



equal opportunity

Annual report 2009 - 2010



Government of South Australia
Equal Opportunity Commission

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Details

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1. Message from the Commissioner



This has been a year of great progress for those of us who have lobbied for many years for improvements to the State's equal opportunity laws. Substantial amendments to the *Equal Opportunity Act 1984* were passed by Parliament on 14 July 2009 and came into force on 2 October 2009. Key changes in the law included:

- Discrimination protections for carers, including those who care for dependent children and those who care for a disabled family member.
- Better coverage of disability discrimination giving a local remedy for South Australians who experience discrimination on grounds such as mental

illness, learning disability or HIV status.

- Removal of obsolete limitations on the legal protections against sexual harassment, giving a local remedy equal in scope to the Commonwealth remedy.
- New discrimination protection for people who wear religious dress at work or in education.
- Removal of the mandatory requirement for the Commissioner to provide legal assistance at public expense to complainants taking their case to the Equal Opportunity Tribunal.

The new laws generated great interest and the Equal Opportunity Commission delivered briefings to a wide range of interest groups. It will be some time before the full effects of the new laws are felt, but I have already begun to receive some discrimination complaints on the new grounds. More details of the new laws appear on page 11.

Another major change this year has been the departure of long-serving Commissioner Linda Matthews, who resigned to take up the post of

Queensland's inaugural Privacy Commissioner. Linda had served as South Australia's Equal Opportunity Commissioner for 14 years, overseeing substantial changes in the life of the Commission and its legislation. A more detailed reflection on Linda's contribution to equal opportunity in this State appears on page 6.

Efforts have been made this year to further reduce the time taken to conciliate complaints by moving directly to a conciliation conference rather than first seeking written responses to complaints in some circumstances. Results of this approach are likely to be evident in the next financial year. Meanwhile, satisfaction with the conciliation process remains high on the part of both complainants and respondents, as reported on page 37.

Amid all this change, the Commission has pressed on with business as usual. We have:

- Revised the EO 4 Schools website
- Responded to over 2000 enquiries and requests for information
- Expanded our sustainable training initiatives and increased the attendance at both in house

and customised training, by 5% and 10% respectively

- Increased our conciliation rate to 59%, one of the best in the country and
- Maintained a community presence at a number of events and expos.

Detailed information on these achievements can be found throughout the report.

With major reforms proposed to the structure of the Attorney-General's Department, we can expect 2010/11 to bring more changes. However I am confident that the Commission, in whatever form, will continue to deliver valuable services to help protect South Australians against unlawful discrimination.

My thanks to our small, skilled group of staff for their continued enthusiasm and commitment to achieving high service standards.

Anne Burgess

Acting Commissioner for Equal Opportunity

2. Farewell to long serving Commissioner

On 11 June 2010, after 14 years of service, Ms Linda Matthews resigned from her post as South Australia's Commissioner for Equal Opportunity to take up the post of Privacy Commissioner for Queensland.

Under her leadership, the Commission has

- substantially reduced the time taken to process complaints, now averaging well under 6 months
- seen the conciliation rate rise from 34% in 2001/02 to 59% this year, with a satisfaction rate this year for complainants of 71% and 93% for respondents, see pages 37
- developed a comprehensive website to inform the public about discrimination law, as well as a website specifically designed to inform school students
- seen the locally deployed Play By The Rules resource take on a national presence through partnership with other state's

anti-discrimination and recreation/sport agencies, and

- established a range of training programs, including sustainable and on-line training products in order to ensure EO training is ongoing and accessible.

Linda presided over the implementation of substantial changes to discrimination law, including:

- the addition of age, caring responsibilities, religious dress and mental illness as grounds of discrimination in State law
- supported the 2007 Let's Get Equal campaign that achieved legal recognition for same-sex couples in South Australia.

On leaving, Linda was able to take pride in the fact that South Australia's discrimination protections are more comprehensive than ever, although, as she would point out, there still remains work to be done.

Speaking at her farewell, the Minister for the Status of Women, the Honourable Gail Gago MLC said:

“What I think is outstanding about this aspect of Linda’s work is her down-to-earth, practical approach and her tremendous skill at relationship-building. One of the major themes of Linda’s work as Commissioner has been the cultivation of partnerships with other agencies to develop effective programs and deliver the equality message to the widest possible audience.”

The Commission will continue to pursue Linda’s commitment to excellence.



Farewell Linda Matthews: Former Commissioner Linda Matthews with the Minister for the Status of Women, the Honourable Gail Gago, MLC.

3. Highlights

[Amendments to the *Equal Opportunity Act 1984*](#)

SA Parliament passed amendments to the Act resulting in increased protection against discrimination

[Age Discrimination Survey](#)

Listening to older South Australians

[New workers](#)

Informing young and new workers of their rights and responsibilities at work

[Carer's Short Film](#)

Promoting positive carer's stories employers

[New Website](#)

A cost effective and efficient way of making our information available

[Mitchell Oration](#)

Speech given on freedom of speech and it's limits

[Work-Life Balance Event](#)

Helping business understand fairness and flexibility in the workplace

[E-Learning Induction Program](#)

Another way for employers to access and tailor equal opportunity training for their organisation.

3.1. Amendments to the Equal Opportunity Act

The long awaited amendments to the *Equal Opportunity Act 1984* (the Act) passed through Parliament on 14 July 2009 and came into operation on 2 October 2009. The amendments substantially expand the coverage of the Act in several ways and, in other respects, equalise the protections that South Australians receive in state and federal law.

A major addition to the Act was the new provision prohibiting discrimination on the ground of a person's responsibilities to provide care and support to a dependent child or disabled family member. The new law covers a wide range of family relationships, including in-laws and ex-partners. It protects carers against discrimination in job selection or at work, as well as in education, accommodation and access to goods and services.

The amendments also extend the coverage of disability in State law so that people with mental illness, learning disabilities and asymptomatic infections are covered. Previously, these complaints could only be taken up under the Commonwealth *Disability Discrimination Act 1992*. The amendments make clear that the Act also covers a disability that existed in the past and one that might exist in the future. This is important because some

disabilities may be associated with stigma, even after the person has recovered.

New protection is provided for people who wear religious dress or adornments to work or school. This includes articles of clothing such as a hijab or turban, articles of jewellery, such as a Christian cross or a Sikh bangle, and also extends to other aspects of a person's appearance, such as a beard or hairstyle. The protection applies in employment - including job applications and interviews, access to training and promotional opportunities and protection from dismissal. It also applies in education at any level, so that a student cannot be penalized for wearing his or her religious dress in school, even if the uniform does not include this form of dress. However, there is an exception for religious schools. There are also exceptions where the dress would create a safety hazard or where it is necessary to ask a person to show their face for identification purposes.

Protections delivered by the Act to employees are now expanded to apply equally to contract workers, resulting in protecting a larger portion of the State's workforce.

Sexual harassment now matches the definition of this unlawful behaviour with

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the Commonwealth's definition and also extends its protection. In particular, workers are now protected against sexual harassment by customers or clients. For example, a waitress at a hotel or a care worker in a nursing home will now be able to take action against a customer or resident who sexually harasses them. Tenants are likewise protected from sexual harassment by landlords or agents.

As in Commonwealth law, employers will now be generally liable for sexual

harassment by their staff unless they have taken reasonable steps to prevent it. The amendments set out how employers can protect themselves from liability by setting and applying a policy against sexual harassment.

More details about the changes to the Act can be found at:

<http://www.eoc.sa.gov.au/eo-you/discrimination-laws/south-australian-laws/equal-opportunity-act>

3.2. Age discrimination survey

The Commission receives enquiries and complaints from a cross-section of the community including those who believe they have experienced age discrimination. However the calls from older South Australians were less than we expected and we wondered why that might be and what types of discrimination they might be experiencing.

In order to reach this group, the Commission partnered with the Council on the Ageing (COTA) to develop an age discrimination survey. A phone-in was held over two days in March 2010. Survey respondents could also fill in a form, or access the survey on the website. The survey revealed a wide range of discrimination issues concerning older South Australians.

At total of 195 responses were received - many detailing the unfair treatment experienced due to age.

The main areas in which people reported they had experienced age discrimination were:

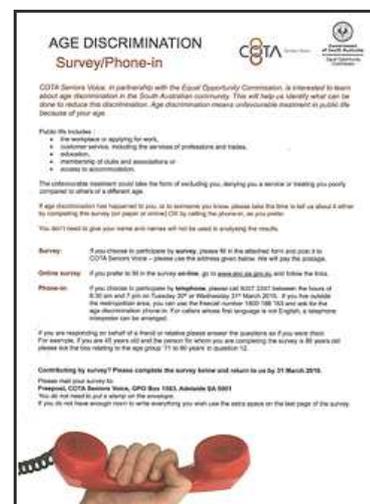
- Employment (42%)
- Health Care (11%)
- Customer Service (11%)
- Insurance (9%)

3.2.1. Combating discrimination

Many respondents offered suggestions for combating age discrimination in society. The most common response was to increase public awareness of age discrimination and to break down age stereotypes. In particular many people wanted the media to change the way in which older people are portrayed.

3.2.2. Complaining

Fifty-six percent of people who experienced discrimination complained about it - primarily to the person involved or their manager. While some chose to write to the company/organisation involved or use their formal complaints process, very few lodged a complaint with the Commission or the federal Australian Human Rights Commission. Those that did had all experienced discrimination in employment.



"If people like me don't stand up, it won't get better. People say 'what's the good? what's the use?' People should stand up for their rights."



3.2.3. Where to from here?

The findings of the survey were presented by SA COTA Seniors Voice at the national COTA conference held in June.

The Commission is also using the survey findings to publicise the issue by presenting findings at the 2010 SA Gerontology conference.

3.3. The New Workers Program

Since 2008, the Employee Ombudsman, Safework SA, Fair Work Ombudsman, Traineeship and Apprenticeship Services, Office of the Training Advocate and the Young Workers Legal Service have partnered in delivering the New Workers Program, demonstrating the value of a “joined up” approach to service delivery. In 2009 the New Workers representatives commenced presentations to high school students at both metropolitan and rural schools. The content of the presentations covered a wide range of issues from apprenticeships, wages, safety, discrimination and unfair dismissal. This year 2300 students participated at 32 schools.

The school visits are aimed at Years 10 to 12 many of whom are looking to start work, already have a casual job or are involved in work experience through school. The presentations also contribute to the students “Personal Learning Plans” and have been popular with teachers of business and vocational studies.

Many participants agreed that the presentations provided information that

was relevant and would assist them as they move through the workforce. Some students had questions relating to their own experiences at work. The presenters gave advice about the students rights in particular situations and actions they could take.

In light of the program’s success the partnership expanded the presentations to include international students and new migrants, including skilled migrants and refugees.

New Worker presentations are now given at universities and other training providers such as TAFE. Since March 2010 approximately 400 new migrants have received New Worker presentations as part of their English language or job search courses.



Presenting new workers at TAFE

3.4. Case study - race discrimination in customer service

Gloria is an Aboriginal person who alleges she was refused service of alcohol in a drive through bottle store. She lodged a complaint of race discrimination with the Commission. The Hotel argued that their employee had acted according to his understanding of new licensing conditions restricting the sale of alcohol in certain circumstances. Gloria was concerned that he had made assumptions about her and did not follow the correct procedure for refusal of service. This matter was unable to be conciliated between the parties.



Gloria now has the option of having her complaint heard and determined in the Equal Opportunity Tribunal.

3.5. Carer's short film

With the change in Equal Opportunity legislation providing greater protection for carers against discrimination, the Commission wanted to focus on positive stories from "real" carers. We wanted to hear how they balanced their roles as carers as well as workers and send a message to employers about the qualities that make carers good employees.



Filming 'Carer's -Real Stories'

The result was "Carers - Real Stories", a DVD produced by Short Focus Films and the Commission, in collaboration with Carer Support SA. The DVD focuses on the stories of 5 carers and the perspectives of two employers who employ carers.

The DVD has been well received and was shown at an International Carers Conference in the UK in June 2010.

To view the Carer's film online please visit <http://www.eoc.sa.gov.au/eo-resources/videos/real-stories-carers>

3.6. Case study - Caring responsibilities for an elderly parent

Jenny cares for her elderly mother who has dementia and other medical conditions. A new roster was introduced at work that changed her hours, requiring her to work later in the day every third week. As a result Jenny was unable to care for her mother during the week she was required to work later. Jenny lodged a discrimination complaint with the Commission on the ground of caring responsibilities. At conciliation Jenny and the employer were unable to resolve the issue. The employer cited changing business needs as the reason for the alteration in start and finish times and offered Jenny some options which she found unacceptable.



Jenny now has the option of having her complaint heard and determined in the Equal Opportunity Tribunal

3.7. Disability and aging expo

The Commission had an opportunity to engage with the community on disability and ageing issues at stand at the 2009 Disability and Ageing Expo held at the Wayville Showgrounds.

Several thousand people attended the Expo and the Commission stand was well-positioned and highly visible in the pavilion. Many stopped to pick up our printed information, talk with one of the staff about discrimination issues and to fill in the questionnaire we developed especially for the event. Peter Greco, of Radio 5RPH interviewed a staff member about changes in equal opportunity legislation and discussed case studies.

The event was also an opportunity to advertise our new equal opportunity laws.



Equal Opportunity Commission stall at the expo

3.7.1. Questionnaire feedback summary

A questionnaire was developed for the event with the intention of understanding more about people's experience of discrimination, their knowledge of the Commission and the help that they required.

About 60 questionnaire forms were completed at our Expo stand. We found that:

- Respondents were either people with a range of disabilities or carers of a person with a disability.
- The most common area of discrimination was in employment, both in recruitment and at work.
- Many said they already knew about the Commission, and our website was the most commonly used of our services.

3.8. Case study - recognition for hearing dogs

Ivan has a hearing impairment and uses a hearing dog. At a suburban bus stop, a bus pulled up but its doors did not open. He knocked on the door, and eventually the doors were opened, however the driver said that dogs were not allowed on. Ivan told the driver that it was a hearing dog, and showed him identification, but it still took some time for the driver to agree to let him on with his dog.

Ivan complained to the Commission. The bus company said that the driver had not recognised that the dog was a hearing dog, but once the driver saw the identification the doors were opened and the driver apologised for the delay.

The complaint resolved with the company inviting Ivan to attend its new driver training sessions to describe his experiences with a hearing dog. Ivan agreed and offered to continue to present at their training every four weeks for the next six months. He was also given four multi-trip tickets as compensation.



3.9. New website

This year the Commission migrated its website from a proprietary Content Management System to an open-source equivalent. This allowed us to improve our website and add new features.

3.9.1. Why open source?

Last year we were confronted with a rise in costs for hosting and support of the Content Management System used on our website. As a response we started looking for more cost-effective alternatives which would prevent similar lock-in situations in the future and give us more control of our website.

The new system has allowed us to add new features to our website such as embedded videos, audio and interactive quizzes.

Development costs were low as the new site was developed completely in-house and there were no purchase or license costs involved. Future upgrades will be

equally cost effective as the Commission will not have to rely on expensive support and maintenance contracts.



Equal Opportunity Commission website

Support is readily available from multiple sources which will prevent vendor lock-in situations in the future and stimulates competitive pricing.

Our new website is now online at <http://www.eoc.sa.gov.au>.

3.10. Mitchell Oration

The Commission sponsors the Mitchell Oration bi-annually to provide an important opportunity to raise community awareness and debate about human rights issues.

The event was held as part of the Adelaide Festival of Ideas on July 12th. This year's topic was 'Freedom of Speech and Its Limits', presented by Associate Professor Dr Katharine Gelber, a senior lecturer in politics and international relations at the School of Social Sciences and International Studies at the University of NSW. Dr Gelber has published widely in this field including the book 'Speaking back: the free speech versus hate speech debate' (2002). At the time of the Oration, Dr Gelber was engaged as chief investigator on an ARC-funded research project 'Securing Freedom: Political Speech in Australia'.

In her Oration, Dr Gelber noted that freedom of speech is a value widely endorsed in Australia as essential to democracy. Indeed, in a 1991 national survey, 100% of people surveyed agreed or strongly agreed that it should be enshrined in the Constitution. Dr Gelber argued that freedom of speech is not an absolute value. It is valuable because it enables everyone to take part in public life and especially political life. It is to be protected, therefore, to the

extent that it achieves that. Speech that is not constitutive but destructive of democratic freedoms, she argued, should not be protected by the principle of freedom of speech. Thus vilification of minority groups, because it harms the ability of those groups to take part in the democratic process, should not attract the protection of this human right. Dr Gelber quoted Dame Roma Mitchell's 1989 remark that 'Freedom of speech does not imply freedom to vilify'.

"If we think of speech as important because, and to the extent to which, it is able to help individuals develop their own capacities to function as fully fledged members of a democratic society then this gives us a guide for where and when speech might be able to be regulated. What would happen, for example, when the speech we're considering is not constitutive but instead is destructive of those individual and collective processes? Is it possible that if, and to the extent to which, individuals' ability to participate in democratic processes and to develop their own capacities was injured by the speech of others, we might have a place to draw the line and a reason for drawing it? I think we do."

- Dr Katharine Gelber, Mitchell Oration, 2009

3.11. Work Life Balance event

On June 17th the Commission and SafeWork SA's Work Life Balance Strategy group held a productive panel discussion aimed at business and employers. The event covered new Fair Work legislation granting employees the "right to request" flexible work arrangements and amendments to the *Equal Opportunity Act 1984* to include caring responsibilities as a ground for discrimination. The panel included representatives from the Fair Work Ombudsman, SafeWork SA, private legal practitioners and industry, who provided information from their experiences and knowledge of the legislation.

Some businesses and employers had raised concerns about the new legislation, their rights as employers and how they could implement flexibility successfully into their workplace. The event was held to clarify the legislation, offer practical suggestions for implementation and encourage business to consider these issues.



Panel Members: Elizabeth Priest, Alister Haigh, Erin McCarthy and Marie Boland

It was well attended by a wide range of private and public sector personnel, who showed great interest in flexible work arrangements and posed some excellent questions and feedback to the panel. Many audience members shared stories from their own workplaces or sought to clarify issues with the panel, leading to a robust and valuable discussion.

Further resources on work life balance and flexibility in the workplace were provided to attendees.

More information on work life balance can be accessed at SafeWork SA's website:

http://www.safework.sa.gov.au/worklifebalance/wlb_home.jsp

or caring responsibilities on the Commission's website:

www.eoc.sa.gov.au

3.12. Case study - No flexibility for caring responsibilities

Donna applied for employment with a recruitment agency and following her interview was offered the position. When she received the written offer from the employer she noticed that the start and finish times were different to those discussed at the interview. Donna has caring responsibilities for her daughter and therefore contacted the employer by telephone to ask whether there could be some flexibility with employment times. Her employer said that she would need to start and finish as per the contract and there would be no flexibility. Donna said that she tried to question the employer further about this and was then sent an e-mail cancelling the offer of employment.

The Commission contacted the employer in an attempt to negotiate an outcome. The employer stated that it was their belief that Donna was attempting to work part time and be paid for full time hours. The Commission staff

member relayed to the employer that Donna had mentioned that she was looking to shorten her lunch hour to leave earlier each day.



There appeared to be many misunderstandings between the parties and following discussions the employer agreed to provide a written apology to Donna and attend training in Equal Opportunity laws.

3.13. E-learning induction program

The Commission runs popular in house and on site training for employers. We recognised the particular needs of employers with large workforces, high staff turnover and employees in various locations to keep up to date with their equal opportunity induction training. In response we developed a new CD and web based e-course which will allow organisations to train staff in equal opportunity basics as part of their in house induction programs.

The program can be customised for individual organisations and incorporate a personalised message from managers, workplace polices, procedures and logos. It's based on a typical work scenario and encourages

employees to think about appropriate and inappropriate behaviour in the workplace, to understand what is expected of them and their options in the event of a grievance. The program also includes an assessment, so that employers can be assured that new staff have understood the key principles of fair treatment in the workplace. We plan to expand our range of e-courses in the coming year.



3.14. Case study - sexual harassment on site

Phil worked on building sites and regularly encountered employees of other contractors. He was regularly subjected to offensive comments, including references to him being gay. This treatment was something that had been common over a number of years. When Phil complained about these comment. he was subjected to further derogatory comments that he believed were made because he had spoken up and made a complaint.



Phil and his managers attended a conciliation conference where it was agreed that awareness would be raised on site about harassment and discrimination. It was also agreed that if Phil experienced any further incidents at work he could contact a manager who would follow the issue up.

4. Complaints

[Complaints received](#)

Statistical information on complaints received

[Valuing pregnant workers](#)

Still experiencing discrimination

[Transgender complaints](#)

Complaints about transgender discrimination

[Complaint outcomes](#)

Rates and trends

[Our service](#)

Feedback from complainants and respondents

[Enquiries](#)

Who doesn't lodge a complaint?

[Whistleblowers](#)

Complaints received this year

[Equal Opportunity Tribunal](#)

Referrals to the Tribunal and Tribunal decisions

4.1. Complaints received

When people complain to the Commission, they identify that an act of discrimination occurred because of one of the reasons listed in the Equal Opportunity Act 1984 (SA). A complainant must also identify that the discrimination occurred in an area of public life, as described in the Equal Opportunity Act.

The number of complaints received in 2009-10 has remained consistent with the past few years with a total of 244 complaints received. This is a small decline from the 262 received in 2008-09 and less than the 10 year average of 285. For the fourth consecutive year the highest number of complaints relate to disability and race. A decline has been seen in sex discrimination, which can partly be accounted for by the introduction of new grounds which more appropriately cover some issues, such as caring responsibilities and association with a child.

The number of victimisation complaints has increased steadily over the last few years with the number of complaints received in 2009-10 over double the 10 year average.

The Commission received complaints in all new grounds, except chosen gender.

The majority of complaints received are about discrimination at work. This year over 60% of complaints lodged related to employment. The area of employment is extensive and covers recruitment, events during employment and termination of employment. We are now able to accept complaints for up to twelve months after the alleged event occurred.

There are always behaviours in public life which seem unfair to an individual, but do not fall within the Equal Opportunity Act. Where complaints fall outside of the Commission's jurisdiction, we refer people to any alternative avenues available to them. Despite the recent amendments to the *Equal Opportunity Act 1984* there are still some areas that are covered only at Commonwealth level, such as discrimination on the grounds of religion and irrelevant criminal record. These complaints can be referred to the Australian Human Rights Commission.

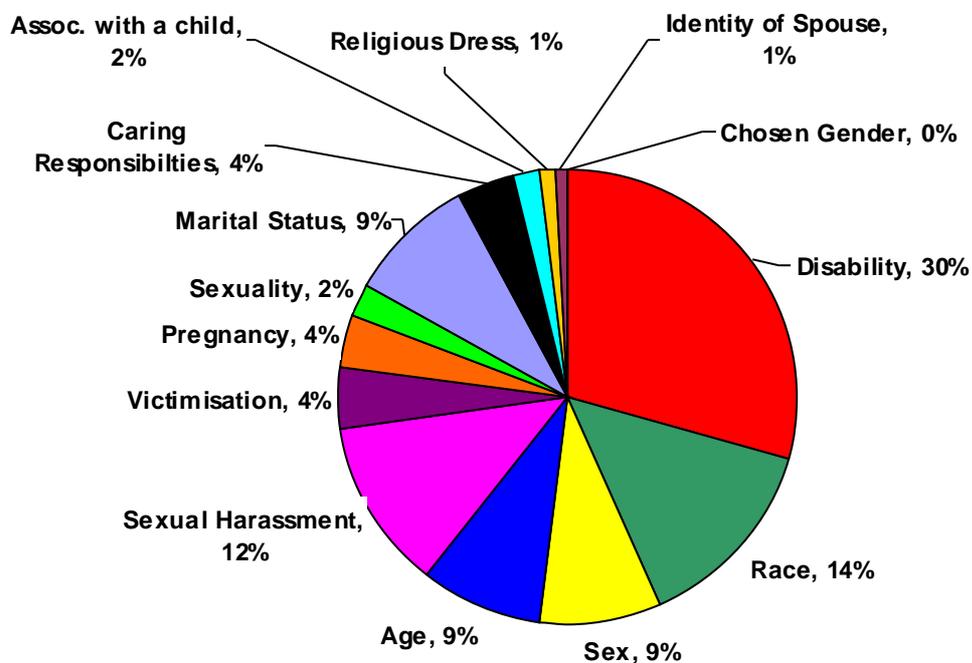
More information about changes to the Equal Opportunity Act 1984 (SA) can be found at <http://www.eoc.sa.gov.au/eo-you/discrimination-laws/south-australian-laws/equal-opportunity-act>

4.1.1. Complaints lodged 2009 -2010

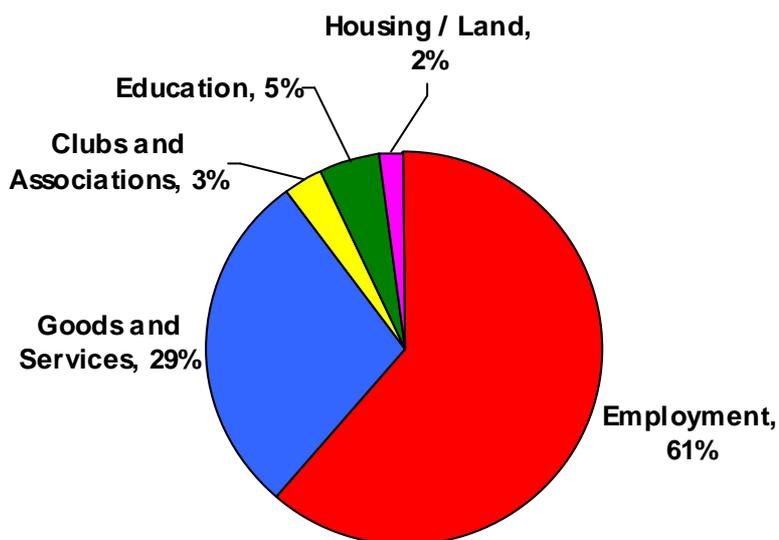
	Employment	Customer Service	Education	Clubs	Housing	Total
Disability	47	32	7	2	2	90
Race	22	17	3	1	1	44
Sexual Harassment	28	2	0	0	0	30
Sex	22	7	0	0	0	29
Age	16	9	1	1	1	28
Victimisation	21	5	1	1	0	28
Caring responsibilities	11	3	0	0	0	14
Pregnancy	12	1	0	0	0	13
Sexuality	7	3	0	0	0	10
Marital Status	6	2	0	0	1	9
Association with a child	3	3	0	0	2	8
Whistleblower	4	1	0	0	0	5
Identity of spouse	2	2	0	0	1	5
Religious dress	0	2	0	0	0	2

Note: some people complained of more than one type of discrimination resulting in a total of 280 separate types of discrimination complaint lodged.

4.1.2. Complaints - types of discrimination



4.1.3. Complaints - where discrimination occurs



4.2. Case study - exam allowances for dyslexic student

Judith complained on behalf of daughter Ruby, that her school failed to provide reasonable adjustments in her exams. Ruby has dyslexia, and this impacts on her reading and writing speed and her spelling. She wanted additional time to complete her exams.

At the conciliation conference the school accepted that Ruby had a disability and agreed to allow her to use a word processor during her exams. This would assist both her spelling and writing productivity. The school also explained its policies in relation to exam times and why it was unable to give Ruby additional time.

However it offered to allow Ruby additional time for rest breaks in each of her exams (up to a maximum of 10 minutes per hour), to have the exam questions on computer and to specify that spelling wouldn't be taken into account in her grades. She agreed to this and the complaint was resolved



4.3. Sexual harassment

Sexual harassment continues to be a prominent issue particularly in the workplace, as evidenced by recent high profile cases. In South Australia sexual harassment complaints constituted 10% of all complaints lodged in 2009-10, on a par with the 10 year average of 9%.

The recent David Jones sexual harassment case may have brought the issue to the forefront of people's minds and it has certainly received high profile media coverage.

Another case which occurred in a NSW KFC franchise has highlighted the importance of having effective equal opportunity and sexual harassment policies in place that are known to staff and are implemented when necessary. In this case the staff member showed pornographic images to colleagues, made suggestive comments and physically harassed the complainant. Although the KFC franchisee had EEO policies in place, the NSW Administrative Decisions Tribunal Appeal Panel found that these were

ultimately not effective in preventing the behaviour.

The Full Court of the Federal Court also upheld a large compensation pay out to a former Hickenbotham Group employee who had been sexually harassed by two employees of the company. The employees had sent sexual emails and texts.

4.3.1. Prevention and Intervention

Workplaces that need assistance with drafting equal opportunity policies can access help on the Commission's website. The website includes an 'Employer's Toolkit' and 'EO at Work' containing examples of policies and advice on how to deal with complaints. Employers can also attend training at the Commission. This is particularly valuable for managers and for contact officers.

More information can be found on the EOC website:

<http://www.eoc.sa.gov.au/eo-business>

4.4. Case study - sexual harassment in small business

A small business owner in a regional town was alleged to have sexually harassed a number of young female employees over several years. Andrea complained about his behaviour to the Commission and because of this was victimised by the owner to the point where she felt that she had no other choice but to resign from her employment.

This matter was resolved through conciliation with the owner agreeing to apologise in person to Andrea and agreeing to pay her compensation of \$2250 for injury to her feelings.



4.5. Complaint outcomes

The Commission has a legislative duty to endeavour to resolve complaints of discrimination through conciliation. Over the past year 59% of complaints within our jurisdiction were resolved through conciliation. This was an increase of 8% from last year.

A Conciliation Officer's role through conciliation is to remain impartial and encourage the parties to reach an agreement during a conference. A variety of outcomes can be negotiated.

A common misconception is that the people responding to a complaint will be required to pay a large sum of money to the person making the complaint. Although there is often a financial component to an agreement, some of the most successful outcomes involve alternative undertakings.

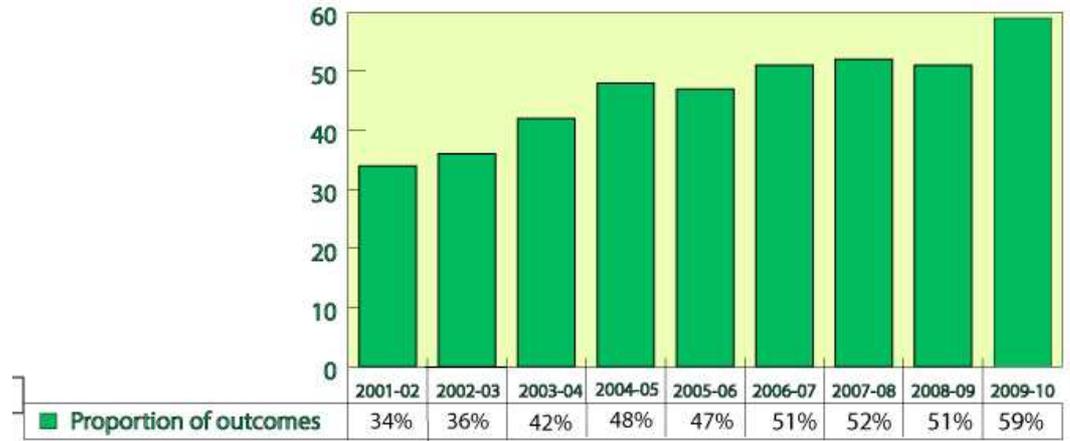
Thirty five percent of complaints in 2009-10 settled with a financial component. This was down twenty five percent compared to last year. Only one agreement was for an amount over \$10,000.

Of the remaining complaints the average settlement amount was around \$3,000.

Apart from financial outcomes, complainants often seek an agreement that the respondent reviews its equal opportunity policies or undertakes staff training. This can result in long term changes to workplace culture and raising awareness of discrimination issues. Thirty five percent of conciliated outcomes this year involved an agreement to review policies and/or undertake training.

Other common outcomes reached are where the respondent agrees to apologise or makes another undertaking to the complainant. For example an employer may agree to provide a former employee with a reference or a business might agree to change a practice that led to a complaint. Eighty five percent of conciliated outcomes involved the respondent making an apology or providing another undertaking to the complainant.

4.5.1. Percentage of complaints resolved through conciliation



4.6. Our service

The Commission aims for the highest standard in the way we communicate and in providing an impartial service to parties to a complaint. As part of our continual improvement of services, complainants and respondents are asked to fill in an evaluation form after complaints are finalised. Broadly the questions address four issues: communication of information, impartiality, timeliness and overall satisfaction.

"We were extremely impressed with the whole process. Your staff could not have performed any better. It restored faith in our justice system. Living in the disability world there are many obstacles, people do not realise often what they do is wrong. This was a very interesting and successful outcome and we thank all involved.

- Complainant

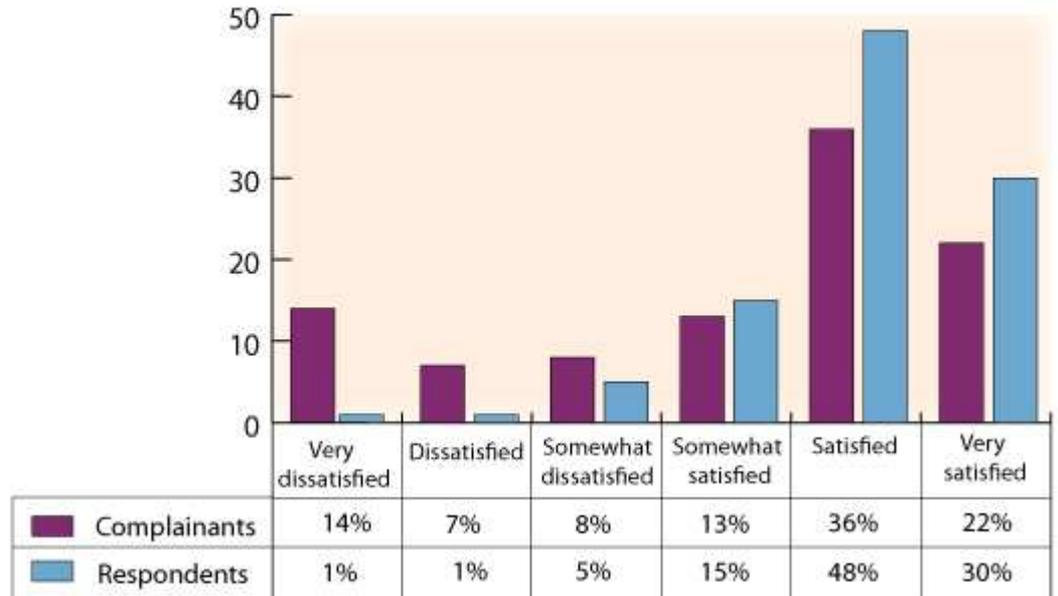
Of those who filled in evaluations, ninety percent of complainants and one hundred percent of respondents agreed that they were well informed through the process. This includes the provision of

fact sheets, general information and keeping parties up to date. Conciliation officers often spend time explaining complex discrimination issues with parties and answering queries about the process.

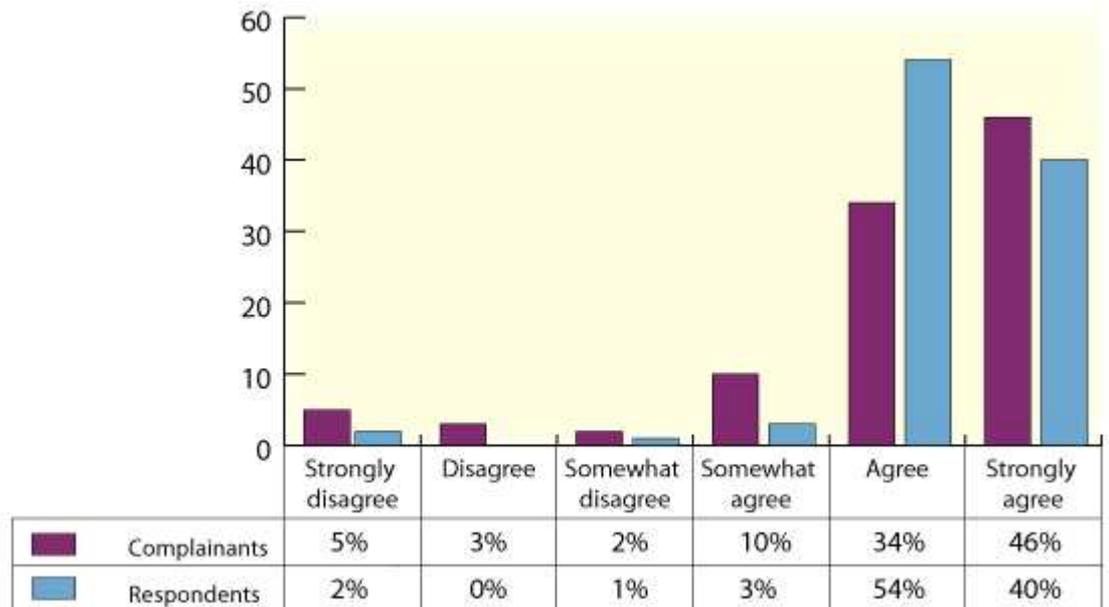
The vast majority of complainants and respondents felt that the Commission remained neutral in the way their complaint was handled. Eighty one percent of complainants and eighty seven percent of respondents were satisfied with the timeliness of the Commission's service.

In terms of overall satisfaction seventy one percent of complainants were satisfied with the outcome and the complaint handling process. This can be compared to ninety three percent of respondents who said they were satisfied overall.

4.6.1. Satisfaction rates - complainants and respondents



4.6.2. Impartiality rates - complainants and respondents



4.7. Enquiries

Complaints received by the Commission are formal complaints which must be in writing. In addition to complaints the Commission receives a high number of telephone and email enquiries. These enquiries come from individuals who believe they have been discriminated against and from businesses seeking information about potential discrimination issues.

Disability, age and race discrimination generated the most enquiries. There was a thirty two percent drop in sex discrimination and an eleven percent drop in pregnancy enquiries this year, again partially explained by those enquiries covered by the new grounds of caring responsibilities and association with a child. An increase in age discrimination enquiries could be associated with the Age Discrimination survey and phone in that the Commission ran in March 2010. Sexual harassment also generated a significant number of enquiries.

Enquiries also cover many other issues that do not fall within the *Equal Opportunity Act 1984 (SA)*. Over a quarter of enquiries we receive are issues that the Commission cannot

assist with. Typically these are industrial relations or legal issues such as workplace bullying enquiries and underpayment of wages, that we refer to other appropriate agencies.

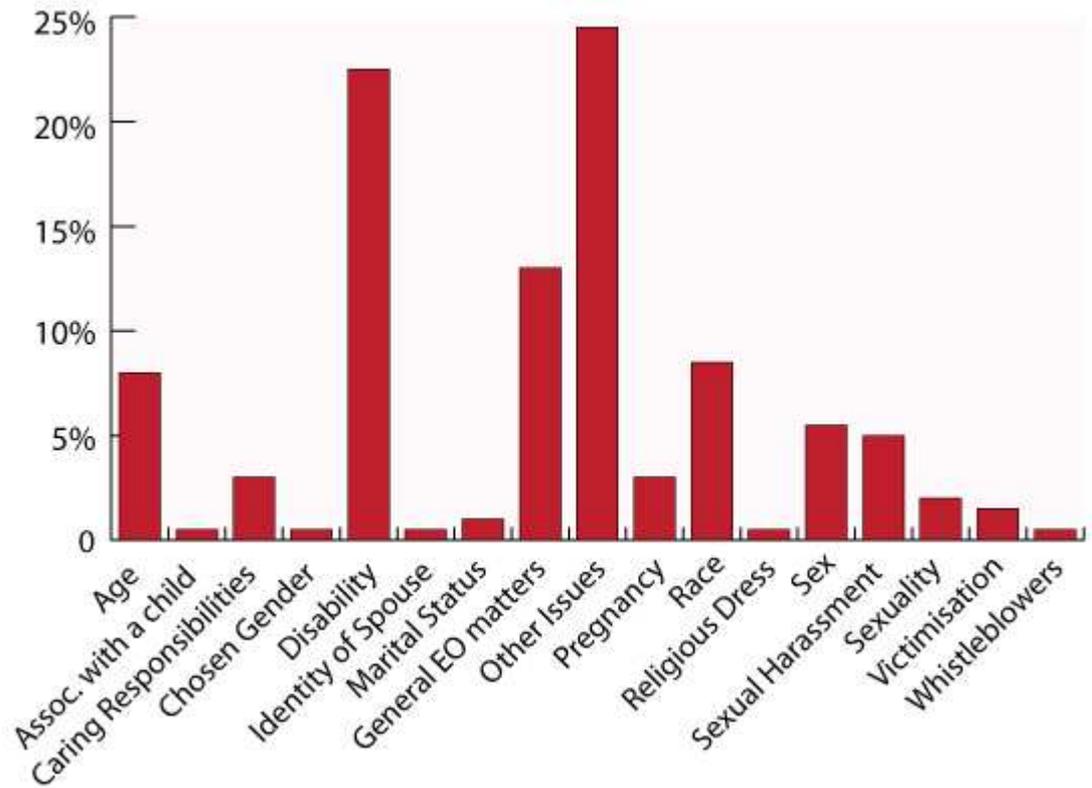


Enquiry officer taking a call

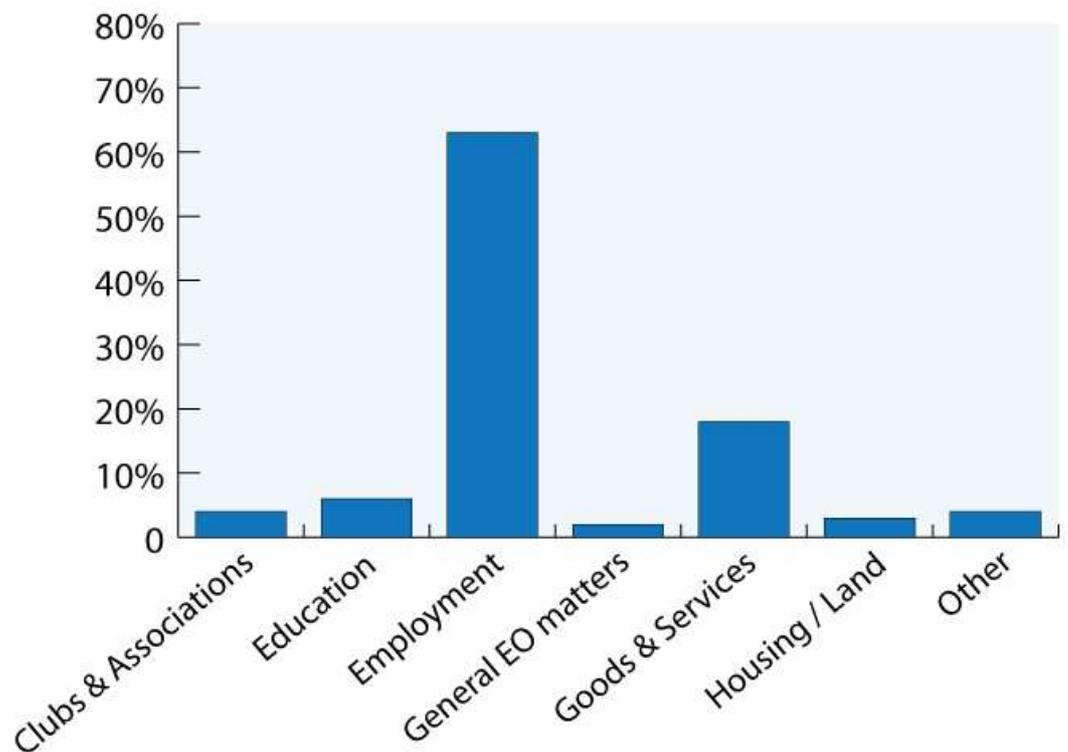
Enquiry calls have typically reduced over time as visits to our website have increased dramatically. 2009-10 however saw an eleven percent increase in enquiries from the previous year. The Commission aims to provide clear information to the public through both the website and our telephone enquiry service.

See more information about our website statistics this year on page 58.

4.7.1. Enquiries - types of discrimination



4.7.2. Enquiries - where discrimination is reported



4.8. Whistleblowers

The *Whistleblowers Protection Act 1993* (SA) exists to facilitate the disclosure, in the public interest, of significant maladministration and waste in the public sector and of corrupt or illegal conduct generally, by providing a disclosure process and a legal protection for those who make disclosures.

The Act does not protect all disclosures of suspected misconduct and not everyone who makes a disclosure is necessarily a whistleblower. Only a disclosure of 'public interest information' is protected. This means a disclosure of illegal activity, an irregular and unauthorised use of public money, substantial mismanagement of public resources or conduct that causes a substantial risk to public health or safety, or to the environment. Alternatively public interest information can be maladministration by a public officer in performing official functions.

A disclosure is only protected if it is made to someone to whom it is reasonable to make the disclosure, such as an appropriate authority. That includes a disclosure to the police, the Ombudsman, the Auditor-General, the Commissioner for Public Employment, and others.

It is unlawful to treat the whistleblower less favourably because he or she has made a disclosure that is protected by the Act. This includes harm, intimidation, harassment, threats of reprisal or any other disadvantage. If someone does this, then the whistleblower can either sue the person for damages in the civil courts or can make a complaint of victimisation to the Equal Opportunity Commission.



Over the past year, the Commission received eight complaints from people who believed that they were whistleblowers protected by the Act and who alleged victimisation after making disclosures. The Commissioner examined the complaints but, in the Commissioner's view, only one of the eight complaints met the requirements of the Whistleblowers Protection Act and was taken up. This complaint was successfully conciliated.

4.9. Case study - Victimization for whistleblower

Vera worked for a regional aged care facility. She made a complaint about her workplace to the Aged Care Complaints Investigation Scheme (ACCIS). Shortly afterwards she was accused of bullying behaviour at work and believed that this happened because of the complaint she had made. Then she was terminated from her employment.

She believed that she was victimised as a whistleblower so she made a complaint to the Commission. When asked for a response, the management of the facility said that they didn't know who made the complaint to ACCIS and that it was following its normal procedures in disciplining and

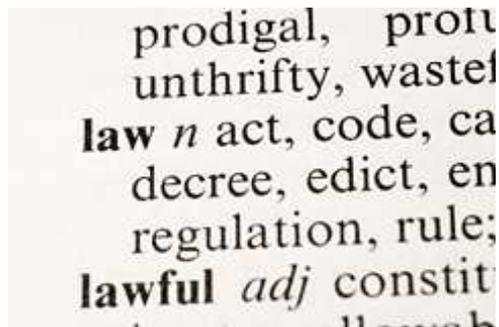
terminating Vera. It denied victimising her in any way and in particular as a whistleblower.



A conciliation conference was held. Following this the parties continued negotiations. The matter resolved with the facility paying Vera compensation, giving her a statement of service and agreeing to train its staff in discrimination and bullying.

4.10. The Equal Opportunity Tribunal

The Equal Opportunity Tribunal has two main roles under the Equal Opportunity Act 1984 (SA). Firstly the Tribunal hears applications for exemptions and secondly the Tribunal hears complaints referred to it by the Equal Opportunity Commissioner. The Tribunal is a separate body from the Commission. The Tribunal comprises a Presiding Member, who is a District Court Judge, and two assessors, who are lay people chosen for their skills and experience



4.11. Exemptions from the Act

The Equal Opportunity Act 1984 (SA) provides a way for organisations to apply to the Equal Opportunity Tribunal for a temporary exemption from the Equal Opportunity Act. The Tribunal can order an exemption of up to three years and an organisation can lawfully discriminate according to the conditions of the exemption.

The Tribunal granted three applications for an exemption as detailed below:

4.11.1. Pembroke School Inc

Pembroke School Inc sought an exemption to offer places in some primary years preferentially either to girls or to boys depending on the numbers already in the year, so as to maintain gender balance in its classes. The Commissioner did not oppose the exemption. The Tribunal found that an exemption would advance the purposes of the Act and granted an exemption for the maximum period of 3 years.

<http://www.austlii.edu.au/au/cases/sa/SAEOT/2009/7.html>

4.11.2. Bowls SA

Bowls SA sought an exemption to offer single-sex bowls competitions for both male and female bowlers. The Commissioner did not oppose the exemption. After hearing evidence the Tribunal decided to grant an exemption for the maximum period of 3 years

<http://www.austlii.edu.au/au/cases/sa/SAEOT/2010/1.html>.

4.11.3. The State of South Australia

The State of South Australia sought approval to employ Aboriginal & Torres Strait Islander people in SA Health. Again the Commissioner did not oppose the application and an exemption was granted for the maximum period of 3 years.

4.12. Complaints referred to the Tribunal with assistance

If parties fail to reach agreement through the Commission's conciliation process the Commissioner can either decline a complaint or refer it to the Tribunal. If the Commissioner refers a complaint to the Tribunal the complainant can request the Commissioner to provide assistance to them. Practically, this means that the Commissioner can decide whether or not to fund legal assistance for the complainant. Prior to amendments to the Act coming into force in October 2009- the Commissioner was required to provide financial support in all referred cases.

If the Commissioner declines the complaint, the complainant can still go to the Tribunal but they do not receive the Commissioner's assistance.

This year four complaints were referred to the Tribunal with the Commissioner's assistance.

4.12.1. Rankin v State Electoral Office - Disability discrimination

Mr Rankin, who has a vision impairment, complained of disadvantage in casting a vote at the March 2009 election because ballot papers were not provided in Braille, computer assisted voting being unavailable. The complaint has not yet been heard.

4.12.2. Jaber v Tomadakis - Race discrimination

Mr Jaber complained that a commercial lease was broken because of his race. The matter is before the Tribunal but no hearing date has yet been fixed.

4.12.3. Pearce v Parletta Real Estate Pty Ltd - Disability discrimination

Ms Pearce lived in a rented flat. She complained that the landlord's agent failed to reasonably accommodate her vision impairment by providing tenancy documents in large print. The complaint has not yet been heard.

4.12.4. Jolly v H. H. Sons Pty Ltd and others - Disability discrimination

Mr Jolly complained that he was refused service in a restaurant because he had his guide dog with him. The restaurant denied that it had broken the law.

Refer to Page 47 for the Tribunal's decision on this case. The case was resolved in mediation conducted by the Tribunal, with the restaurant agreeing to pay Mr Jolly \$1 500 compensation for injury to his feelings, apologise in writing and send staff for training about guide dogs.

During the year the Tribunal finalised two cases that related to complaints that the Commissioner had referred in the previous year.

[4.12.5. Katula v ACHA - Pregnancy, Sex discrimination](#)

Ms Katula was due to commence work as a nurse in Australia on a 457 visa. Her employment was allegedly terminated when she disclosed that she was pregnant. The hospital alleged that to continue the employment would have put it in breach of Commonwealth migration laws.

The case was referred to the Tribunal, however the case was resolved by the agreement of parties on confidential terms, before being heard in August 2009.

[4.12.6. Schroeder v SAPOL - Disability discrimination](#)

Mr Schroeder alleged that SAPOL refused to employ him because he has Crohn's disease. Mr Schroeder had been in remission for three years and said that, because he could carry out the requirements of the job, SAPOL's policy discriminated against him. SAPOL disputed this.

The case was referred to the Tribunal, however Mr Schroeder withdrew the complaint in July 2009.

4.13. Complaints referred to the Tribunal without assistance

The following cases were referred on the complainant's request after being declined by the Commissioner.

4.13.1. [Rex v Interwork Ltd](#) [DCADD-10-72](#)

As at 30 June 2010 the case had yet to be heard.

4.13.2. [Davidson v DECS](#) [DCADD-09-260](#)

As at 30 June 2010 the case had yet to be heard.

4.13.3. [Cook v Rossdale Homes](#) [DCADD-09-309](#)

Ms Cook complained that Rossdale Homes had treated her unfairly and not taken into account her disability and her inability to handle stressful situations.

The Commissioner declined to take the complaint up and Ms Cook requested it be referred to the Tribunal. The Tribunal subsequently dismissed the case in March 2010.

4.13.4. [Grocke v Scrub Country](#) [t/a Barossa Motor Lodge](#) [DCADD-09-384](#)

As at 30 June 2010 the case had yet to be heard.

4.14. Equal Opportunity Tribunal decisions

This year the Equal Opportunity Tribunal decisions related to the areas of employment, goods and services and education. Between July 2009 and June 2010, the Equal Opportunity Tribunal handed down 4 decisions.

4.14.1. Jolly v H.H. Sons Pty Ltd - Disability discrimination

(April 2010)

Mr Jolly, who has an hereditary eye disease, was barred from dining at the Thai Spice restaurant with his guide dog.



This was despite the fact that the restaurant displays a “guide dogs

welcome” sign and Mr Jolly showed staff a guide dogs fact card. The restaurant owner said a staff member mistook his guide dog for a “gay dog.”

The Tribunal ordered that (by consent) the restaurant owners provide Mr Jolly with a written apology, and pay him \$1500 for humiliation and injured feelings upon being refused service in the restaurant. The owners would also attend, along with staff in contact with the public, an education course regarding the use of the working Guide Dog.

Read more about the decision at <http://www.eoc.sa.gov.au/eo-resources/what-commissioner-says/gay-dogs-not-welcome>

4.14.2. Carman v Torrens Transit Services (North) Pty Ltd 2009 SAEOT 6 - Disability discrimination

(July 2009)

Mr Carman had many years experience driving buses and was employed as a bus driver when he applied for a role with the new operator of public bus operations, Torrens Transit.



In his application form Mr Carman disclosed he had previous Work Cover claims relating to injuries sustained several years ago that had resolved. Mr Carman was then required to complete a pre-employment medical examination which determined that Mr Carman failed to meet the inherent physical requirements for the position. The examiner stated that Mr Carman had limited range of movement, poor back fitness rating and unsatisfactory bilateral grip strength.

Mr Carman was subsequently not offered a position. A short time after this Mr Carman passed a medical examination by his GP for renewal of his bus licence.

Mr Carman said that he had been discriminated against because of his prior injuries which were no longer an issue.

The Tribunal found that Mr Carman was discriminated against by Torrens Transit on the basis of disability in concluding that Mr Carman would not be able to adequately perform in the role of bus

driver. The Tribunal awarded Mr Carman \$2000 for injury to feelings and \$27,000 for loss of earnings and for a living away from home allowance.

Read the decision at

<http://www.austlii.edu.au/au/cases/sa/SAEOT/2009/6.html>

4.14.3. Choong v Bridgestone Australia Ltd 2009 SAEOT 8 - disability discrimination

(September 2009)



Mr Choong, who was in his early 60s, was employed as a boiler attendant at the Bridgestone factory through a labour hire company.

When a permanent position became available at Bridgestone, Mr Choong applied for the role. He alleged that Bridgestone advised him his age was a factor in deciding not to give him the position, as he would be retiring soon. Bridgestone denied that this exchange

occurred and stated that Mr Choong was not given the role due to performance issues.

Mr Choong's employment at Bridgestone was subsequently terminated for performance issues. Mr Choong disputed these allegations and stated that the company had not granted him permanency and had terminated his employment due to age discrimination, as he would soon be 65 years old.

The Tribunal found that the decision not to grant Mr Choong permanency was due to performance issues and issues relating to his relationships with co-workers. The Tribunal did not believe that Mr Choong's age was a factor in these decisions. Mr Choong's complaint was subsequently dismissed.

Read the decision at

<http://www.austlii.edu.au/au/cases/sa/SAEOT/2009/8.html>

4.14.4. Pazios & Anor v Pulteney Grammar School (No.3) 2009 SAEOT 9 - Sex discrimination (December 2009)

Mr and Mrs Pazios' sons attended Pulteney Grammar school in the mid 1990s. When the school became co-educational in 1999, some foundation

scholarships and fee rebates were offered to prospective female students.

The Pazios' lodged a complaint on behalf of their sons, that the school had discriminated against both them and their sons by only offering discounted school fees to female students.



Mr and Mrs Pazios then applied to be made parties to the proceeding along with their sons. To be made a party, they had to show they were "persons aggrieved" by the alleged discrimination. The Tribunal found that the school fees were paid by Mr and Mrs Pazios and they have an interest in how their children are treated at the school. It followed that Mr and Mrs Pazios were "persons aggrieved" by the alleged discrimination and could be joined as parties to the proceedings. (See the 2007/08 and 2008/09 annual reports for more detail on these issues)

| Contents | Messages | Highlights | [Complaints](#) | Programs |

The majority of the Tribunal held that, because their sons were already enrolled in the school before the foundation scholarships began to be offered, the complainants did not suffer detriment by the limitation of these scholarships to prospective students who were girls.

Read the decision at

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/sa/SAEOT/2009/9.html>

5. Programs

[Training with the Commission](#)

Statistical information on our training

[New complaint handling tool for sport clubs](#)

Equipping organisations from the top down

[Advanced skills for managers and supervisors](#)

New in-house training program to build on manager's knowledge

[Briefings on amendments to the EO Act 1984](#)

Getting the message out about changes to legislation

[The top 20 hits of 2009-10](#)

What's accessed on the website?

[The Commissioner and the community](#)

Event attendance and submissions by the Commissioner

5.1. Training with the Commission

The Commission provides two main types of training. Throughout the year we offer training courses to the general public which are held at the our offices. Training for staff who have been identified by their employer as contact officers and sessions on effectively managing workplace issues are our most popular public courses.

In addition to our public courses the Commission delivers customised training for a range of organisations, tailored for the particular workplace. Our training officers work closely with organisations to ensure their program is relevant and effective. This includes

reviewing workplace policies and procedures, developing an equal opportunity plan and completing an assessment of the workplace culture.

This year our customised training services expanded to include our “management-led” training, which has been successfully run with several organisations. Our aim is to give employers the skills and tools to provide a discrimination free workplace.

Training courses for 2009-10 have proved popular and have been booked out in advance.

5.2. New complaint handling tool for sporting clubs

Conflict is an inevitable part of life and sport. However good communication skills can help people to deal with most issues quickly and effectively, before they escalate. To assist and support sporting organisations in dealing with complaints the Commission together with the Office for Recreation and Sport developed a simple desktop guide for clubs. The guide provides practical tips on dealing with issues within sporting clubs, as well as information about where to go for help with more difficult or complex matters. The guide aims to assist club presidents and committee members to nip problems in the bud through good communication and confidence in complaint handling.

For more information on fairness in sport, visit the 'Play by the Rules' website at

<http://www.playbytherules.net.au/>



5.3. New in house Program - Advanced Skills for Managers and Supervisors

The Commission continually evaluates and reviews our training services, gaining valuable feedback from people and organisations who have attended our courses. Through consultation with past training participants we recognised there was a need to offer a new course to complement our current 'Nipping Problems in the Bud' course for Managers and Supervisors.

We therefore developed 'Advanced Skills for Manager and Supervisors', a three hour course which provides managers and supervisors who already have a sound working knowledge of equal opportunity laws with more intensive training about preventing

inappropriate behaviour in the workplace. By the conclusion of the course the participants have gained skills in:

- early intervention in workplace disputes
- confidence in dealing with situations of conflict
- role modelling respectful behaviours
- more effective complaint handling skills.

Evaluations of the course have been positive with attendees commenting, in particular, on the benefit of role plays and real case scenarios.

5.4. Briefings on the amendments to the EO Act 1984

In late 2009 and early 2010 Commission staff went out and about telling interested organisations about the changes to the Equal Opportunity Act (1984).

The Commissioner and other staff visited about fifteen organisations giving presentations about the changes. The organisations included government departments, statutory authorities, not for profit organisations, unions and private sector businesses. The briefings focused on the changes relevant to that organisation.



The Commission also provided articles for more than ten industry newsletters, once again highlighting the changes relevant to the industry type.

Another service offered by the Commission was an “Organisation Health Check”. Organisations who wanted to check whether their practices complied with the legislative requirements were offered a health check. This included the Commission providing the organisation with a seven step guide for employers on managing equal opportunity in the workplace. It also included a sample equal opportunity policy, complaint procedure and code of conduct.

5.5. Case study - Judging a Book by it's Cover

Mike is a twenty-two year old man who has an acquired brain injury. This has meant he has had to re-learn to talk and walk. His balance is not one hundred percent and he walks in a way that might appear unbalanced or restricted, his eyes are bloodshot much of the time and his eye opening is restricted. His speech is also slow and measured. All this may give rise to others assuming that he is affected by alcohol.



One evening he went to a hotel. He said that a bouncer refused him entry to the hotel believing that he was too intoxicated to enter. Mike said that he had not had any alcoholic drinks for weeks.

He was particularly frustrated by what happened because he thought he had resolved things with the hotel after a

previous similar incident which led to the manager assuring him it would never happen again.

Mike said that these experiences had spoilt his enjoyment of social experiences and his relationships with friends and he feared that it may lead to further alienation from his friends.

Jim, a director of the hotel, attended a conference with Mike and his advocate Jill. Jim apologised to Mike for what had happened and assured him that he would do whatever he could to minimise the chances of this happening again, although he noted that he could not give him an absolute guarantee.

Jim told Mike that one of the difficulties for him was meeting the requirements of Liquor Licensing Act, particularly in relation to the entry of intoxicated persons (where he as the responsible person and the hotel could be fined up to \$20,000 for allowing alcohol to be served to a person who was or appeared intoxicated). Jim told Mike that police had been extremely active in his hotel and this had led to staff being hyper-vigilant. Jim said that he wanted to create an environment where customers felt welcome and to remove barriers like this. He said that he would

review his hotel's entry procedures, and ensure that his staff were aware of them.

Jim and Mike agreed to settle the complaint on the basis of the apology given, the undertaking to review

procedures and train staff. Jim also agreed to pay Mike an amount of \$200 as compensation towards some pending medical expenses for visits to a doctor and travel costs.



5.6. The top 20 hits of 2009-10

The Equal Opportunity Commission website continues to be well used with the overall number of website visits up seven percent on 2008-09. The website was visited more than 140,000 times over the past year, about 380 times a day.

One of the ways we track what visitors are interested in is by tracking the searches that lead people to our site. Many of the top search terms are similar to previous years. However searches relating to dismissals from employment have increased.

Many people come to the site for case studies and examples, as well as policies and procedures. Hits such as these and for particular issues, like dress codes, are probably from managers or human resource officers.

The website statistics this year confirm the value of our website for both individuals who may lodge a complaint, and for businesses who need to be aware of their broader obligations.

Top 20 requested pages

1	Equal Opportunity Act	11	About us
2	EO for schools	12	South Australian laws
3	What is Discrimination?	13	Employers
4	Contact us	14	EO resources
5	What is discrimination? > Types	15	Training
6	EO for you	16	Hot topics
7	Discrimination laws	17	EO for schools > Serious stuff
8	Making a complaint	18	Workers
9	EO for business	19	Videos online
10	When is discrimination against the law?	20	Current courses

Top 20 searches hitting our websites

1	equal opportunity commission (SA)	11	dress codes (in the workplace)
2	equal opportunity act (SA)	12	forced to resign/constructive dismissal (SA)
3	(what is/anti) discrimination (SA)	13	customer service (tips)
4	equal opportunity (in SA/in the workplace)	14	(anti) discrimination agencies
5	(sample) complaint (handling) procedure/template	15	(dealing with) difficult customers
6	discrimination/EO case studies/hypothetical dilemmas (various grounds)	16	equal opportunity policy/statement (template)
7	(dealing with) cultural differences (in the workplace)	17	(paid/return to work after) maternity/parental leave (SA)
8	discrimination/EO law/legislation	18	disability discrimination (Act/1992) (SA)
9	types of discrimination	19	racial vilification
10	(dealing with) customer complaints (procedure/template)	20	sexuality discrimination

These results identify what people are looking for when they follow a search result through to our website.

5.7. The Commissioner and the community

The Equal Opportunity Commission engages with the community through forums and events. This year the Commission has maintained its attendance at public events such as expos, cultural events and seminars.

After the introduction of the Equal Opportunity (Miscellaneous) Amendment Bill 2008 (SA) in Parliament in November 2008, Commissioner Linda Matthews attended many events to discuss the proposed changes and the impacts of the Bill with interested parties.

The Commissioner is frequently asked to present her views on discrimination and human rights. This year has been no exception, with a great deal of public and media attention spurred by the National Human Rights Consultation and changes to the *Equal Opportunity Act*.

Some events which she participated in this year include:

- National Human Rights Consultation Committee - Chair (July 2009, Parliament House)
- Carers in the Workforce - A New Age? (October 2009, University of South Australia)
- Investigating the Workplace (March 2010, WorkCover)
- International Day Against Homophobia - Speaking about

Silence (May 2010, Prospect Broadview Bowling Club)



Commissioner, Linda Matthews addresses the audience at an Industrial Relations Society event

Submissions made to various government consultations this year include:

- Australian Human Rights Framework
- National Disability Strategy
- Disability Services Enquiry
- Australian Human Rights Commission's submission for United Nations Human Rights Council's Working Group on the Universal Periodic Review.

5.8. Freedom of information

This year, we received one new application under the Freedom of Information Act 1991 (SA) which was completed.

