

## Victimisation

It is against the law to victimise a person for making a complaint about discrimination, sexual harassment or racial and religious vilification. Victimisation is treating someone unfairly because they spoke up about their rights, made a complaint, or helped someone else make a complaint.

Omar is fired because he complains that his coworkers called him a terrorist and sent him emails telling him to go back to his own country.

## Race discrimination information online

Information and resources for individuals and organisations are available at [humanrightscommission.vic.gov.au/race](http://humanrightscommission.vic.gov.au/race).

## Make a complaint to the Commission

If you think you have been discriminated against, sexually harassed, victimised or vilified you can make a complaint to the Commission, or someone else can make a complaint for you. We will help resolve your complaint through our free and unbiased dispute resolution service.

Contact us for confidential information. We can give you information over the phone, in person or in other suitable formats, and we offer a free interpreter service. You can also submit your complaint online or download a complaint form from our website: [humanrightscommission.vic.gov.au/complaints](http://humanrightscommission.vic.gov.au/complaints).

The Commission does not act for people making a complaint. We may contact the person or organisation the complaint is about and try to resolve the issue. If we cannot deal with the complaint we will contact you and explain why.

## About the Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws:

- *Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*.

## Commission services include:

- a free telephone Enquiry Line
- a free and unbiased dispute resolution service
- information and education about equal opportunity, racial and religious vilification and the Charter of Human Rights and Responsibilities
- education, training and consultancy services.

Please contact us for information about equal opportunity and human rights.

**1300 292 153**

**[enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)**

**[humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)**

Level 3, 204 Lygon Street, Carlton Vic 3053

Telephone 1300 891 848

Fax 1300 891 858

TTY 1300 289 621

Interpreters 1300 152 494

Online complaint form [humanrightscommission.vic.gov.au/complaints](http://humanrightscommission.vic.gov.au/complaints)

DISCLAIMER: This information is intended as a guide only. It is not a substitute for legal advice.

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Victorian Equal Opportunity  
& Human Rights Commission

# Race discrimination and racial and religious vilification

> Know your rights



[humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)

## What is race discrimination?

Discrimination is treating someone unfavourably because of a personal characteristic protected by the law.

Equal opportunity laws protect people from discrimination, sexual harassment, victimisation, and racial and religious vilification.

In Victoria it is against the law to discriminate against someone because of their race.

Race includes colour, descent, nationality, ancestry, ethnic background or any characteristics associated with a particular race. Indigenous rights are also protected.

Deb and Max are Aboriginal Victorians. When they telephone a local kindergarten to see if there are any places for their son Henry, they are told: "Yes, there's plenty of room." But when Deb takes Henry to the kindergarten, the teacher tells her that she didn't realise Henry was Aboriginal and that Deb should take him to a place where he'll fit in better.

## Where discrimination can happen

Victoria's Equal Opportunity Act makes discrimination against the law when it happens in:

- accommodation
- goods and services
- clubs
- land sales and transfers
- education
- local government
- employment
- sport.



## What is vilification?

Vilification is behaviour that encourages others to hate, disrespect or abuse a person or group of people because of their race or religion.

The legal definition is conduct that "incites hatred, serious contempt, revulsion or severe ridicule".

Behaviour that is **likely** to be seen as racial or religious vilification includes:

- speaking about a person's race or religion in a way that could make other people hate or ridicule that person
- publishing claims that a racial or religious group is involved in serious crimes without any proof
- repeated and serious spoken or physical abuse because of the race or religion of another person
- encouraging violence against people who belong to a particular race or religion, or damaging their property
- encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email.

It is also against the law to give permission or help someone to vilify others.

Michael is a Muslim and complains that a social networking site publishes offensive material that encourages people to hate Muslim people.

Behaviour that is **not likely** to be seen as racial or religious vilification includes:

- being critical of a religion or debating racial or religious ideas in a way that does not encourage others to hate racial or religious groups

- behaviour that offends people of a particular race or religion, but does not encourage others to hate, disrespect or abuse racial or religious groups.

Comments, jokes or other acts related to the race or religion of a person may not constitute vilification, but they could still be the basis for a complaint of discrimination if they happen in one of the eight areas of public life covered by the law.

Ranjit complains that a local bus driver asked him where he was from, told him to sit at the back of the bus and sniffed loudly as he walked past. This is not racial or religious vilification but Ranjit might be able to make a complaint about racial discrimination in the area of goods and services.

Some behaviour may not be seen as vilification if it is reasonable and done in good faith. This includes art or a performance, a statement, published work, discussion or debate in the public interest, and a fair and accurate report in the media.

## Serious vilification offences

Serious racial or religious vilification includes:

- physical harm and assault, or threats of physical harm and assault
- damage to property or threats of damage to property
- deliberately encouraging others to harm people or damage their property.

Serious vilification is a crime that is investigated and prosecuted by Victoria Police.