

What is Discrimination?

Discrimination is the unfair or prejudicial treatment of people and groups based on characteristics such as race, gender, age, or sexual orientation.

What are some of the different types of discrimination?

Some types of discrimination are against the law. You can make a complaint to the Australian Human Rights Commission if you experience these types of discrimination.

The following types of discrimination are against the law:

| Type of discrimination | Example |
|--|--|
| If you are treated unfairly because you have disabilities (disability discrimination) | you may be treated unfairly because you use a wheelchair, because you are deaf or because you have a mental health condition |
| If you are treated unfairly because of your race (racism) | you may be treated unfairly because of your skin colour or because of your race |
| If you are treated unfairly because of your sex (sexism) | you may be treated unfairly because you are a woman, because you are pregnant or because of your family responsibilities. This includes sexual harassment. Sexual harassment is any unwanted sexual behaviour such as unwelcome touching or sexually explicit comments |
| If you are treated unfairly because of your age (ageism) | you may be treated unfairly because you are younger or older |
| If you are treated unfairly in your job or when you are trying to get a job | you may be treated unfairly because you have a criminal record or because of your trade union activity, your sexual preference, or your religion |

What Are the Four Types Of Discrimination?

The four types of discrimination, as outlined by the Equality Act of 2020, include:

Direct discrimination

Harassment

Indirect discrimination

Victimisation

Did you know? that 36% of Australians state that they have experienced workplace discrimination. That's more than a third of the entire workforce! Let's talk a bit more in detail about each of discrimination an employee may (but hopefully does not) encounter.

1. Direct Discrimination

Direct discrimination happens when an employee is being treated worse than another employee because of a certain disability or underlying reason. There can be multiple reasons, but the most common ones are age, race, creed or sexual orientation.

An example would be a tech company not hiring an older person because they believe the candidate isn't tech-savvy due to their age. Or a car repair shop not hiring a female mechanic because they believe they're not physically strong enough to withstand the physical labour of the job.

On top of this, direct discrimination also has two additional facets:

Discrimination by association: This happens when a person is treated poorly because they're connected with someone who has a certain disability, even if they themselves don't have it.

Discrimination by perception: This occurs when an individual or an organisation believes you have a certain disability when you don't have it.

2. Indirect Discrimination

Indirect discrimination happens when an organisation treats everyone the same, but the requirements and practices they put in place disadvantage a certain group of people.

Whether this is done with intent does not matter, so organisations need to be extremely careful (and inclusive) when setting certain requirements.

An example would be a company that's hiring an individual and putting the requirement of having a driver's licence for a job that doesn't require driving.

3. Harassment

Harassment happens when an employee experiences uninvited behaviour from others in the organisation. This type of behaviour usually violates the dignity of the individual by having them experience intimidation, degradation, humiliation, or any kind of offensive behaviour.

The most common harassment examples would be bullying, having an employee experience unpleasant and derogatory nicknames or having someone ask inappropriate questions.

4. Victimisation

Victimisation happens when an employee becomes the target of harmful behaviour because they made a claim about workplace discrimination, gave evidence about discrimination happening in the workplace or raised a concern about discriminatory practices at work.

As far as types of discrimination are concerned, victimisation can be the most toxic. Individuals may be marked as “troublemakers” by the organisation.

An example might be someone who raised concerns about a discriminatory practice in the company and then they would be:

Denied the company’s service in one way or another (if they’re a customer).

Denied a promotion or even be demoted from their current role.

Isolated from the rest of their colleagues and slowly expelled from the company.

What Are Protected Characteristics?

When the Equality Act became law in 2010, it defined the nine protected characteristics that people shouldn’t be discriminated against. The nine protected characteristics include:

Age

Race

Disability

Religion or belief

Gender reassignment

Sex

Marriage and civil partnership

Sexual orientation

Pregnancy and maternity

No individual in the workplace should be discriminated based on any of the nine protected characteristics. And employers should double-check their policies and practices to ensure that there’s no indirect discrimination on any of the above-mentioned points.

On top of that, they should have policies in place that allow and support any employee that wants to speak up on any discriminatory behaviours happening in the workplace.

The following podcast and videos offer more information on the subject:

Podcast

<https://lawforcommunityworkers.podbean.com/e/discrimination-how-can-you-help/>

Video

<https://youtu.be/9isVHRDeGis>

https://youtu.be/zTmuGs_EsXM

