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Human rights
education resources
for teachers



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Young people
in the workplace

Young people in the workplace



Human rights
education resources
for teachers

Subjects: Civics and Citizenship, Business Studies, Career Education, Life Skills, Legal Studies, Commerce

Level: Year 9 and up (14 years and up)

Time needed: 1 – 4 lessons

Introduction

Young people in the workplace contains a series of activities and resources to help students explore the issues around workplace discrimination. The activities help students to draw comparisons between the dramatised workplace issues and their personal experiences by looking at how concepts of difference, discrimination and harassment may operate in their daily lives.

The resources provide an opportunity for students to explore their own sense of identity and compare it with others. A variety of rights issues can be raised within the context of one situation. At work, issues of race, age, sex and disability discrimination may be encountered, and the rights and responsibilities of employees and employers may not be clearly defined. By exploring these issues and making students aware of the rights they should expect to uphold and have upheld in a workplace situation, they become empowered to act in situations where they see instances of unlawful discrimination in their own lives.

The accompanying DVD and script explores a potential real-life situation of young people entering the workplace. Case studies are provided which explore issues of sex, age, race, and sexual harassment in the workplace.

Aim

Young people in the workplace activities will:

- raise student's awareness of human rights issues
- develop student's decision making skills to enable them to find informed and practicable solutions to the issues of discrimination in the workplace.

The can be photocopied for class use and used individually or as an entire resource.

Learning outcomes:

In studying this topic, students will:

- investigate the importance of identity and 'difference' in establishing an understanding of human rights
- formulate an understanding of the balance between their own individual human rights and a respect for the rights of other individuals
- identify a range of human rights that apply in workplaces and the responsibility of employers and employees in upholding those rights
- understand key features of the laws that apply in the workplace with regard to discrimination, harassment and responsibilities of workers and employers
- apply the concepts of workplace human rights to their own lives
- use other people's experiences in considering their own career possibilities and choices
- develop cooperative learning and decision making skills.

Activities/resources

- Activity sheet: How do you identify yourself
- Activity sheet: Case studies at work
- Resource sheet: Aspects of the law
- Activity sheet: Position cards
- Activity sheet: The workplace – your rights and responsibilities
- Script – Young people in the workplace
- Multimedia resource: DVD (8 minutes)
- Resource sheet: Aspects of the law
- Key questions: Rights in the workplace
- Activity sheet: Position cards
- Activity sheet: Decision making
- Resource sheet: Making a complaint with the Commission
- Activity sheet: Difference and discrimination
- Resource sheet: Difference and career planning
- Activity sheet: Three stories

Teaching strategies

1. Establishing the issues

- Activity sheet: How do you identify yourself?
- Activity sheet: Case studies at work
- Resource sheet: Aspects of the law

These activities help students to engage in new ways of thinking about themselves, and allow them to acknowledge any prior learning and understanding in the area of human rights in the workplace that they may have.

Using the *How do you identify yourself?* activity sheet, students investigate aspects of identification that individuals use, and explore the ways they identify themselves through a series of questions. Students may find it useful to work in pairs. A group discussion sampling some students' answers could then be undertaken to ensure students have grasped the concepts explored.

The *Case studies at work* activity presents a series of 10 case studies with questions, showing a variety of rights issues that can come up in a range of workplace environments.

Students are required to identify the rights and responsibilities at work in each case. The questions provided are designed to provoke thinking and discussion about how best to balance the rights and responsibilities identified.

The case studies demonstrate a range of legal aspects in terms of current anti-discrimination legislation that applies in Australian workplaces. Students should use the resource sheet *Aspects of the law*, to assist them in working through the case studies to investigate the laws that apply in the different situations.

Students could do this activity individually, in pairs, or in small groups, depending on the dynamics of the classroom. The tasks for students require them to:

- identify the behaviours they see as inappropriate
- comment on what avenues are available to ensure the workplace is free from unlawful discrimination and harassment
- think about the balance of the identified rights and responsibilities in each case.

These issues could be raised for debate in a class discussion before moving to the next activity.

2. Young people and the workplace – themes, task, process

- Activity sheet: Position cards

This lesson prepares students for the activities that will follow their viewing (or reading) of the DVD (or script). If the themes and the task are set out beforehand, students will be equipped to think about what they see (or read) in terms of identifying the issues raised and the problems to be resolved.

The themes raised in the DVD/script are:

- What rights are legally protected in the workplace?
- What are the responsibilities that colleagues and employers have toward one another in the workplace?
- How can employees deal with problems of rights infringements in the workplace?
- How can young people deal with problems of sexual harassment, race, age and sex discrimination that might arise in the workplace?

The task is to work out a solution to the problems faced by Lian and Kenny in the DVD/script. Students must select the solution that best meets the need to balance Lian and Kenny's rights with the rights of others, clarifies the employer's role in achieving this, and also fulfils the law.

The process is to understand the issues to be raised in the DVD/script and then to use decision making skills to come to a solution. Teachers may wish to use the *Position cards* as a tool to encourage the discussion at this stage. The discussion should cover all points of view and their implications. The students will then be able to reflect on the nature of their proposed solution and understand the ways in which the issues raised may affect their own lives.

3. Watching the DVD

- Activity sheet: The workplace – your rights and responsibilities
- Script – Young people in the workplace
- Multimedia resource: DVD (8 minutes)

Students are each given a copy of the activity sheet called *The workplace – your rights and responsibilities*. The questions on the sheet are guides to the notes students should take during their viewing of the DVD. The notes will assist in recall of the range of issues that arise in Lian and Kenny's workplace, and will be useful in informing the debate as students work toward a solution within small groups in later stages.

Students read the script or view the DVD and make notes about the facts of the situation: what has happened, who is involved, what the key issues are. Some of the key issues for identification might include:

- Identifying instances of sex discrimination:
 - in the conduct of the interview
 - in the behaviour of the manager and other colleagues toward Lian
 - in the access of training.
- Identifying instances of sexual harassment:
 - in the suitability of the questions, information and comments
 - in the working environment (e.g. screen saver)
 - in the physical behaviour and attitudes of colleagues.
- Identifying instances of race discrimination in stereotyping racial groups:
 - in ridiculing cultural practice
 - in perpetuating negative attitudes in community groups.

There may also be other issues that students raise. Allow the students to identify as many of these as possible themselves. Some prompts where necessary may help them focus on any issue they may not have considered.

4. Identify and discuss the issues

- Resource sheet: Aspects of the law
- Key questions: Rights in the workplace
- Activity sheet: Position cards

At this stage, the focus is on the teamwork element of understanding the problems faced in the workplace and coming to a unified position about a possible solution. Students should be divided into small groups.

There are different ways that the activities may be approached, and depending on the class in question, or on the cross-curricula issues you are focusing on, you may wish to have the small groups concentrate on one of the issues raised in particular. Alternatively, you could allocate different issues to each group, (e.g. sex or race discrimination, power-plays, sexual harassment). Or it may work more effectively in terms of goals and outcomes you wish to achieve to ask the groups to address each issue consecutively.

Students should already have a copy of *Aspects of the law* to refer to and the notes they have taken. Students are then given:

- a set of *Key questions* which should be covered in their discussions
- a set of *Position cards*.

The *Position cards* contain statements and comments from the characters in the DVD/script. Depending on the class dynamics, you may wish to encourage students to use the statements in a role-play of ‘what happens next?’ in response to where Lian and Kenny have left the situation. This could be done within the small groups or across groups (with one or two representatives from each group in the role-play).

Alternatively, the cards may be used as launch points for further discussion of the issues and demonstration of the attitudes displayed in the DVD/script.

However you decide to use them, all *Position cards* should be heard by all members of each group for consideration in their discussions and their proposed solutions.

Presentation of the content of the *Position cards* should be followed by discussion within the small groups, using the key questions to highlight some of the views presented and to work towards possible solutions. Answers should be recorded for each of the *Key questions*, either individually or by a nominated scribe within each group.

5. Solutions and making decisions

- Activity sheet: Decision making

This stage is about exploring the techniques of problem solving in a group situation through reasoned debate to work toward a mutually agreed solution. Explain to students that these are the sorts of skills that would be required to negotiate a solution in an *actual* workplace that had issues for redress like Lian and Kenny’s.

After discussing the *Key questions* and coming up with answers to them, students should consider a variety of possible solutions to the problems encountered by Lian and Kenny, and recommend what they think will be the best solution. A *Decision making* activity sheet is supplied for use in this activity.

In their discussions, ensure that the students consider how the range of proposed solutions affect all the parties represented in the DVD/script – Kenny, Lian, the workmates, Mr Robinson (the manager) and Len (the supervisor). They should also recognise and consider any advantages and disadvantages that their proposed solutions carry with them.

At the end of the discussion students should decide what they might do to solve the problems in Lian and Kenny’s workplace. Solutions might include:

- Lian and Kenny talking to the manager about their concerns
- asking the supervisor to take up Lian’s and Kenny’s concerns with the other staff
- discussing the concerns with workmates to form a group that can raise the issues with management
- finding out about the company policies on discrimination and harassment

- seeking to have the issues of discrimination and harassment redressed in published and enforced workplace policy
- seeking to establish an education program for employees about workplace rights and the responsibilities workers and employers have to one another
- seeking advice from the Australian Human Rights Commission.

Some students may decide that the best solution for Kenny and Lian is to leave their jobs. If this is the case, discuss the perpetuation of discrimination issues that arise in situations where education about human rights is limited or quashed, and what the possible long term effects on the workplace might be.

6. Presenting decisions to the class

Depending on time allocated, students could then create a presentation that shows how they came to their final decisions. They should also reflect on the understanding they have developed about decision making on human rights and responsibilities in this context. For example, some ideas they might emphasise in their presentations could include:

- the power imbalance between different parties and how this could be addressed
- the importance of employees knowing what their rights are within the workplace
- the obligations employers have to ensure a safe working environment
- how and why it is difficult to satisfy all parties in an issue such as this
- the advantages of discussion over confrontation in coming to a decision.

Encourage students to choose a communication strategy that gets their message across in an entertaining and effective way. This may include a role-play or drama created as:

- a TV drama
- a debate
- a TV panel show
- a staged vox pop session
- a current affairs show
- an interview
- a courtroom drama
- a TV/radio advertising campaign.

7. Class discussion and students' debriefing

Resources available:

- Resource sheet: Making a complaint with the Commission

The class can now review the issues they have identified and explored in their group presentations, including the difficulties they had in coming to decisions that suit all parties. For example, you might emphasise:

- what understanding students have developed about human rights in the workplace
- how individual rights work in relation to the consideration of the rights of others
- how effectively negotiation can be used to resolve conflict
- the advantages of discussion over confrontation in coming to a decision
- what could happen when a mutually agreed resolution is unable to be made
- what courses of action might not be appropriate in some circumstances and why

- when there may be a need to consult the Australian Human Rights Commission
- the need to bring all parties together to ensure that they understand one another's rights and the appropriate ways to show respect for those rights.

The debriefing of students could also include information on how this situation would be handled if it came before the Australian Human Rights Commission. Some information regarding the official complaint processes of the Commission is provided at: www.humanrights.gov.au/complaints_information/

8. Applying the concepts

- Activity sheet: 'Difference' and discrimination

Students should complete the activity called *Difference and discrimination*.

This activity focuses on situations involving 'difference' and identity in the students' daily lives – in the school, at home and with their friends.

Students should think about the sorts of ways they may consider themselves or others to be 'different', and about the ways those they consider different may identify themselves. They should then record some of their ideas in the grid on the worksheet.

9. 'Difference' and career planning

Resources available:

- Resource sheet: 'Difference' and career planning
- Activity sheet: Three stories

Students use the five stories from young people that are provided to complete the activity called *Three stories*.

This activity enables students to look at career choices that may be unconventional or may not be stereotypical, and to see what strategies young people have used to overcome the barriers, prejudice and discrimination they have faced and how it might apply to their own lives.

How do you identify yourself?

Activity sheet

1. Think about how you identify yourself. What personal attributes do you use to describe yourself?

- By gender? (I am a woman)
- By ethnicity? (I am Italian)
- By name? (I am Stanley)
- Family background? (I am half Portuguese, half French)
- By career or job title? (I am a soccer player)
- By relationship to others? (I am a friend)
- In how you think about yourself? (I am funny/talented/clever).

Choose ONE factor of identity you associate with yourself, and explain why you chose it.

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2. We all have identities that are significant to us; identities that have an impact on what we think and do. This is true at school, at home and at work.

a. Show how one of the aspects of identity you have chosen can be seen in your behaviour at school.

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b. Do the same for a friend's identity.

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3. At times certain aspects of our identities may seem unimportant to us. This allows us to overlook them in others. The flip side of this is that certain aspects of our identities may be particularly significant to us and we may wrongly assume that they are equally significant to, and recognised by, other people.

a. Decide if there is one aspect of your identity which people overlook or underrate in you.

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b. Do the same for a friend's identity.

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4. When we feel that some aspect of our identity is under threat, such as when we hear a negative remark about who we are or what we think, about how we dress or what we eat, a personal mannerism or an attitude, we tend to defend that aspect more strongly than we might ordinarily.

a. Nominate a time when this happened to you.

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b. Discuss how you dealt with the situation. Could you have handled the situation differently?

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5. When you enter the workplace you may find that elements of your identity are affirmed and valued – or you may find that elements are challenged and threatened.

a. How do you deal with this? Are there laws to help you? What are those laws?

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b. What legal rights and what legal responsibilities do you need to be aware of in the workplace?

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Case studies at work

Activity sheet

The following hypothetical case studies present a number of scenarios where you can examine the potential legal rights and the legal responsibilities applicable to both employees and employers in the workplace.

Using the space provided, answer the questions presented about each scenario. In doing so, try to identify behaviours you see as inappropriate and comment on what avenues are available to ensure the workplace is free from unlawful discrimination and harassment.

In formulating your answers, refer to the *Aspects of the law* resource sheet and identify any aspects of inappropriate behaviour that are based on:

- identity
- discrimination and harassment
- stereotyping and assumptions
- power relationships between people
- workplace atmosphere and productivity levels
- the potential losses to business due to conflict
- the impact on the person's job and career opportunities.

Case study 1

Alexandra is an apprentice chef at Cafe Claude's. Basil, the head chef, pays her a lot of attention. At first she feels flattered, but when he starts touching and cuddling her she is worried. She wants him to stop, but is afraid that if she says anything she might lose her job or strain the working relationship.

1a. What actions can Alexandra take to stop the unwanted behaviour?

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1b. What responsibilities have Basil and Café Claude's got to ensure the workplace is free of discrimination and harassment?

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Case study 2

Donna is being interviewed for a training position as a commercial pilot. The interviewer, Eric, says how impressed he is with Donna. He then asks Donna about her personal life and plans she may have regarding marriage and children before the training is finished. Donna replies that she does not think the question is relevant to the job. Eric says that he is asking it to ensure that the company gets some return for the cost of training.

2a How is Eric's behaviour inappropriate?

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2b What can Donna do to make sure her employment is not adversely affected by Eric's attitude?

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Case study 3

John works in a fashion design company. He is good at his job but some of the customers make it known that they prefer to deal with women – they say that because he is a man he is unlikely to understand their requirements. When the supervisor, Fran, has to choose some workers to go on a new sales course designed to advance career prospects, she does not choose John because “there's no point training him for sales when people don't want to buy from him”.

3a. What areas of the law is John protected under in terms of training?

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3b. What is Fran's responsibility to the customers who prefer to deal with women?

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Case study 4

Ho is a nineteen year old man from a Cambodian background. When Ho's job requires him to deal directly with a supplier, he is told, "I'll deal directly with the boss, not you, refugee". Ho explains the situation to his boss, Iannis, who says he will deal with the supplier personally. Ho is humiliated and angry, but decides not to raise the issue with Iannis again for fear of being seen as weak and unable to handle the job.

4a. What can Ho do about the supplier's behaviour?

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4b. What should Iannis have done when Ho came to him?

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Case study 5

Jemal is a devout Muslim who wears the traditional head covering, the hijab. Most of the workers at her place of employment have no problem with Jemal's dress. One colleague, however, Kalia, constantly mocks her for her beliefs, and calls her names. At times when Jemal is fasting, Kalia keeps putting food on her desk. Jemal gets very upset. She is uncomfortable with the situation and sometimes becomes ill with worry and stays at home.

5a. What responsibility does Jemal have to her employer?

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5b. What rights should the company be protecting in this workplace?

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5c. Should the other employees be involved in Kalia's behaviour? Explain.

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Case study 6

Melanie works in a large restaurant. She is keen to make a career in the hospitality industry. This is her first job and, like everyone else, she sometimes makes mistakes. Her boss, Neil, suggests that they go out. Melanie does not want to and declines the invitation. Trying to ease the situation, she suggests that she might change her mind in the future. Neil comments: "That's OK, but the way you're working there might not be a future". Melanie now thinks that she might only keep her job if she goes out with Neil.

6a. What sort of behaviour is Neil demonstrating to Melanie?

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6b. Are there any reasons Melanie should go out with Neil?

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Case study 7

Oswald has a Nigerian background. Having worked part-time for a few months, he applies for a full-time position that has become vacant in his department. His manager, Peter, says that he has to choose between several candidates, but has found in the past that Nigerians and other African people are not as responsible or reliable as others, but he will think about it.

7a. What steps can Oswald take to ensure his application is fairly considered?

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7b. Is there anything wrong with Peter's comment, given that he has dealt with other Nigerians?

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Case study 8

Quentin needs a wheelchair to be mobile. His department manager, Ronnie, thinks he is a good worker but refuses to install ramps in a section of the department store where they work. This means that there are parts of the store that Quentin cannot access, and some types of work that he cannot gain experience in.

8a. Whose responsibility is it to ensure Quentin can get to all parts of the store?

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8b. Is additional experience part of Quentin's workplace rights?

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Case study 9

Talia has an Eritrean background. She works part-time in a hamburger shop called 'Vinny's'. Una often works the same shift. She calls Talia names like 'golliwog' and 'monkey face'. When Talia objects, she is told by Una to "go back where you came from then". Talia tries to avoid being near Una but has not reported the insults to Vinny for fear she might lose her job.

9a. What responsibility does Vinny have for Una's comments?

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9b. What responsibility does Talia have for Una's comments?

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9c. Is Una's behaviour unlawful?

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Case study 10

Wilhelm's family came to Australia from Holland when he was 15. He picked up the English language quickly, but speaks it with a strong Dutch accent. Yul, whose family is Russian, came to Australia as a baby. He often mocks Wilhelm about his accent, saying that he "speaks like a wog". Their employer, Zara, laughs when she hears this, and tells Wilhelm not to worry; he'll soon lose his accent and be able to speak properly.

For now, though, when a promotional opportunity arises, he is told his English is too poor and the promotion is given to somebody else.

10a. Is there anything that Zara should be doing for Wilhelm?

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10b. Is there anything that Zara should be doing to Yul?

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Every one of these situations may be harmful and unfair for the individuals. A workplace must be safe, comfortable and fair, and the employer has a responsibility to ensure there are formal ways of having any problems sorted out.

Australian Parliaments have identified major areas where they are prepared to have special laws to protect people's fundamental sense of identity, their sense of who they are. These areas include race or ethnicity, gender, age, and disability. For this reason, specific laws against discrimination and harassment have been developed.

The law recognises special areas and makes explicit the boundaries of acceptable behaviour. This gives everybody the same set of guidelines about how to behave in a public environment like a workplace. These laws protect individuals' human rights and help society as a whole function successfully with respect and understanding.

Aspects of the law

Resource sheet

This information provides some key points about some of the laws that are relevant to the workplace. It is provided as a guide only and should not be relied upon for legal advice.

Relevant laws

There are relevant state, territory and Commonwealth anti-discrimination and equal opportunity, occupational health & safety, and industrial relations laws. The following laws contain provisions that are important in the area of employment (they are called 'Acts' as they are actions of parliaments):

1. *Sex Discrimination Act (1984) (Commonwealth)*

This Act makes discrimination on the grounds of sex, marital status, pregnancy, potential pregnancy, sexual harassment and family responsibilities unlawful in a range of areas of public life such as employment, accommodation, education and the provision of goods and services.

What is sex discrimination?

'Sex discrimination' means being treated less favourably than someone else because of your sex or marital status or because you are pregnant or potentially pregnant. It also includes being dismissed from employment because you have family responsibilities. For example, if the manager of a company said that all male employees would receive a wage increase, but all the female employees would not, this would be 'direct' sex discrimination.

Discrimination also exists where there is a requirement (a rule, policy, practice or procedure) that is the same for everyone, but which has an unfair effect on particular groups and is not reasonable. For example, to receive an annual bonus you have to work full-time. Women may argue that this indirectly discriminates against them because more women than men work part-time because of family responsibilities.

What is sexual harassment under the Sex Discrimination Act?

Sexual harassment is a type of sex discrimination. Sexual harassment is any unwelcome sexual advance or request for sexual favours or conduct of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, propositions, the display of pornographic material or other behaviour which creates a sexually hostile working environment.

2. *Racial Discrimination Act (1975) (Commonwealth)*

This Act prohibits discrimination in a range of areas of public life on the basis of a person's race, colour, descent, national or ethnic origin.

What is racial discrimination under the Racial Discrimination Act?

Racial discrimination occurs when someone is treated less favourably than someone else in a similar situation because of their race, colour, descent, or national or ethnic origin. For example, if a hotel said it would not serve Aboriginal customers.

Racial discrimination can also happen indirectly when a policy or rule appears to treat everyone in the same way but actually has an unfair effect on more people of a particular race, colour, descent, or national or ethnic origin than others. For example, that where a police service says that you have to be a certain height to join. This requirement may impact on some ethnic groups more than others.

Racial Hatred Act (1995)

The Act prohibits offensive behaviour based on racial hatred under certain circumstances and is an amendment to the *Racial Discrimination Act (1975)*, above.

What is racial hatred under the Racial Hatred Act?

Racial hatred is an act which is likely to offend, insult, humiliate or intimidate a person or group of people, which is based on race, colour, descent or national or ethnic origin. The act must have occurred either within sight and hearing of other people or in a place to which the general public is invited or has access. If the act happened in a private telephone conversation or in a private place, such as a person's home, it is not covered under the law.

3. Disability Discrimination Act (1992) (Commonwealth)

The Act makes discrimination on the grounds of a person's disability unlawful. It covers a wide range of disabilities and areas of public life including employment, access to premises and provision of goods and services.

What does the Disability Discrimination Act cover?

The Act covers direct discrimination, for example, if a company decided not to employ a person in a call centre because the person was blind. The Act states, though, that a person has to be able to fulfil the 'inherent requirements of the particular job'.

The Act also covers indirect discrimination. For example, if a person who uses a wheelchair cannot gain access to a building, this may constitute discrimination.

4. Age Discrimination Act (2004) (Commonwealth)

The Age Discrimination Act 2004 (ADA) addresses age discrimination in many areas of public life. The ADA is applicable in all Australian states and territories.

Age discrimination occurs when an opportunity is denied to a person solely because of their age and where age is irrelevant to the person's ability to take advantage of that opportunity.

Direct age discrimination happens when a person is treated less favourably because of their age than a person of another age group would be treated in the same or similar circumstances.

Discrimination also happens when there is a requirement, condition or practice that is the same for everyone but has an unfair effect on a person of a particular age. This is known as indirect discrimination.

People covered by the law

The reach of these Acts extends to the workplace – all employees, contract workers, managers, supervisors, business partners, union officials, agents, and customers are covered by the law, and are responsible for the terms of the Acts being upheld by themselves as individuals.

Vicarious liability

Employers are legally responsible for acts of discrimination or harassment committed by their employees or agents, unless the employer has taken all reasonable steps to prevent such acts, such as advising all employees that discrimination is not tolerated, providing a written policy, and refreshing employees' knowledge of the policy from time to time. Individuals can also be held personally responsible for acts of discrimination or harassment.

Employers' responsibilities include:

- the development of a written policy that states the legal rights and responsibilities of employees and the employer
- ensuring the effective dissemination of that policy
- training staff about the policy and appointing a contact person with whom issues of concern may be raised
- the establishment of effective complaint procedures
- taking prompt action and maintaining confidentiality if a complaint is made
- monitoring of the workplace situation.

Employers should not:

- make assumptions based on stereotypes about individuals and particular groups of people
- ignore a complaint of discrimination or harassment
- lose sight of the responsibility to protect the rights of those who may face discrimination or harassment.

Other relevant legislation includes:

- State and territory anti-discrimination legislation
- *Fair Work Act (2009)* (Commonwealth)
- State and territory industrial relations legislation
- Occupational health and safety legislation

For further information see the Commission's *Good Practice, Good Business* resources at:
http://humanrights.gov.au/info_for_employers/index.html

Position cards

Activity sheet

<p>Lian</p> <p>I want to work in this area.</p> <p>I want to be a good employee, and get the best experience and training possible.</p> <p>I want to be an effective part of the group, but I want to be treated equally and fairly.</p> <p>I don't think I should have to put up with being harassed.</p>	<p>Kenny</p> <p>I want to be part of the group.</p> <p>I don't want to be a dobber, but I hate the humiliation of what is going on.</p> <p>I am entitled to my cultural beliefs and practices, and others should respect them.</p>
<p>Employer – Mr Robinson</p> <p>I want a well-run and happy business.</p> <p>The customer comes first; if the customers are unhappy, they will not return. My business will go broke, and we will lose our jobs. So we have to keep the customers happy.</p> <p>It costs lots of money to train people. I don't want to spend money and time on people who will not make use of that training for me.</p>	<p>Workmates</p> <p>It is important to have a good team spirit at work – so if they can't take a bit of harmless joking, they won't be part of the team, and they should get out.</p> <p>People shouldn't claim special privileges or rights. We all need to be treated equally. It is not equal if someone gets things and others do not.</p>
<p>Supervisor – Len</p> <p>I want an efficient workforce.</p> <p>I know I need to ensure that all workers don't harass each other as that makes for inefficiencies.</p>	<p>Friends</p> <p>It is not right to pick on people for their race or their gender.</p> <p>It is also not right for the people who are the victims to have to sort it all out for themselves.</p> <p>It's up to the employers to make sure that the workplace is fair and free from harassment.</p>
<p>Supervisor – Len – Card 2</p> <p>I am a fair person. I don't want to make an issue of Kenny's race but the customers have complained.</p> <p>I need to take note of complaints, but I also need to see if there is any justification for those complaints.</p>	

The workplace – your rights and responsibilities

Activity sheet

As you watch the DVD or read the script, use this activity sheet to make some notes.

This sheet will help you to identify some of the questions that are raised in the DVD/script.

SCENE	YES	NO	COMMENTS
Scene two – the interview			
1. Does Mr Robinson (the boss) conduct an appropriate interview?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Does Mr Robinson discriminate against Lian or harass her in any way?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Is this workplace well set up to handle staff problems?	<input type="checkbox"/>	<input type="checkbox"/>	
Scene three – introduction to the workplace			
4. Is the computer screen saver an example of sexual harassment?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Does the boss treat Lian appropriately over the matter of future training?	<input type="checkbox"/>	<input type="checkbox"/>	
6. Do you think his treatment of Lian is discrimination?	<input type="checkbox"/>	<input type="checkbox"/>	
Scene four – workplace behaviour			
7. Is Tony's treatment of Lian just good fun or do you think it is harassment?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Does Tony threaten Lian in any way?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the supervisor act appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	
Scene five – equal opportunity			
10. Does Len (the supervisor) discriminate against Lian in the tasks he sets her?	<input type="checkbox"/>	<input type="checkbox"/>	

SCENE	YES	NO	COMMENTS
11. Does he deny her any opportunities to advance in the workplace? Is this discrimination?	<input type="checkbox"/>	<input type="checkbox"/>	
12. Does Len respond appropriately to Lian's request?	<input type="checkbox"/>	<input type="checkbox"/>	
Scene six – race issues			
13. Why do Kenny's workmates pick on him?	<input type="checkbox"/>	<input type="checkbox"/>	
14. Do his mates discriminate against Kenny as a person or as a member of a particular racial group?	<input type="checkbox"/>	<input type="checkbox"/>	
15. Are comments about Aboriginal customs discriminatory?	<input type="checkbox"/>	<input type="checkbox"/>	
16. Does Len treat Kenny appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	
17. What are the assumptions being made about Kenny because of the Aboriginal flag badge?	<input type="checkbox"/>	<input type="checkbox"/>	
18. Can you see examples of stereotyping in this scene?	<input type="checkbox"/>	<input type="checkbox"/>	
Scene seven – what can they do?			
19. What are the main problems that Lian and Kenny face in the workplace?	<input type="checkbox"/>	<input type="checkbox"/>	
20. Are the suggestions made by their friends helpful?	<input type="checkbox"/>	<input type="checkbox"/>	
21. Do the rights applying in the workplace exist for casual staff as well as permanent staff?	<input type="checkbox"/>	<input type="checkbox"/>	
22. Who is acting unlawfully in this workplace?	<input type="checkbox"/>	<input type="checkbox"/>	

Young people in the workplace

Script

Scene one – the café

Lian and her friends meet in a café and discuss the benefits of part-time work while still at school – experience, money, meeting people etc. Lian’s friend, Kenny, works in a computer company and Lian has decided to apply for a job there.

Scene two – the interview

Lian is still at school. Encouraged by her friends, she goes for an interview for a part-time job with a computer company.

At the interview, the boss, Mr Robinson, suggests that it “is unusual for a girl” to want to work in the computer area.

Lian explains that she loves computers, is very good with them, has her own G3 computer at home, has done her own web page and often helps out the teachers with computer problems at school.

Mr Robinson explains that it is a male dominated area and asks how she would feel about being the “only female in the area, and a very pretty one too”. He explains that it can be a bit rough with the young men using rude language and jokes and inappropriate pictures hanging up. He says, “I’m worried that you may not be able to handle that”.

Lian says she doesn’t think that it will be a problem and asks what procedures or policies are in place to handle such problems should they arise. Mr Robinson says, “We’ve never had a problem and I can’t see them starting now”.

Mr Robinson then says, “I don’t think you’ll have any problems, a girl like you will have them wrapped around your little finger in no time”.

As they are leaving the office the boss asks Lian if she has a boyfriend and she says she does.

Scene three – introduction to the workplace

Lian is introduced to her supervisor, Len, who welcomes her to the workplace. Len then introduces her to the other employees who are all young men – Tony, Jim, Justin and Kenny. Len says to Justin, “Turn that screen saver around so she’s not embarrassed”.

As he leaves, the boss says to Len, “Seems like a good kid, knows her stuff and she’s quick but don’t spend too much time on training, it’s not worth it as these Asian girls like to start families very young”. Len says, “I don’t know if that’s true but isn’t that discrimination?” and Mr Robinson replies, “No, she’s got a job, doesn’t she”.

Scene four – workplace behaviour

Tony comes up and puts his arm around Lian. When she resists, Tony says “Don’t get aggressive or you’ll get a bad rating and you wouldn’t want that, trust me”. Tony is then told by Len to keep his hands to himself and that “no means no”.

Scene five – equal opportunity

Lian is told not to lift the G3 computer because “it’s too heavy for a little thing like you”. Justin says, “That’s right, demand equal treatment but don’t do equal work”.

Len then talks to Jim and tells him there’s a special training course for the G3 computer coming up which he’d like Jim to attend. When Len asks who else knows about G3s Jim suggests Lian because she has lots of experience with the G3.

Len then says it would be a waste of time to send Lian because she can't lift the G3 and the customers prefer males to do computer demonstrations. Lian says that she would like to go to the training course but Len dismisses her by saying, "We'll talk about it some other time".

Scene six – race issues

Lian's friend Kenny, who is Aboriginal, is being picked on by his workmates.

One person says, "What's this, eh?" pointing to Kenny's Aboriginal flag pin, "you Aboriginal or something? You look more white than black to me, you just say you're Aboriginal to get all the perks like cheap home loans, free cars and stuff."

Kenny says, "No you idiot, it's because I am black, it's my family heritage".

Another workmate says, "I'll tell you what I do know – you're taking some days off next week and going to a family funeral – for your uncle or something".

Kenny says, "We're a close family, the death of an uncle is special. It's a strong cultural thing we do." Justin says, "You guys are always rorting the system, but fair's fair and we're fair enough around here – we won't treat you any differently".

Scene seven – Len and Kenny

Kenny is then called over by the supervisor, Len, who says that some of the customers are offended by Kenny's Aboriginal flag pin and have complained that they don't like being served by an Aboriginal person.

Len says that Kenny will have to either take the Aboriginal flag pin off or Len will get someone else to serve those people.

Kenny says, "But you said all I had to do was make lots of sales and meet targets".

Len then says, "I know these people are out of date, but we can't afford to offend them. If they go then we all lose – it's just these three or four older customers. I'm sorry but you have to like it or leave."

Scene eight – what can Lian and Kenny do?

Back at the café, Lian, Kenny and their friends discuss the situation.

Lian explains that they don't want to get into trouble, or dob people in, or be seen as complaining all the time.

One friend says, "They'll just have to put up with it".

Another friend says, "That's rubbish, you don't have to put up with it – make a complaint".

The friend explains the situation in his workplace, "The boss is approachable, there are clear policies in place and there's a person nominated to keep an eye on workplace discrimination and harassment. At the occupational health and safety talk they said that the workplace had to be safe, comfortable, and free of harassment."

He then says, "What you're saying sounds like harassment, and that's not right".

Lian says, "That's fine for permanent staff" but she thinks that because Kenny and she are casuals the company will find it easy to get rid of them.

Kenny and Lian are also worried that if they go to the boss they will be seen as just complaining all the time.

What can Kenny and Lian do?

Rights in the workplace

Key questions

Your task is:

To develop a solution to the issues presented in the DVD/script which best fits in with everybody's rights and responsibilities and fulfils the law.

Key question	Your notes
1. What rights issues are raised in Lian's and Kenny's workplace?	
2. What are the different parties' perspectives in this case?	
3. What are some possible actions that could alter the workplace conditions for Kenny and Lian?	
4. What are the legal requirements of the situation and how do these influence the actions you suggest?	
5. What are the advantages and disadvantages of your suggested actions?	
6. How will your solution be accepted in the workplace, and by all the parties involved?	
7. Do you have a plan of action if your solution is not agreed to by the parties involved?	

Decision making

Activity sheet

Use this table to identify some possible solutions to Lian and Kenny's situation.

Discuss your ideas with the group before deciding which possible solution you will present to the class.

Possible solutions	Advantages	Disadvantages
Solution No. 1:		
Solution No. 2:		
Solution No. 3:		

After discussing with the other students in your group, select a solution that you will present to the class.

Write down further details about your solution in the box below:

Our group solution:

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Making a complaint with the Commission

Resource sheet

The Australian Human Rights Commission is an independent statutory organisation that works to protect and promote the human rights of all people in Australia. We were established by the Australian Government in 1986.

Our vision is to work towards an Australian society where human rights are enjoyed by everyone, everywhere, every day.

Our work covers four key areas:

- providing education and raising public awareness about human rights
- handling complaints of discrimination and breaches of human rights
- researching human rights issues and contributing to policy developments
- legal advocacy on human rights issues.

We have statutory responsibilities under the following federal laws:

- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*
- *Australian Human Rights Commission Act 1986*
- *Sex Discrimination Act 1984*
- *Racial Discrimination Act 1975*

Complaints service

No one has to put up with discrimination, harassment or bullying.

There are laws to protect you from discrimination in areas of public life such as: employment, education, sport and the provision of goods services and facilities.

These laws apply to everyone in Australia regardless of where they live.

If you think you have been discriminated against, you can lodge a complaint with us. It doesn't cost anything to make a complaint and we aim to deal with it quickly and with a minimum of fuss.

If you are unsure if what you have experienced could be discrimination, you can call us to talk about it or email us and we will let you know if we can help you, or refer you to someone who can.

We will handle your complaint by talking to the people involved and try to resolve the complaint through a process called 'conciliation'.

Outcomes of conciliation will vary depending on the complaint, but they may include an apology, compensation, the introduction of anti-discrimination training or practical changes to facilities and services.

To find out more read our complaints information online at:

www.humanrights.gov.au/complaints_information/

This information has also been translated into a range of different languages available at:

www.humanrights.gov.au/about/languages/

For more information or to discuss a complaint contact our Complaints Infoline at:

Phone: 1300 656 419 (local call) or 02 9284 9888

SMS: 0488 744 487 (0488 RIGHTS)

Complaints email: complaintsinfo@humanrights.gov.au

TTY: 1800 620 241 (toll free)

Fax: 02 9284 9611

Free Telephone Interpreter Service: 13 14 50

Difference and discrimination

Activity sheet

The DVD/script has focused on the workplace. But human rights situations involving identity and 'difference' can occur anywhere. There may be situations in your own life at the moment – at school, in a sporting team, at a social club, or with your friends – where you see that identity or difference is dealt with inappropriately.

'Difference' is about different ways of thinking, being, acting, looking, etc. It is not just about gender, race, ethnicity, age, physical appearance or disability. We each vary in the way we see the world and how we act in relation to it. We can choose how to respond to difference. We can reject, acknowledge, accept, understand, appreciate, value or embrace difference.

We all deal with difference every day, often without thinking about it. We do think about it, though, if difference results in conflict, tension, a clash of views, or if we feel we might be disadvantaged by it.

For more information on discrimination and harassment you can go to:

- a school counsellor for professional support
- a workplace colleague that you trust
- the Australian Human Rights Commission
- your state or territory equal opportunity commission or agency.

Use the grid below to note situations in your life which involve dealing with difference.

Aspect	School	Home	Friends	Other
Are you aware of 'difference' in these situations?				
Is this difference discriminated against in any way?				
Can you suggest strategies which would help the situation?				
Are there people who you could talk to about the situation?				
Are there people you could go to for legal or professional advice about the situation?				

Difference and career planning

Resource sheet

The decision about what career path to follow is incredibly important. In the past, many people were limited when choosing their careers because of their difference, especially if the career choice was unconventional or not stereotypical. Today people have a right to choose their own career path, though there are often still some obstacles and barriers that are faced.

Look at these three examples of young people who faced obstacles in their career choices. While you are reading the stories, think about:

- What was different or not stereotypical about the career choice?
- What obstacles did they face?
- Who gave them support or good advice?
- What strategies did they adopt to help themselves?
- What was the outcome of the situation?

Tung Ngo

I am an ordinary Australian guy. I love my cricket and footy, pizzas from the local, and going to nightclubs with my mates.



When I was 22 I ran for local Council against the local National Front (a racist hate party) in Enfield in Adelaide, and won. I was sick of the hatred coming from some people and them saying that they represented the people, so I decided to stand up against it and find out who the people really supported. I spoke to a lot of people about this – and they all said if it was what I thought was right, then to give it a go.

I faced racism and ignorance myself at school. I came to Australia as a refugee when I was 11 and was picked on heaps. Luckily, I had a teacher who was Greek and she understood what I was going through and really stood up for all of us who were different in some way. I stood up for myself too and after a while we got the bullies sorted. The hardest part for me was getting the English language. Once I had that it was much better – I could face up to the trouble-makers.

It's also important to put something back into the community. We've received a lot of help but we are now able to put a lot back, so we're 'paying the bills'. I also know a lot of people need support and encouragement, so I can do that in my position on the Council. That will change things – instead of people going home and feeling terrible and blaming themselves if they face problems through poor English, they'll be able to be a lot happier and they'll contribute better to the whole community. I guess I'm a salesman – selling my Vietnamese culture to the Australian community, but also opening up that community to outside influences. We can all benefit from sharing and acknowledging our differences, and developing the rich common ground we have. And when I'm not doing that, I'll just enjoy being a young Australian!

Katherine Edghill

I am a boat builder. I love wooden boats – and working with wood generally. I have worked as a cabinet maker, antique restorer, carpenter's offsider and shipwright's assistant. In 1998, I worked on building a replica of the 15th century Dutch ship the Duyfken, believed to be the first European ship to touch Australia's shores.

My love for wooden boats steered me towards the Diploma of Wooden Boatbuilding course in Tasmania. Competition to get into the course was pretty fierce – they only take 10 people every two years, and people apply from all over Australia and overseas.

When I first enrolled in the course I was shocked to be one of two women to apply – shocked because I thought I would be the only one! I am so used to working in what is seen as a 'men's only' area, that it was surprising and great to see another woman with the same interests.

It's silly – we are physically able to do the work, and many women are well suited to it. More young women should see it as a viable option. I have always been brought up to believe that any career was possible, so I just went with the areas in my life that felt right.

Sometimes some of the guys I've worked with have been a bit hostile, but they soon recognised my abilities and I became just another one of the workers, able to do all that they did.

I've worked in many building materials – steel, aluminium, glass, reinforced plastics – but I really love wood, I am passionate about it. But I know it's a finite resource. Finding a way to reconcile myself to being a user of a scant resource and yet being committed to preserve forests has been a real problem, and one that does not have an easy answer.



Donna Ritchie

I was the Manager of Community Relations for the Sydney 2000 Paralympic Games, and captain of the Australian Women's Paralympic Basketball team.



Even when I was at school I wanted to be in the communications/public relations area. Being able-bodied or disabled hasn't made any difference to me – I love this area, and do my job well.

The biggest obstacle in my life is when other people make judgments and decisions about what they think I can and cannot do. That really gets to me – I know my strengths and weaknesses, I know what I can and cannot do, and any judgments should be made on my real abilities, not on what other people think or expect. They can ask me or consult with me, but I want to make those decisions for myself!

And this happens to many people, not just the disabled. People might look at a young person and think 'they're not interested' or 'they're not very capable' or 'they won't like this', but they should not make those judgments. They are limiting people's opportunities and potential, and that's a very negative and limiting attitude.

But people have to make and take their own opportunities. I love my work and I love my sport, but I've got to that position by hard work and determination, and by knowing my own interests, strengths and

weaknesses. I've also tested my limits and accepted challenges. Fair enough, there are things I cannot do, but I know that because I've tried them. And if I can't do it one way, I'll look for another way of getting to the same place.

I hate it when you see people, including young people, only seeing obstacles in their path. You have to be positive, get on and do it, not accept obstacles in your way, not just give in and give up! I prefer always to concentrate on what I can do, not what I cannot.

I've had great support from people – family, friends and team mates – and I have not had to go outside my group for good advice and support. But I've quickly learned which advice to follow and which to leave alone, and if I have to go outside the group for advice, then I am happy to do that. I'll go wherever I need to get what I need!

I suppose what I've really learned is that the key thing is to put yourself in a position to take opportunities that are there. You have to work to create and take them, but they won't just pop up and be there without any effort on your part. But once they are there, be in a position to take them and make the most of them.

Three stories

Activity sheet

After you have read the five young people's stories, fill in the table below.

Answer the aspect question for each of the three stories.

Aspect	Tung Ngo	Katherine Edghill	Donna Ritchie
What was different or not stereotypical about each career choice?			
What obstacles did each of the storytellers face?			
Who gave each storyteller support or good advice?			
What strategies did they adopt to help themselves?			
What was the outcome of each situation?			