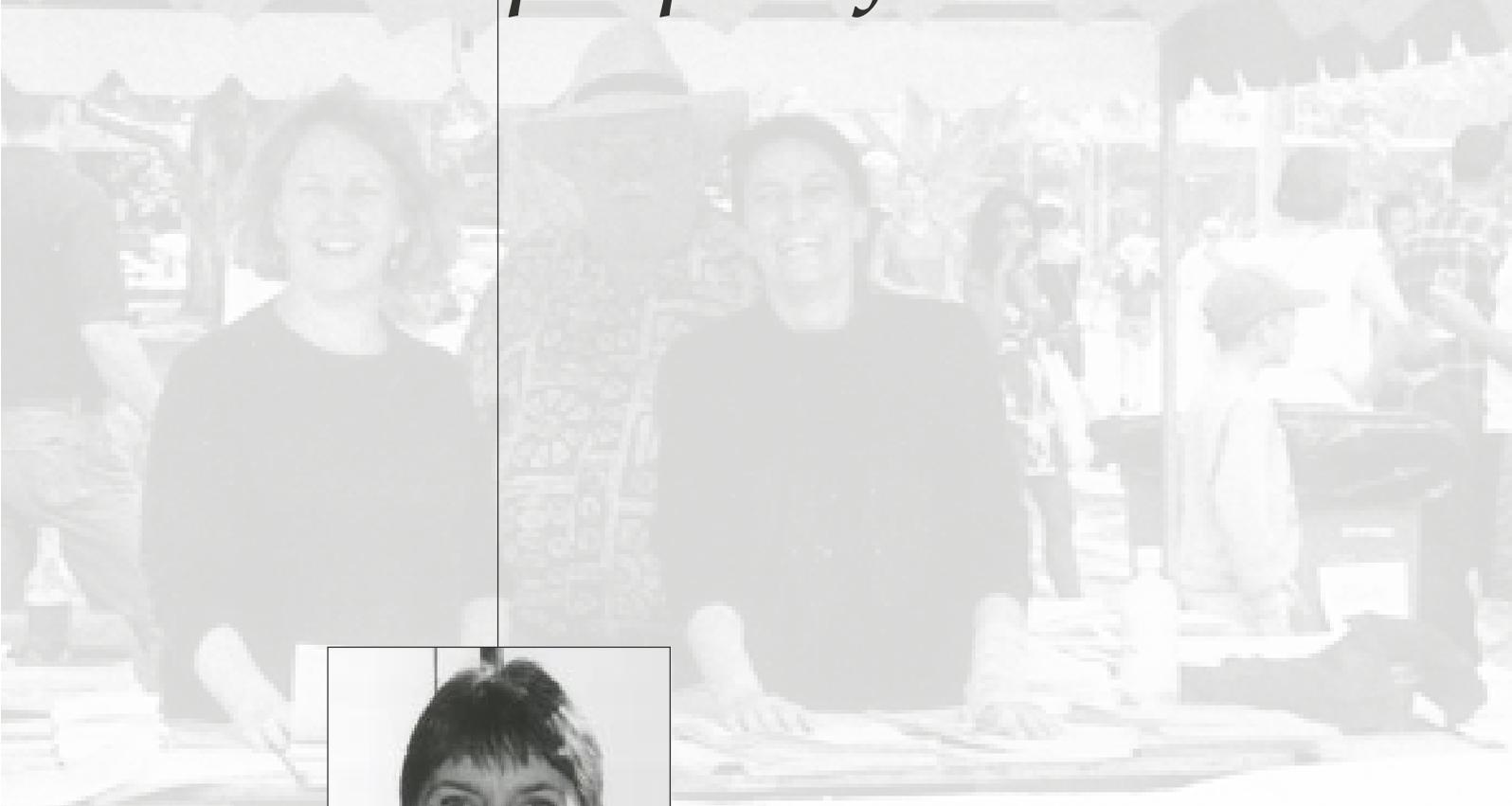
In response to demand for services and information, we have developed two new networks for the region throughout the year. The EEO Network has been extremely well attended and provides an important forum for employers and service providers to network with other organisations, receive case law and statutory updates, and develop a strategy to prevent discrimination and harassment.

The Contact Officers Network provides an opportunity for people who are the first point of information, referral and support within their organisation for people that experience discrimination and harassment to network with others, receive updates and revisit their role. This network has also been well attended and the feedback has been very positive.



Right: Staff in the Wollongong office with their 'Teddies for Timor' collection.

3 *educating the people of NSW*



Centre for Discrimination
Board of New South Wales

we aim to reduce breaches of anti-discrimination law through education

Educating the people of NSW

Resolving complaints about discrimination is only one of the ways that discriminatory attitudes and behaviour can be changed. Another approach is to give people enough information and advice so that they can:

- recognise the potential for discrimination and harassment in our community
- understand the many positive benefits of non-discriminatory behaviour
- prevent, confront and resolve incidents of discrimination themselves.

Our education initiatives seek to do two things. First, we target educational programs towards those groups about whom we receive the most complaints. Secondly, we attempt to reach those groups that are most likely to experience discrimination or unfair treatment but have little contact with the Board.

We use several strategies, for example:

- we deliver talks, information and training sessions all over NSW including presenting papers and workshops at major conferences
- we network, consult and develop 'outreach' projects
- we develop and distribute a wide range of targeted publications
- we maintain an accessible website
- we use all forms of the media to get our message across
- we have a specialist library linked with other libraries.

What people have said about our training ...

‘Excellent presentation — practical, informative & entertaining’

‘The best part of the session was the opportunity to explore different issues through open discussion’

‘Presenter’s relaxed, humorous style helped get the message across’

‘Well presented session at a pace that allowed plenty of time for discussion’

‘Extremely competent presenter — very knowledgeable and able to handle a diverse audience’

Some of the people & organisations we trained in 1999/2000

- AGL
- ANA Hotel
- Astra Automotive
- Colchester
- Energy Australia
- Fort Dodge
- Gosford Council
- Macquarie Bank
- Microsoft
- Newcastle Port Corporation
- NSW Art Gallery
- Powerhouse Museum
- Qantas
- Reuters
- Royal North Shore Hospital
- Sheraton on the Park
- SOCOG
- St George Bank
- Tomago Aluminium
- Warringah Council
- Woolworths
- Workcover

Talks & training programs

As expected, our talks and training program continued to be a great success. Some of the highlights over the year included:

- delivery of 708 information and training sessions attended by nearly 16,000 people. Although we delivered fewer training sessions than in the previous year this was offset by an increase in the length of the training sessions
- continuing acclaim for our employer seminar programs — once again held successfully in Sydney, Wagga Wagga, Parramatta, Newcastle and the Southern Highlands
- maintaining the level of revenue from our training fees and publications sales. The \$557,500 raised fully funded the education services we provided to employers and service providers (including the seminar series, the cost of four trainers on staff, two casual trainers and an administrative assistant). It also funded the travel, venue hire and other such costs associated with all our community sector training.

There are two aspects to our talk and training programs:

- services targeted towards potential respondents
- services targeted towards potential complainants.

Employer training sessions

	97/98	98/99	99/00
number of sessions	400	546	468
people trained	8,949	8,808	9,034

Services for employers & service providers

Our approach to training employers and service providers involves a number of components:

- we attempt to target those groups that our statistics show need to do more to prevent discrimination or deal more effectively with discrimination complaints
- we help organisations develop policies and procedures
- we respond to requests for 'on-site' training sessions, that is, training within a particular organisation
- we run a seminar program for employers and service providers on how to use anti-discrimination law to their organisation's advantage
- we provide one-on-one intensive coaching sessions.

In 1999/2000 we conducted 468 sessions for employers and service providers and trained over 9,000 employers, managers and service providers from the private, public, local government and community and welfare sectors. Although there was a 14% decrease compared to 1998/99 in the number of sessions conducted, there was a 13% increase in the number of people trained. We also provided a greater number of full day training sessions, as opposed to half day or shorter sessions, than in the previous year.

We received so many requests for on-site training and information sessions that we were unable to accommodate everyone. Throughout the year there was a waiting time of approximately two to three months. Our range of standard on-site seminars is detailed in the publication *Training Sessions for Employers and Service Providers*. However, all our training is adapted to produce a tailor-made approach for each client.

A new service offered in 1999/2000 was intensive one-on-one counselling sessions between a senior Board employee and a person identified by an employer as having behaved inappropriately in the workplace. We conducted 27 of these sessions.

Seminar program

We ran our seminar program again this year, and regularly offered a number of half day and one day courses for employers, managers, employee relations professionals, human resource managers and equal employment opportunity (EEO) practitioners in Sydney, Newcastle, Wagga Wagga and the Southern Highlands. These courses aim to increase participants' understanding of how to maintain a workplace free of all forms of discrimination and harassment. The courses are detailed in our annual training calendar, the latest of which was published in January 2000. The seminar program was attended by 170 people throughout the year.

Seminars covered:

- introduction to EEO
- EEO for managers
- recruitment
- preventing harassment
- skills training for contact officers
- developing grievance procedures
- key skills in grievance handling
- train the trainer.

Training in rural areas

As in past years, we have continued to extend our training to areas outside Sydney, Newcastle and Wollongong. The country areas in NSW we visited included:

Albury	Armidale	Broken Hill
Bulli	Coffs Harbour	Cooma
Deniliquin	Dubbo	Glen Innes
Grafton	Griffith	Gunnedah
Kariong	Kempsey	Kurri Kurri
Lake Macquarie	Lismore	Maitland
Menindee	Morpeth	Moruya
Mudgee	Murwillumbah	Muswellbrook
Nambucca Heads		Nowra
Port Stephens	Queanbeyan	Shellharbour
Taree	Tumut	Ulladulla
Unanderra	Wagga	Walgett
Wallarawang	Wallsend	Wyong

Consultancy service for checking EEO related policies and procedures

We continued our free consultancy reviewing service for employers and service providers during 1999/2000. At no cost to any employer or service provider, we reviewed organisations' EEO related policies and procedures. We examined policies on eliminating harassment in the workplace, grievance procedures, promoting diversity in the workplace and policies on handling recruitment. During the year we reviewed 167 procedures and policies from 79 organisations — a 16% decrease compared to 1998/99. Part of this decrease can be attributed to organisations adopting the Board's model policies and procedures which are available on disk. Since they were released in October 1998, we have sold 320 copies of the disk.

This reviewing service has proved to be very popular and yet another way of establishing ongoing contact with many employers. It has also been responsible for a large number of significant and positive changes to policies and procedures in many organisations.

Below: Anthea Lowe, Manager, Education Services Branch.



Long term consultancy

Increasingly, we work with many employers over long periods of time — reviewing their policies and procedures, consulting at all levels within their organisation, advising on development of appropriate strategies and providing training for all levels of staff. For example, we spent five months of this year working with a major public sector institution on devising the most appropriate harassment prevention system for this organisation.

Local government project

In 1998/99 we started work on a joint project with the Department of Local Government aimed at reducing discrimination in local government and complaints against local councils. The project reached its conclusion in 1999/2000 with:

- the publication of two guidelines for local government — *Anti-Discrimination Guidelines for Managers of Local Councils* and *Anti-Discrimination Guidelines for Local Government Councillors* — to help local councils meet their responsibility to provide non-discriminatory services
- placement of downloadable files of the local government guidelines on the Department of Local Government's website at <http://www.dlg.nsw.gov.au>
- a focus on training council management and staff about discrimination issues — we conducted 120 training sessions for local councils in 1999/2000
- publication of articles about ways to reduce discrimination in the Department of Local Government's newsletter.

Small business project

In 1999/2000 the Board's education services targeted small businesses to help increase their awareness of how discrimination law impacts on their service delivery and employment practices. We:

- produced a small business factsheet — *Anti-discrimination law and the small business owner* — which is also available on our website and the Department of State and Regional Development's website

- submitted articles on how to prevent harassment to trade journals servicing areas from which we are told harassment issues arise, for example, the meat industry, car sales and repairs industry, cleaning industry and security industry
- started writing guidelines for small business which we plan to publish in the next financial year.

Discrimination training for the legal profession

The *Legal Profession Amendment Regulation 1999*, which came into operation in October 1999, makes it clear that legal practitioners must comply with State and Commonwealth discrimination and harassment laws in their capacity as employers and service providers.

Unlawful discrimination occurs where a legal practitioner treats a person adversely in connection with the practice of law because of that person’s race, colour, nationality, ethno-religious origin, sex, marital status, pregnancy, homosexuality, transgender status, disability or age.

Staff at the Board have been advising legal practitioners of the need to develop effective anti-discrimination and harassment policies. We ran 24 training sessions for members of the legal profession during 1999/2000.

Sessions targeting potential complainants and/or their advisers

The second part of our training strategy is to target those groups of people most likely to experience discrimination, particularly their advisers. The way we do this is to:

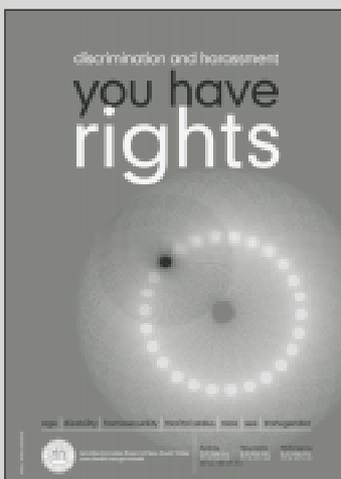
- respond to requests for training sessions
- develop specially targeted outreach and training programs.

Over the year we conducted 240 training sessions targeted towards complainants and their advocates. While we continued to work with advisers servicing all sectors of the community, we also specifically targeted advisers working with migrants, people with disabilities, youth and older people. Examples of general rights-based education sessions conducted include:

- educating staff at employment agencies about their rights and responsibilities
- training staff from community welfare centres, councils, and multicultural and youth networks.

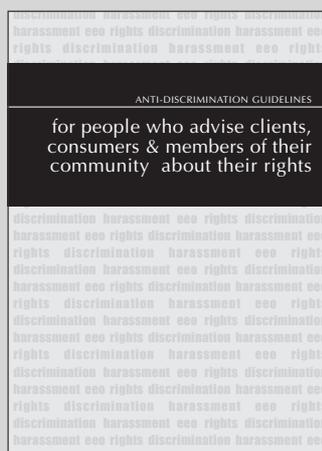
Our community outreach projects and training seminars included:

- Community Workers Seminar Program
- Indigenous Outreach Program
- Regional Outreach Programs.



New rights posters

In June 2000, the Board published a series of three vibrantly coloured posters designed to help raise people’s awareness of their rights under anti-discrimination law. As well as a poster generally promoting the Board’s services, one poster is aimed at an Indigenous audience and the third poster is aimed at people from a non-English speaking background. The posters have been freely distributed to organisations such as community centres and legal centres that advise people about their rights. Otherwise the posters are available at a minimal cost of \$3 per poster.



Community worker guidelines

In October 1999, the Board published substantially revised anti-discrimination guidelines for community workers.

These guidelines are for anyone who works in or for the community sector in NSW, and advocates on behalf of or advises others about their rights. This includes people who do this work voluntarily, such as community leaders, management committee members or union delegates. It also includes frontline workers in local councils and government departments.

Anti-Discrimination Guidelines for people who advise clients, consumers and members of the community about their rights will help people:

- give accurate advice to clients about their rights under anti-discrimination law
- be able to recognise when unfair treatment is probably against the law
- understand how to best use the Board, including how to help someone lodge a complaint if appropriate
- develop and implement strategies to resolve cases of unfair treatment locally.

The guidelines are also available in full on our website at:

<http://www.lawlink.nsw.gov.au/adb.nsf/pages/communityguide1>

Community Workers Seminar Program

Our training program targeted at community workers continues to be highly successful. Community workers have been broadly defined as anyone who is a 'first point of contact' for individual members of the community.

This training program provides an update on anti-discrimination law for community workers so they can advise individuals about their rights. The program also focuses on developing advocacy strategies that can empower individuals and communities to sort out discrimination problems themselves.

The courses were detailed in the biennial training calendars we published in September 1999 and March 2000. In 1999/2000 a total of 34 seminars were held across NSW, including at Ballina, Murwillumbah, Griffith, Wagga Wagga and Sydney, and were attended by 196 community workers. Seminars covered:

- discrimination rights, advice and strategies
- train the presenter
- non-discriminatory community management.

The train the presenter course has had a large impact on the Board's dissemination of anti-discrimination information. We are now able to refer any overflow of training requests to the people who have completed this course who then use our kit to train. Presenters have reported enjoying giving the presentations as well as making valuable contacts in their local communities.

Indigenous Outreach Program

For more information about this program please turn to pages 30–31.

Regional Outreach Program

For more information about these programs please turn to pages 32–35.

Video training resource

The community educators spent part of 1999/2000 working on the script development of an 18 to 20 minute video explaining people's rights under anti-discrimination law and the options they can use to resolve discrimination problems. The video is being produced in conjunction with the University of Technology, Sydney and work will continue on this project in the next 12 months.

Community involvement

In 1999/2000, the Board continued its policy of participating in public events to provide information about people's rights under anti-discrimination law and answer specific enquiries. We had stalls at:

- Grey Mardi Gras 1999
- Riverina Business Expo 1999
- Arabic Carnivale 1999
- AIDS Trust Food & Wine Fair 1999
- Access Week 1999 (stalls at Eastgardens and Randwick)
- Survival Day 2000
- Mardi Gras Fair Day 2000
- Indigenous Women's Day 2000
- Aboriginal Careers Expo, University of Western Sydney

Staff from the Board once again participated in the Sydney Gay and Lesbian Mardi Gras Parade. The futuristic theme of the Board's entry was 'Safe Space' and slogans such as 'safe work', 'safe court', 'safe streets', 'safe homes', 'safe from violence' and 'safe neighbourhoods' encapsulated the wish that there should be 'safe space for us' and 'safe space for everybody'. On this occasion we were joined by colleagues from other parts of the Attorney General's Department.

Forum on age discrimination

In November 1999, to help celebrate the United Nations International Year of the Older Person, the Board held a Forum on Age Discrimination. The Forum was attended by 50 people from a variety of organisations including women's organisations, community organisations, unions and government agencies. Participants examined what constitutes age discrimination under the law, how people experience it, if there are areas that are not covered by the law, and what strategies can be used to counteract age discrimination. A number of recommendations were made to the NSW Government.

Forum on disability discrimination

Following the success of the Forum on Age Discrimination, one of the Board's education officers spent time working on preparations for a forum on disability discrimination concentrating on issues affecting people with an intellectual disability. The aim of the forum is to improve policy and service outcomes for people with intellectual disabilities. It will be held in August 2000.



Right: Some of the participants in the Board's entry in Mardi Gras.

Publications

Our publications program continued to provide information and educate employers, service providers, and members of the public about their rights and responsibilities under anti-discrimination law. In 1999/2000 we distributed almost 10,000 copies of our publications, slightly fewer than last year. This decrease in requests for material was almost certainly due to increased use of the Board's comprehensive website (see page 45). Around 900 callers requesting material were directed to the website by our Enquiry Officers. All of the Board's information on people's rights under anti-discrimination law is downloadable free of charge from our website.

While the first copy of most of the Board's publications is available free of charge, a few are not and bulk supplies of publications are generally charged for. Sales of these publications paid for approximately 80% of the cost of printing and reprinting all Board publications in 1999/2000.

We have two main types of publications — factsheets and guidelines. Factsheets are written for people who may have complaints of discrimination. They explain a type of discrimination and the procedure for lodging a complaint. The other major type of publications are guidelines for employers and service providers who have responsibilities to keep businesses and services free from harassment.

We produced 21 new publications this year:

- Annual report 1998–1999
- Know your rights posters (x 3)
- Seminar program annual calendar
- Seminar reminder brochure (x 2)
- Community workers training calendar (x 2)
- Equal time newsletter (4 issues)
- Anti-discrimination guidelines for people who advise clients, consumers and members of the community about their rights (revised edition)
- Anti-discrimination guidelines for hoteliers
- Anti-discrimination guidelines for local government councillors
- Anti-discrimination guidelines for managers of local councils
- Identifying and eliminating discrimination from industrial awards and agreements (joint publication with Department of Industrial Relations)
- Discrimination and harassment: The rights and responsibilities of employees (training kit for vocational teachers)
- Anti-discrimination guidelines for people providing goods and services (revised edition)
- Services for you, your clients and communities brochure

We also continued to reprint our existing stock of publications to meet demand, making any necessary revisions to keep them up to date.

Equal Time, the Board's quarterly newsletter, is mailed out to approximately 5,000 people. We introduced an electronic subscription in 1998/99, which organisations can provide to all employees via their email or intranet. This has continued to be popular with many people choosing to switch from a hard copy to an electronic subscription.

The harassment posters published in June 1998 have been very popular with employer groups and over 3000 copies have been sold.

This year, the Victorian Equal Opportunity Commission published the Board's workplace guidelines under licence for distribution in Victoria. This means that for the first time, employers with sites in both Victoria and NSW have access to consistent information and advice about their responsibilities. The Board is hoping to develop further publications jointly with other State offices.

For a complete list of all Board publications, see page 62.

Internet even more popular

The Board's website is a complete guide to people's rights under NSW anti-discrimination law. As part of Lawlink NSW, it is a gateway into legal resources on the internet. Use of the Board's website has increased during 1999/2000, averaging 81,049 hits per month. This is a 120% increase over the average 36,704 hits per month in 1998/99.

The Board's website is user friendly and, because it is written in plain English, gives people easy access to information about their rights and responsibilities under discrimination law. The information on the site explains:

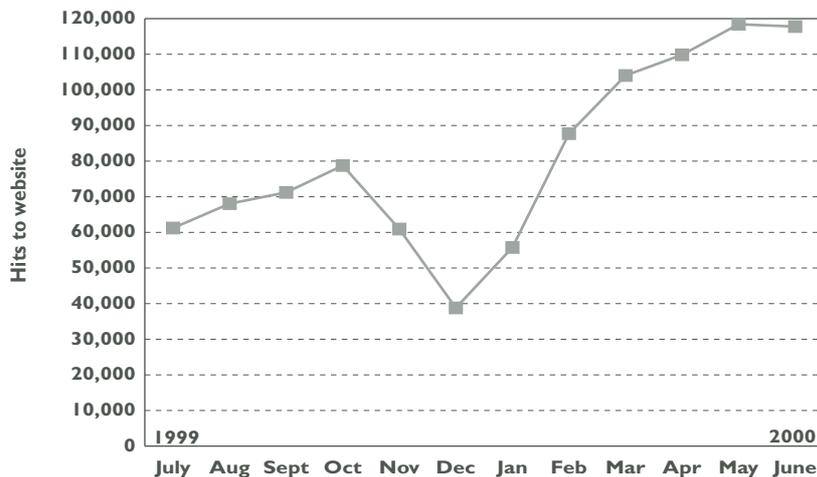
- what the Board does
- what discrimination and harassment are
- the responsibilities of employers and service providers under anti-discrimination law
- how to make a complaint to the Board
- how the Board handles complaints.

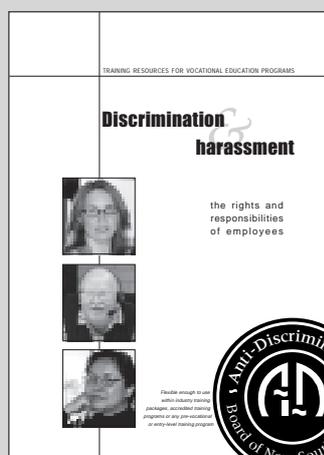
Basic information about people's rights is also provided in 23 community languages. All our factsheets are on the website in full. Extracts from some of our workplace guidelines are included, as well as information about our seminar and training programs. People can also download publication order forms. Links to other human rights agencies are a useful resource for researchers and students.



Above: Susan Hawkeswood, the person responsible for keeping the Board's website up-to-date.

Website usage 1999-2000





New training resource

Discrimination & harassment: The rights and responsibilities of employees was specially piloted and developed for use in entry-level training in the vocational education and training sector.

Published in February 2000, the resource aims to make people of all ages entering or re-entering the workforce aware of their rights and responsibilities in relation to discrimination and harassment at work. More practically, it demonstrates some steps that students can take themselves to deal with and prevent discrimination and harassment at work.

These resources have been written in sufficient detail to give teachers and trainers with no experience in teaching about discrimination and harassment the confidence to include these topics in their programs.

These resources were developed with funding from the Australian National Training Authority, through the NSW Department of Education and Training. Copies of the publication were distributed to all vocational and educational providers. Extra copies can be either bought from the Board or downloaded free of charge from our website at:

<http://www.lawlink.nsw.gov.au/adb.nsf/pages/vocational>

Media

In the past year, human rights issues have again been given prominence in the electronic and print media. This was reflected by the level of inquiry and requests for information on the Board and its President's perspectives on current issues.

A vacancy in the Media Officer position for six months of the year had an impact on the Board's ability to take advantage of media opportunities. However, staff at the Board dealt with many requests from the media.

Among the issues in which the media showed a particular and continuing interest relevant to the Board's statutory responsibilities were:

- discrimination on religious grounds, especially in relation to recruitment and employment practices, and delivery of services
- Olympic games issues including discriminatory effect of not allowing people to take their own food and water into Olympic venues, and access to Olympic venues
- the discriminatory implications of psychological testing
- reconciliation and racial vilification of Indigenous Australians
- family-friendly work practices.

The Library

The Board's move from Redfern to the city provided a good chance to re-evaluate the layout of the library. The reference collection of dictionaries, encyclopedias, Australian Bureau of Statistics publications and legal looseleaf services has now been situated together for easy access. A new workstation installed in the library allows staff to access both the library catalogue and internet.

To bring the Board's library into alignment with other libraries in the Attorney General's Department, the library catalogue is now run on Dynix. This means that staff at the Board have improved access to resources as they can search for material in all departmental libraries. The immense cataloguing backlog

(which included monographs and the entire serial collection) has been eliminated with the help of temporary staff and through intensive cataloguing by the librarian.

Reference inquiries reflect the work being done at the Board. Literature searches on pregnancy discrimination, pay equity, and discrimination in awards supported Legal and Policy's research. Information to be used as the basis of speeches was also provided to the President on such topics as homophobia in schools, and intellectual disability and employment. The librarian also searched for cases for complaints work and kept abreast of current employment issues for the Education Branch. There was also continued user education for new and existing staff members, especially in the use of the Internet.

Information has been retrieved from an increasingly large number of sources. There has been an increase in interlibrary loans and research visits to other libraries, and the librarian has made increasing use of the Board's membership of the Department of Industrial Relations Library to help with the Board's industrial relations work. The librarian has also been involved in the government library network's group consortium committee investigating the possibility of sharing costs of on-line databases between government libraries and trialing new products. Closer co-operation and sharing of resources between small special libraries is also envisaged as a result of a new shared interlibrary loans database being developed.



Above: Anna Forsyth, Librarian.

Hotelier guidelines

Anti-Discrimination Guidelines for Hoteliers, a joint publication with the Australian Hotels Association (NSW), has been produced to help hoteliers and their employees understand their responsibilities under anti-discrimination law.

The guidelines aim to help prevent discrimination and harassment, and reduce the number of discrimination complaints lodged against hotels.

These guidelines discuss particular issues that commonly cause problems, including:

- dress rules
- refusing service or barring people
- charges and special or free deals
- accommodation.

This publication is a handy guide for hoteliers and hotel managers. It clearly sets out what anti-discrimination law is, how it applies to hotels, and how to make sure you follow the law.

4 *improving the law*



*we seek to eliminate discrimination in
NSW through legal & policy initiatives*

Improving the law

1999/2000 was another busy year for the Legal and Policy Branch and other staff involved in legal and policy activities. The Branch continued to provide legal advice on complaints, responded to requests for information and advice from people outside the Board and processed applications for exemptions from the Anti-Discrimination Act. In addition, staff:

- prepared submissions regarding changes to the Anti-Discrimination Act and other laws and policies
- participated in a variety of committees aimed at eliminating discriminatory practices in the wider community
- produced several publications
- undertook work relating to discrimination issues in the industrial relations arena, including pay equity, and work and family issues
- participated in the Board's regular consultations with the community.

Below is a summary of some of the highlights of the year.

Proposed changes to the Anti-Discrimination Act

Carers' responsibilities

The *Anti-Discrimination (Carers' Responsibilities) Act 2000* (NSW) was passed by Parliament on 31 May 2000. In general, this amendment makes it unlawful for an employer to discriminate, directly or indirectly, against an employee or an applicant for employment on the ground of the person's responsibilities as a carer. The amendment is not yet in force and is expected to be operational early in 2001.

Law Reform Commission Review

The NSW Law Reform Commission (LRC) released its *Report on the Review of the Anti-Discrimination Act 1977 (NSW)* in December 1999. Set over two volumes, the report includes a draft Bill aimed at implementing the 161 recommendations. The Board held briefings in March 2000 with community organisations, employer groups and various services about the recommendations of the report.

The LRC recommends significant changes to the *Anti-Discrimination Act 1977 (NSW)* including a new approach to discrimination and the extension of the Act to cover new grounds. The Board is examining closely the recommendations in the report and the draft Bill and will make a considered submission to the Attorney in the near future.

Administrative Decisions Tribunal legislation

Section 126 of the *Administrative Decisions Tribunal Act 1977* generally precluded publication of anything that could identify anyone connected with a case in the Administrative Decisions Tribunal either before or after a decision was handed down. The Board requested an amendment to the legislation because of the difficulties caused in being unable to identify the names and circumstances of parties for education purposes. The section has now been amended to overcome this problem, but the Tribunal can make a suppression order if appropriate.

Industrial relations initiatives

The *Industrial Relations Act 1996 (NSW)* requires the Industrial Relations Commission to take into account the principles of the Anti-Discrimination Act when exercising its functions. In 1999/2000, there were a number of requests for the President to intervene in award review proceedings and other cases. The Industrial Relations Commission also referred people to the Board for advice during

proceedings. Although this is a very positive development, the Board's ability to take up its role fully in the industrial relations area continues to be limited by our lack of resources.

Equal Remuneration Principle State Case

The Industrial Relations Commission handed down its decision in the Equal Remuneration Principle Case on 30 June 2000. The President of the Anti-Discrimination Board intervened in this case and urged the adoption by the Commission of an Equal Remuneration Principle. The President made a submission to the Commission that proof of discrimination should not be required in order to show that men and women were not receiving equal remuneration for work of equal or comparable value.

In its decision, the Commission ordered a new equal remuneration principle to address undervaluation of work on a gender basis. The Commission accepted the submission that while any principle should address pay inequity caused by sex discrimination, proof of sex discrimination should not be required in any case.

This decision follows the Pay Equity Inquiry conducted in 1998 which found evidence of gender based pay inequity in certain female dominated industries and occupations in NSW and recommended that the Commission establish a principle to facilitate applications for equal remuneration.

Review of the Principles for Approval of Enterprise Agreements

The Industrial Relations Commission is reviewing the Principles for Approval of Enterprise Agreements. The President will assist the Industrial Relations Commission to consider whether the current principles are operating to help ensure that enterprise agreements do not discriminate in their terms or effects. The review should also consider whether the principles ensure that the process

of negotiating enterprise agreements does not disadvantage women, people from non-English speaking backgrounds, people with disabilities and others.

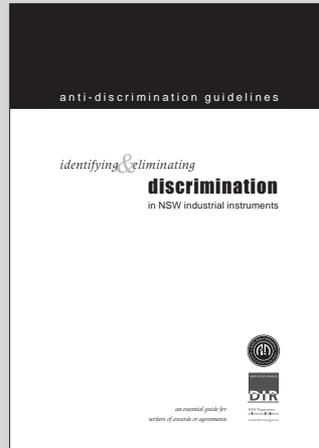
Salaried Senior Medical Practitioners Award

The President is intervening in the review of this award in relation to the definition of 'specialist' because it may be indirectly discriminatory in its operation on the ground of race. The President is providing assistance to the Commission and the parties both in relation to identifying issues of discrimination which may arise under the award and in developing non-discriminatory alternatives.

Catholic Personal Carers Leave Clause

The President of the Anti-Discrimination Board has intervened in an application by the Catholic Commission for Employment Relations (CCER) for variation of certain awards. The CCER seeks to vary certain awards in relation to the insertion of a Catholic Personal Carers Leave clause into those awards. Unlike the standard Personal Carers Leave clause in most other NSW awards which expressly refers to leave being provided in relation to an employee's carer responsibilities for a de facto or same sex partner, the Catholic Personal Carers Leave clause makes provision for such leave to be provided where there are circumstances of 'pressing domestic necessity'.

The President's view is that the proposed clause may raise issues of discrimination on the grounds of marital status or homosexuality. An issue which has arisen is the extent to which exceptions to the Anti-Discrimination Act may be applicable to proceedings under the Industrial Relations Act, such as those relating to religious bodies.



Award guidelines

Identifying and eliminating discrimination from industrial awards and agreements, was published jointly with the NSW Department of Industrial Relations. It aims to ensure that discrimination issues are considered by employees, employers, unions and employer organisations when industrial instruments are made, varied or under review.

The guidelines:

- outline obligations under industrial and anti-discrimination legislation in NSW
- help employers, employees and their representatives identify discriminatory provisions in industrial instruments
- help correct discriminatory provisions in awards
- provide model discrimination and harassment clauses.

These guidelines focus on providing information about the NSW jurisdiction while including information about federal laws. The guidelines are intended to provide an enhanced understanding of the interaction between federal and State jurisdictions.

While these guidelines are intended to be a resource for parties involved in the review of industrial instruments, it is especially important that employers understand the requirements of anti-discrimination legislation and are fully aware of their workplace responsibilities.

Submissions

In 1999/2000, Legal and Policy Branch prepared various submissions, including submissions on:

- the review of the *Property Relationships Act 1984* conducted by the Law Reform Commission
- the review of the *Anti-Discrimination Act 1977* conducted by the Law Reform Commission
- the review of the *Public Health Act* conducted by the Department of Health
- discrimination implications of transport concessions.

FOI requests

In 1999/2000, the Board received six Freedom of Information requests seeking access to Board files. One request was withdrawn by the applicant and in another case there were no documents to match the request. Access was provided in relation to the other four requests.

Below: Doris Martin, Administrative Assistant in Legal and Policy Branch.



Talks & conference presentations

Staff from Legal and Policy Branch prepared and delivered a number of papers about discrimination law for legal professionals and others working in the area. Examples include:

- a paper on criminal and civil acts of discrimination for a conference on hate crimes and discrimination
- a paper on discrimination law in practice delivered to Australian Lawyers for Human Rights and NSW Young Lawyers
- a paper on pregnancy discrimination delivered at the National Discrimination Legal Officers Conference.

External involvements

The Board participates in a number of committees and working parties to monitor and try to reduce the impact of discrimination on our community. Committees which Board staff participated in throughout the year included:

- **Law Society's Human Rights Committee**
This committee has drafted submissions on cloning and human tissues, sexual assault in the prison system, the review of the *Property Relationships Act 1984* and the Anti-Discrimination Bill 1999.
- **Accessible Transport Forum**
This is an intergovernmental committee which advises the Minister for Transport on accessibility issues for people with disabilities.
- **Women's Advisory Network (Department of Corrective Services)**
The Board participated in this committee, which advises the Commissioner for Corrective Services on issues affecting women in custody.
- **NSW Government Pay Equity Working Party**
This working party met in relation to the Equal Remuneration Principle State Case.

- **Industrial Relations Commission Users Group**

This group of users of the Industrial Relations Commission, such as unions, community legal centres and peak employer groups, is consulted about its views and recommendations on procedural matters in the Industrial Relations Commission.

- **Office of the Director of Equal Opportunity in Public Employment Committees**

The Board participated in committees established by the Office examining aspects of EEO in the NSW public sector.

- **Olympic Co-ordinating Authority Access Committee**

This committee was set up by the Olympic Co-ordinating Authority to advise it on access and disability issues in relation to all major Olympic venues and facilities.

- **Department of Fair Trading Accommodation Executive Committee**

This Committee is developing and then implementing a proposal for a joint project between the Board and the Department of Fair Trading to help eliminate discrimination against Aboriginal people and Torres Strait Islanders in the real estate industry.

- **Department of Women Transgender Working Party**

This Committee is looking at cross government policy and procedural change necessary to ensure discrimination against transgender people is removed from public sector employment and service provision.

- **Pay Equity Strategy Steering Committee**

This Committee is developing the government's strategy to achieve equitable pay for women through a variety of means.

- **Attorney General's Department Ethnic Affairs Policy Statement Committee**

- **Attorney General's Department Disability Committee**

The President's involvement

The President of the Board was involved in a number of committees and working parties established among agency chief executive officers throughout the State public sector:

- Office of the Director of Equal Opportunity in Public Employment Climate Survey Steering Committee
- Department of Corrective Services: Anti-Violence Committee
- Attorney General's Disability Advisory Committee
- EEO Advisory Committee
- Industrial Relations Consultative Committee
- Ombudsman's Network Group
- State Rail Authority Training Committee
- Premier's Council on Women
- Local Government Aboriginal & Torres Strait Islander Network
- Premier's Youth Advisory Committee
- Department of Industrial Relations Users Group.

The President also presented a number of papers at conferences during 1999/2000, including:

- *The Wiles of the Stranger: Hepatitis and discrimination* — Second Australasian Conference on Hepatitis C, New Zealand
- *Recent Developments in Discrimination: The total workplace — A human rights perspective* — Employment and Industrial Law Specialists Conference
- *Leadership in the School Culture* — Principals' Conference, Department of Education and Training
- *Making Rights Real: Justice for everyone* — Intellectual Disability and the Law Conference
- *Telling Truths: The Robert Nestdale Oration* — Young Liberal Movement of NSW
- *Representing the Public Interest* — 5th World Conference on Injury Prevention, New Delhi, India
- *Better Representative, Better Representation* — Australasian Legal Education Forum.

Consultations

The Board organises a number of regular consultations with various groups within the community. The consultations organised in 1999/2000 included:

Women's Consultation

In recognition of the discrimination and harassment that women experience, the Board decided to convene a women's consultation in 1995. The consultation met four times during 1999/2000 and focused on gender discrimination and human rights in NSW as they affect women, including:

- the Anti-Discrimination Act and law reform
- the Board's internal procedures, policies and education programs
- substantial issues of discrimination facing women.

What was achieved over the year?

This year:

- participants were briefed on the Board's Access & Equity Plan and the Equal Remuneration Principle State Case
- discussions were held on the NSW Law Reform Commission's report on the Anti-Discrimination Act and concerns of women
- a presentation was given by the Privacy Commission on the use of surveillance cameras, especially in employment, and implications for women
- a joint consultation was held with the Board's Indigenous Advisory Committee on issues of particular relevance to Indigenous elders as part of the International Year of Older People.

Who participates

The Board's Women's Consultation includes representation from the Women's Refuge Working Party, Aboriginal Women's Legal Centre, NSW Working Women's Centre,

Disability Discrimination Legal Centre, Older Women's Network, Australian Federation of Business & Professional Women — NSW, CRC Justice Support, Coalition of Activist Lesbians, Gay & Lesbian Rights Lobby, AIDS Council of NSW, Women's Electoral Lobby, People With Disabilities — NSW, NSW Council of Social Services, Immigrant Women's Speakout, Rural Women's Network, Women's Health Information Resource & Crisis Centre Association, Association of Non-English Speaking Background Women of Australia, Sex Workers Outreach Project, Tenants' Union, Women's Legal Resource Centre, Women's Health in Industry, NSW Labor Council, Women's Information & Referral Service, Department for Women and Australian Consumers Association.

Gay and Lesbian Consultation

The Board has convened consultations with gay and lesbian communities for well over 10 years. The consultation includes members from a wide range of gay and lesbian community organisations, plus representatives from the Police Service and other key NSW government departments, parliamentary offices and unions, and individuals.

What were the major achievements?

The consultation met three times during 1999/2000 and discussed:

- the Law Reform Commission's report on the Anti-Discrimination Act and the concerns of many members of the gay and lesbian community about the proposed change to expand the current ground of homosexuality to include all forms of sexuality
- the new Property Relationships Act and issues of concern that are still outstanding as far as gay and lesbian community members are concerned, eg the need to cohabit for the law to take effect
- school education and continuing problems in relation to homophobia in schools.

Who participates?

Anti-Violence Project, Gay and Lesbian Rights Lobby, 2010 (gay and lesbian youth refuge), Gender Centre, Country Network, ACON, Sydney Bisexual Network, Lesbian and Gay Solidarity, Lesbians on the Loose, Sydney Bi-Youth, Police Consultant to Gay and Lesbian Communities and several Police Liaison Officers with special responsibility for dealing with gay and lesbian issues, Sydney Star Observer, Office of Tanya Plibersek MP, union representatives, Vincare, Community Support Network, InterSection, SPAIDS, South Sydney Council, Order of Perpetual Indulgence, People with Disabilities, Matrix Guild, Coalition of Activist Lesbians, HACC, Access Plus, People Living with HIV and AIDS, Gay and Lesbian Counselling Service, several individual participants and representatives from various government departments.

Transgender Consultation

The Board has held a regular consultation with members of the transgender community since the Anti-Discrimination Act was amended in 1996 to include transgender as a ground of discrimination. The consultation met twice in 1999/2000 and discussed:

- how to ensure that government agencies implement appropriate employment and service delivery policies for transgenders
- removing the current legal distinction in the Anti-Discrimination Act between 'recognised transgenders' and those who don't fit this narrow definition, and the fact that the Law Reform Commission's report into the Anti-Discrimination Act did not propose removing this distinction.

Indigenous Advisory Committee

Details of this committee are outlined on page 31.

Below: Staff from the Board giving out information at one of the many stalls we attend.



Exemptions

There are two types of exemptions available under the Anti-Discrimination Act — s 126 and s 126A.

Section 126A exemptions

This exemption is required when an employer or service provider wishes to run a special needs program or activity that would be discriminatory on a ground covered by the Anti-Discrimination Act. To apply for an exemption for a special needs program or activity, a person must apply to the Attorney General.

Section 126 exemptions

These are needed when an organisation seeks to redress past disadvantage or discrimination experienced by a particular group on any of the grounds covered by the Anti-Discrimination Act. To gain this exemption, the applicant should write to the President of the Anti-Discrimination Board setting out the nature of the exemption sought and arguments in support of it. The Statutory Board decides whether to recommend to the Attorney General that an exemption be granted. In making their recommendation, the Board takes into account the purpose of the Anti-Discrimination Act as legislation designed to promote equality of opportunity. The initial period of exemption can be for up to ten years with the possibility of further renewal for another ten years. Exemptions are granted under this provision when, for example, a job is designated for a person of a particular race or gender.

Exemptions granted in 1999/2000 under section 126A of the Anti-Discrimination Act

Department or organisation	Special needs program or activity	Period of exemption
Adult and Community Education — Byron Bay Inc and Jutta Kasper	Music course for women only	06.07.99 to indefinitely
Caringbah Women's Health Information Centre	Health Services for women only	16.03.00 to indefinitely
Department of Education and Training — TAFE	Aboriginal Cultural Site Conservation Courses for Indigenous persons	5 years from 05.10.99
Dubbo Emergency Accommodation Project Inc	Women's refuge	04.01.00 to indefinitely
Icebox Nightclub	To run special nights for lesbians only	01.11.99 for 10 years
Women's Housing Company Ltd	Accommodation services for single women	23.09.99 to indefinitely

**Exemptions granted in 1999/2000 under section 126
of the Anti-Discrimination Act**

Applicant	Program	Sections	Date granted	Expiry
AIDS Council of NSW	To provide additional sick leave for employees with HIV	49D & 51	4.1.00	31.12.00
Brain Injury Association of NSW	To designate position of self-advocacy worker for person with a brain injury	49D & 51	7.1.00 (5 years)	6.1.05
Horwath Recruitment & Training P/L and Holden Ltd	To recruit women only for sales franchisees consultants in the motor vehicle industry	25 & 51	3.4.00 (2 years)	2.4.02
Local Government & Shires Association & others	To give workers over 45 years of age with 2 years continuous service 1 week extra notice on termination	age, sex & disability in employment provisions of ADA	22.11.99	21.11.04 (5 years)
New England Area Health Service	Designate one position of Aboriginal Health Education officer for an indigenous male, and another for an indigenous female	25 & 51	05.06.00 (10 years)	5.05.10
National Aboriginal Islander and Skills Development Assoc	Designate various positions for Aboriginal persons	8 & 51	26.04.00 (10 years)	26.04.10
NSW Aboriginal Housing Office	Designate the position of Regional Services Co-ordinator as position for an Aboriginal person	8 & 51	19.7.99 (10 years)	19.7.09
Randwick City Council	Designate the position of Public Relations Officer/Events Co-ordinator for an Indigenous person	8 & 51	19.7.99 (5 years)	18.7.04
Shellharbour City Council	Designate position of trainee horticulturalist as a position for Indigenous person	8 & 51	10.4.00 (5 years)	9.4.05
South Eastern Area Health Service	Designate position of trainee clerical assistant as a position for person with HIV disability	49D & 51	19.7.99 (2 years)	18.7.02
State Rail Authority of NSW	Implement employment quota strategy to increase proportion of women employees in Operations Division	Pt 3 Div 2 Sex discrim in work & s 51 Conditions apply (conditions amended 21.2.00)	26.7.99 (2 years)	25.7.01
Summerland Security Service	Designate position of security guard for Aboriginal person	8 & 51	26.04.00 (10 years)	26.04.10
Wesley Mission Homeless Persons — Edward Eagar Lodge	To permit the lodge to refuse to accommodate non-recognised transgender persons in the section of their preferred gender	38M & 38N	25.10.99 (5 years)	24.10.04

appendices



The Board's staff

Executive Branch

President Chris Puplick

Education Services Branch

Manager Anthea Lowe
 Senior Education Officers Lesley Ashwood
 Lynne Sinclair
 Publication Officers Ruth Sheard
 Susan Hawkeswood
 Education Officer Margaret Kaye
 Enquiry Officers Cathy Hahn
 Marie Dustmann

Administrative Assistants Milly Stylli
 Lynne Whittall

Complaints Resolution Branch

Acting Manager Maggie Smyth
 Senior Conciliation Officers Diana Bell
 Jill Moir
 Conciliation Officers Rachel Bickovsky
 Lynette Byrnes (from Feb 00)
 Daniel Dharmendra
 Gabrielle Flax (until Sept 99)
 Tory McGuire (from Nov 99)
 Mila Males
 Pam Richards (from Jan 00)
 Lorraine Rivlin (from June 00)
 Connie Santiago
 Assistant Conciliation Officers Michelle Anastassiou
 (from Jan 00)
 Murray Burke (from Jan 00)
 Janet Keller
 Tory McGuire (until Nov 99)
 Er Kai Wang
 Administrative Assistants Murray Burke (until Jan 00)
 Trinny Cheung
 Donna Fulmer
 Rowena Colaco
 (from May 00)

Legal and Policy Branch

Acting Manager Catherine Duff
 Legal Officer Angelene Falk
 Senior Policy Officers Eric Poulos
 Helen Taranto
 Media Officer Kevin Hume (until Feb 00)
 Administrative Assistant Doris Martin
 Legal Research Officer Domenica Barila

Corporate Services Branch

Manager Victor del Rio
 Librarian Anna Forsyth
 Executive Assistant to President Lorraine Orfanidis
 Administrative Assistants Ehab Bestawros
 Ili Vakatalai
 Lian Boyce (from Feb 00)
 IT Officer Mohinder Singh
 (from April 00)
 Receptionist Graham Bulmer

Indigenous Outreach Team

Conciliation/Senior Education Officer Michelle Gardner
 Education/Assistant Conciliation Officer Rhonda McCormack
 Enquiry/Liaison Officer Felicity Huntington
 Administrative Assistant Evelyn Walley
 (from April 2000)

Wollongong Regional Office

Regional Manager Gerardo de Liseo
 Senior Education Officer Dannielle Spokes
 Education/Assistant Conciliation Officer Nick Juarez
 Enquiry/Administration Officer Ruth Ellem

Newcastle Regional Office

Regional Manager Kay Jackson
 Senior Education Officer Catherine Hughes
 Assistant Conciliation Officer Henriette Norath
 (from Nov 99)
 Education Officer Jeannette Mangan
 Enquiry/Administrative Officer Noeline Ingles

Our guarantee of service

Why is there an Anti-Discrimination Board?

The Anti-Discrimination Board of NSW was set up in 1977 under a NSW law, the Anti-Discrimination Act. It is part of the NSW Attorney General's Department. The Board's purpose is to make sure that everyone in NSW gets a 'fair go'.

What do we do?

We administer the NSW Anti-Discrimination Act. Approximately 52 staff work for the Board. It is their job to:

- inform and educate the people of NSW, employers, and service providers about their rights and responsibilities under anti-discrimination law
- help resolve individual complaints of discrimination, harassment or vilification
- let the NSW government know when the anti-discrimination law needs changing to make sure that more people get a fair go.

How can the Board help me?

The Board provides the following main services:

- general enquiry service
- Employers Advisory Service
- discrimination complaints service
- publications
- talks and training sessions.

How will the Board's staff treat me?

We aim to treat all our clients fairly in a friendly, helpful and efficient way — at all times. We aim to meet your needs whenever it is within our power to do so.

What can I expect from each of your services?

General Enquiry Service & Employers Advisory Service

The staff on our general enquiry service can help answer any general or legal enquiry about your (or other people's) rights or responsibilities under anti-discrimination law. They can also give you more information about how the Board works.

If you are an employer, manager, supervisor or other employer representative, you can use our specialist Employers Advisory Service for help with any employment-related enquiry to do with discrimination or harassment. For example, we can provide advice on a particular discrimination problem, or on more general personnel policies and procedures.

You can use either of these services by phoning or visiting any of our three offices (in Sydney, Wollongong or Newcastle) between 9 am and 5 pm, Monday to Friday. You can also write to us. You can expect accurate, prompt, sympathetic, confidential and free advice. You do not have to give us your name if you do not want to. If you visit us, a duty officer will see you as soon as possible. You do not need an appointment in the Sydney office. However, as our Newcastle and Wollongong offices are very small, it is probably best to phone before you visit.

Discrimination Complaints Service

If you think you've been discriminated against, it is a good idea to phone our general enquiry service first for advice before you 'lodge' a written complaint with us. This is because first, we may not have the power to handle your complaint — it may be outside the current NSW anti-discrimination law. If

this is the case we may be able to refer you to somewhere else that can help. Secondly, we may be able to advise you how to sort out the problem yourself, so that you do not need to write a complaint to us.

If you want us to help resolve your discrimination complaint, you must generally write us a letter about it, and mail, fax or bring it in to us. In your letter you should explain what type of discrimination has happened to you, and when and where it happened, and give us your contact address and phone number.

You can expect us to handle your discrimination complaint confidentially, efficiently, fairly, free of charge and as quickly as possible. If your complaint is urgent (for example, you are about to lose your job or your accommodation) — either phone us, or make sure your letter says ‘urgent’ at the top. We give priority to these types of urgent complaints.

If your complaint appears to be covered by the anti-discrimination law, we will generally try to ‘conciliate’ it. This means we will help you and the person or organisation you’re complaining about try to reach a private settlement. Most complaints can be settled in this way.

It is impossible to say exactly how long any complaint will take to settle as this depends on the nature of your complaint and the other people involved. We must give the organisation or person you’re complaining about a ‘fair go’ too. They must get the chance to explain things from their point of view. This often takes time. The officer handling your complaint may be able to give you an estimate of how long your particular complaint could take to settle.

Publications

We have a wide range of publications to suit different people’s needs. For example, we have factsheets which explain your rights, and guidelines which explain different groups’ responsibilities under the anti-discrimination law. We also publish a quarterly newsletter *Equal Time*. We try to make our publications as easy to read and useful as possible.

Many of our publications are free — at least for the first copy. If there is a charge for the publication(s) you want, we will tell you before we send them to you so that you can decide if you still want them. To help students and others who need information about anti-discrimination law, we have a website. Our website address is:

<http://www.lawlink.nsw.gov.au/adb>

Anyone else who wants any of our printed publications can write, phone or call in at any of our offices.

Talks and training sessions

The Board has an ongoing program of providing training/information sessions to various groups in the community who need to know about their responsibilities and/or rights under anti-discrimination law. As part of this program, the Board can usually provide speakers and trainers on request. Phone our Education Services Branch at our Sydney Office, or one of our Regional Offices.

Publications list

The Anti-Discrimination Board of NSW produces a wide range of publications. The publications available from the Board are listed here. Please call in, write or telephone us if you want any of our publications. Office hours are Monday to Friday, 9 am – 5 pm. Information is also available through our website. Our addresses are on the back cover.

Factsheets

- Age discrimination
- Anti-discrimination law and the small business owner
- Compulsory retirement
- Disability discrimination — your rights
- Discrimination, EEO & affirmative action
- General factsheet — Discrimination & the Anti-Discrimination Board of NSW
- Harassment & sexual harassment — your rights
- Homosexual discrimination
- How does the ADB deal with complaints?
- How to make a complaint about discrimination to the ADB
- Infectious diseases
- Lesbian discrimination & harassment & anti-lesbian behaviour
- Marital status discrimination
- Multilingual factsheet in 25 community languages
- People living with HIV/AIDS discrimination
- Pregnant women and discrimination
- Race discrimination — your rights
- Sex discrimination
- Strategies factsheet — How to deal with discrimination or unfair treatment?
- Transgender discrimination — your rights
- Treated unfairly because you are Aboriginal?
- Vilification — your rights
- What you can do if you are treated unfairly (low literacy)
- What you need to know about anti-discrimination law (for people from non-English speaking backgrounds)

Posters

- Harassment is not welcome here
- Speak out against harassment
- Together we can beat harassment
- You have rights
- Know your rights
- Multilingual

Guidelines

- A guide for respondents
- Anti-discrimination guidelines for hoteliers
- Anti-discrimination guidelines for local government councillors
- Anti-discrimination guidelines for managers of local councils
- Anti-discrimination guidelines for people providing goods & services (revised edition)
- Anti-discrimination guidelines for people who advise clients, consumers and members of the community about their rights (revised edition)
- Conciliation — a guide for complainants and respondents
- Exemption guidelines
- Guidelines for advertisers
- Guidelines for financial advisers
- Guidelines for media (vilification)
- Guidelines for providers of goods & services
- Guidelines for real estate agents
- Guidelines for registered clubs
- Transgender discrimination guidelines

Workplace guidelines

- Anti-discrimination and EEO guidelines for managers, supervisors & team leaders
- Discrimination, harassment & EEO — a guide for non-supervisory staff
- Grievance procedures
- Harassment in the workplace
- How to implement EEO in any organisation
- Identifying and eliminating discrimination from industrial awards and agreements
- Sample policies & procedures disk

Other publications

- Aboriginal & Torres Strait Islander kit
- Anti-Discrimination Board Annual Report 1998–1999
- Anti-discrimination law and charities
- Discrimination and harassment: The rights and responsibilities of employees (training kit for vocational teachers)
- Equal Time quarterly newsletter
- Guarantee of service
- Pre-employment medicals
- Services for employers brochure
- Services for you, your clients and communities brochure
- Training sessions for employers and service providers