

Spent Conviction

Discrimination

Under the *Spent Convictions Act 1988*, it is unlawful to discriminate against a person whose conviction is spent or has a Spent Conviction Order (SCO).



Where does the protection apply?

It is unlawful to discriminate on the ground of a spent conviction, in the following types of employment or work:

- Applicants and employees (full time, part time, contract and casual)
- Commission agents
- Contract workers
- Professional or trade organisations
- Qualifying bodies
- Employment agencies.

Making a complaint

A person who believes they have been discriminated against because of a spent conviction 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.

For more information about criminal records and spent conviction orders see www.legalaid.wa.gov.au

Exceptions

There are special considerations for some jobs involving children and health services. An employer may lawfully discriminate against you for a conviction for some offences, even if an SCO was made.

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

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How to contact the Commission

By telephone

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

By email

eoc@eoc.wa.gov.au

Website

www.eoc.wa.gov.au

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Address

Albert Facey House
469 Wellington Street
Perth WA 6000



Interpreter service: 13 14 50

How to follow the Commission



@WA.EOC



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