



Know your rights in employment

> Information for Muslim employees

You have a right to equal treatment

Under the law, everyone has the right to a fair go. In Victoria, equal opportunity and vilification laws protect your rights.

These laws make discrimination, sexual harassment, victimisation, and racial and religious vilification against the law.

Discrimination in employment

Discrimination is treating someone, or proposing to treat someone, unfavourably because of a personal characteristic that is protected by law. This includes bullying someone because of a protected characteristic.

In Victoria, the *Equal Opportunity Act 2010* makes it against the law for employers to discriminate against you because of a range of personal characteristics including your race (this includes ethnicity and nationality), religious belief or religious activities, age, sex and disability.

Discrimination can be direct and indirect.

Direct discrimination happens when someone is treated unfavourably because of a personal characteristic protected by the law.

Example of direct discrimination

Abdul applies for a position with a finance company but he doesn't get the job. When he calls the company's human resources manager to ask why he wasn't chosen, she tells Abdul: 'We've employed people from your country before. You don't share our work ethic'. This is direct discrimination because of Abdul's race.

Indirect discrimination happens when a requirement, condition or practice is imposed that disadvantages a person or group because of a personal characteristic, and is not reasonable.

Example of indirect discrimination

Yasmine is working in a music shop and is told that all employees need to wear a red short sleeve top and white shorts. For religious reasons, Yasmine wears a hijab and modest clothing. While the uniform requirements are applied to everyone, they are indirectly discriminatory of Yasmine because of her religion.

An employer or potential employer cannot discriminate against you for holding a particular religious belief or engaging in lawful religious activity. All employers have to follow the law.

Discrimination can include things like:

- not getting a job because you are a Muslim
- getting more than your fair share of the unpopular jobs or shifts
- being paid less
- missing out on, or being excluded from, training and meetings
- not being given the resources you need to do your job well
- not being considered for promotion because you are a Muslim
- not being given reasonable opportunity to practice your religion
- being dismissed for a discriminatory reason.

When you apply for a job

When you apply for a job, it is against the law for the employer or employment agency to discriminate against you because you are Muslim and might observe Islamic customs and practices.

Example of discrimination when applying for a job

Seela applies for a job and the employer is keen to interview her as she has some really relevant skills and has done a similar job in the past. But when she goes to the interview, Seela is told she won't be needed because they can't have people wearing headscarves representing their company. This is discrimination.

When you are in a job

The law protects all types of workers, including full-time, part-time and casual employees, contract workers, trainees and apprentices. You are entitled to practice any of your religious beliefs and actions without fear of discrimination, provided it is reasonable to do so in all the circumstances.

Example of discrimination in the workplace

Mustafa works for a large design firm and asks for time off at specific times to observe his daily prayers. He proposes to make up the time by taking a shorter lunch break. Mustafa's employer refuses this request because the company says it does not want to give him special treatment and extra breaks, even though it wouldn't have any impact on client services. This is discrimination.

Example of indirect discrimination in the workplace

Nadia works for a finance company where staff go for drinks every Friday night. Nadia doesn't drink and doesn't feel comfortable attending these events. Her supervisor queries why she doesn't join in and suggests she come along and just try one drink as it has been the subject of discussion among staff who feel Nadia thinks she is better than they are. This can be indirect discrimination.

As part of their equal opportunity responsibilities, your employer should try to accommodate reasonable requests for flexibility in a role.

Example of accommodating religious practices at work

Sharaf works as a data analyst. When he started with his new employer, he spoke to his boss about being a Muslim and asked if it would be okay to start earlier on Fridays so he could take a longer lunch break to go to Friday congregational prayers at the Mosque. Sharaf's supervisor agreed that this would be okay and was a reasonable change to his work arrangements.

Your employer is required under Equal Opportunity laws to protect you from discrimination in the workplace. This means that an employer can be responsible under the law if he or she does not do something about circumstances where other employees maybe discriminating against you. For example, other employees are not entitled to make offensive or hurtful comments about your religion or customs you observe – this can be unfavourable treatment because it creates a difficult work environment for you because of your religion.

Victimisation

The law protects you from discrimination and you are entitled to speak up or make a complaint about it.

Victimisation is when someone punishes you because you spoke up about your equal opportunity rights, made a complaint, helped someone make a complaint or refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation is also against the law. It doesn't matter who does it – your boss, manager, co-workers or anyone else in your workplace.

Example of victimisation

Aalia is a casual worker and has regular shifts. She makes a complaint of discrimination because her co-workers keep harassing her about her hijab, telling her to take it off or go back to her home country, even though she has asked them to stop. After she makes the complaint, her shifts are reduced because her boss doesn't like people who complain. This is victimisation and is against the law.

Racial and religious vilification

Vilification is public behaviour that encourages others to hate, disrespect or abuse a person or group of people because of their race or religion. The legal definition is conduct that 'incites hatred, serious contempt, revulsion or severe ridicule'.

Racial and religious vilification is against the law and it can happen in the workplace.

Some behaviour may not be vilification if it is reasonable and done in good faith. This includes art or a performance, discussion or debate in the public interest, and a fair and accurate report in the media.

Example of vilification

People at Saira's work put up offensive material on the work notice board that encourages people to hate Muslims. This can be vilification and is against the law.

How can the Commission help?

You can contact the Commission to find out more about your rights and responsibilities.

The Commission also has a free dispute resolution service to help people resolve disputes about discrimination, sexual harassment, victimisation, and racial and religious vilification. This confidential service provides free and fair information. You don't need a lawyer.

In many cases, we will help you resolve the problem through conciliation.

In conciliation, we help the people involved talk through the issues and try to reach an agreement about how to resolve them. Conciliation can take place in a face-to-face meeting, by telephone or through a conciliator.

Through conciliation, people agree to resolve disputes in many ways. For example, they might agree to have an apology, a change in policy, staff training or compensation.

Conciliation is very successful. Most people who use our service say it is fair, informal and easy to understand.



Victorian Equal Opportunity & Human Rights Commission

Need more information?

Take a look at our training and consultancy services
Online humanrightscommission.vic.gov.au/education

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
TTY 1300 289 621
Interpreters 1300 152 494
Email enquiries@veohrc.vic.gov.au
Website humanrightscommission.vic.gov.au

Accessible formats

This publication is available to download from our website at humanrightscommission.vic.gov.au/resources in PDF and RTF. Please contact the Commission if you require other accessible formats.

We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at research@veohrc.vic.gov.au.

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Disclaimer: This information is intended as a guide only. It is not a substitute for legal advice.