

Racial discrimination and employment

Case study 2

Complaint filed: Alleged race discrimination and racial hatred in employment

The complainant, who was originally from Serbia, was employed as a van driver for an Australian Government statutory authority. The complainant alleged that his supervisor made offensive comments about Serbians to him and to others while he was present. For example, the supervisor is alleged to have made comments such as *“He is a Serb and Serbs make ethnic cleansing, He might kill you”*. The complainant claimed that the company was slow to investigate his internal complaint and that he was victimised for lodging the complaint. A co-worker provided evidence to support the complainant’s claim that offensive comments about Serbs had been made in the workplace.

The individual respondent denied making the alleged comments but agreed that he had asked questions about the political situation in Serbia. The individual respondent said that he was an immigrant himself and would not make offensive comments about other people’s racial background. While the company indicated that it had extensive EEO and harassment policies, it noted that it had no record of the individual respondent having received training in EEO issues.

The complaint was resolved at a conciliation conference. The company had already transferred the complainant to a job he enjoyed where he no longer had contact with the individual respondent. The respondent company assured the complainant that his career had not been compromised in any way and that steps would be taken to ensure the confidentiality of his complaints. The company also provided the complainant with acknowledgement of the distress he had suffered.

1. Why was the complaint relevant under federal legislation?

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2. Whose responsibility is it to provide a harassment free workplace?

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3. Do you think that equal employment opportunity training would benefit the supervisor in this case? What type of things would he/she learn?

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4. Should individuals be forced to take responsibility for their actions?

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5. Have you or your friends been in any similar situations?

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