

Sex

Discrimination

It is unlawful under the
Equal Opportunity Act 1984 (the Act)
to discriminate against a person because
of their sex.



Direct sex discrimination occurs when a person is treated less favourably because they are male or female, compared to another person of a different sex in the same or similar circumstances.

Indirect sex discrimination is when a requirement, condition or practice that is the same for everyone has an unfair effect on someone because of their sex, and is unreasonable in the circumstances.

Where does the protection apply?

Under the Act it is unlawful to discriminate against a person because of their sex, in certain areas of public life, including:

- Work
- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Disposal of land or estate
- Clubs
- Application forms
- Advertisements
- Insurance – in some instances
- Sport – in some instances.

Responsibilities

Organisations must ensure they provide a working environment and services that are free from sex discrimination 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.

Making a complaint

A person who believes they have been discriminated against because of their sex 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.

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 sex discrimination

A man complained he was discriminated against at a nightclub because men were charged an entry fee while women were allowed in free.

oOo

A woman applied for a position at a factory but was told that all staff in the factory were males and all facilities were for males only. She was told it would be useless for her to apply for the job because she was a female.

oOo

An offer of employment to a male midwife was withdrawn after female midwives refused to accept a man into their work area.

oOo

A female parking inspector was subjected to gender-based comments by her colleagues and supervisor, and her employer took no steps to resolve the issue.

oOo

A young man applied for a job as a supermarket checkout operator and was told it was a job for a woman.

oOo

A young woman was refused a mechanical fitter's apprenticeship because it was assumed she wouldn't be able to do the heavy mechanical work.

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

www.wa.gov.au

March 2025

Exceptions

There are some instances where it is not unlawful to discriminate against a person because of their sex and these exceptions include:

- Measures intended to create equality or meet special needs
- Domestic workers in private households
- Genuine occupational qualification
- Competitive sport where strength, stamina or physique is relevant
- Single sex accommodation, clubs or services
- Residential care of children
- Insurance, where based on reasonable data and statistical evidence
- Application forms requesting information about a sex-based medical condition
- Accommodation in private households
- Accommodation provided by religious, charitable or voluntary bodies
- Disposal of land or estate by will or gift
- The provision of charitable benefits
- Admission as a member of a voluntary organisation
- Establishments providing accommodation for aged people
- Employment, education or training at a religious educational institution
- The ordination of priests or ministers of religion.

If an individual or organisation relies upon an exception under the Act when a complaint is made against them, they must justify the use of that exception to the Commissioner for Equal Opportunity.

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

By visiting our website

www.eoc.wa.gov.au



Interpreter service: 13 14 50

How to follow the Commission



@WA.EOC



@EOC.WA