

# Racial Harassment

It is unlawful under the  
*Equal Opportunity Act 1984* (the Act)  
to harass a person because of their race.



 *Equal Opportunity Commission*

Under the Act race includes colour, descent, ethnic or national origin, or nationality and may comprise two or more distinct races.

The Australian population comprises Aboriginal and Torres Strait Islanders and people from a diverse range of ethnic and national backgrounds, and all are entitled to be treated fairly.

This means no one can harass someone else because of their race. It is also unlawful to harass a person because of a relative's or associate's race.

Racial harassment may take many forms including threats, abuse, insults and taunts based on a person's race or a characteristic belonging to, or generally believed to belong to, a particular race.

## Where does the protection apply?

The Act makes it unlawful to racially harass a person in certain areas of public life, including:

- **Employment** – it is unlawful to racially harass an employee, a co-worker, a potential employee or a potential employer, commission agent or contract worker.
- **Education** – it is unlawful for an employee of an educational institution to racially harass a student or potential student of that institution.
- **Accommodation** – it is unlawful for a person who, as principal or agent, has control over accommodation or the letting of that accommodation, to racially harass a person.

## Responsibilities

Organisations must ensure they provide an environment that is free from racial harassment and they must take all reasonable steps to prevent it from happening or they may be held responsible for their employees' actions.

A person causing, instructing, inducing, helping or permitting another person to do something unlawful is the same as doing it, for the purpose of the Act.



The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programs to promote equal opportunity.

### Examples of racial harassment

A courier of Italian descent claimed his employer repeatedly called him by an ethnic slur and would only let him deliver goods to his 'mates' who he called by the same ethnic slur.

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An employee resigned after arriving at work to find a note written on her desk pad containing racial slurs and offensive language.

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An Asian tenant in a housing complex was racially abused by the owner of the complex when she approached him about doing necessary maintenance on the property.

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A student claimed his teacher picked on him because of his ethnic background. He said the teacher ridiculed his lunch and told him if he wanted to be a 'dirty (nationality) kid' he was not to come back to the school.

#### Disclaimer

The material in this brochure is not intended to be legal advice. The Commissioner expressly disclaims any liability in respect to anything done or not done to any person in reliance upon any of the contents of this publication.

The Government of Western Australia

### Making a complaint

A person who believes they have been subjected to racial harassment can lodge a complaint with the Commissioner. The onus of proof lies with the person making the complaint.

The incident or incidents in the complaint must have occurred within the 12 months previous to the date you lodge your complaint.

In some circumstances the Commissioner may decide there is good reason, or good cause, to include incidents that occurred more than 12 months before the complaint is lodged.

## How to contact the Commission

### By telephone

General enquiries: 9216 3900  
Training courses: 9216 3927  
Country callers: 1800 198 149

### Address

Albert Facey House  
469 Wellington Street  
PERTH WA 6000

### By email

[eoc@eoc.wa.gov.au](mailto:eoc@eoc.wa.gov.au)

### By visiting our website

[www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)



Interpreter service: 13 14 50

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## How to follow the Commission



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