## General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

**WARNING:** Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

## General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

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| Discrimination | Disability and NDIS services | Policing, Custody and Detention |
| Seniors and Aged Care supports and services | Consumer and Business disputes | Phone and Internet services |
| Banking, Insurance and Superannuation | Energy and Water services | Housing and Real Estate |
| Health Care services | Employment issues | Education and Training providers |
| Government Agencies and Departments | Child Safety and Protection | State Fines and Debts |
| Corruption | Privacy and Access to Information | Media and Publications |

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you to have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

## Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

**WARNING:** The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint

bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to Equal Opportunity Commission WA (EOC), it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

## Equal Opportunity Commission WA

In this fact sheet, we introduce the Western Australia Equal Opportunity Commission ('**EOC**'). We outline how complaints can be made by individuals to the EOC.

The EOC is a government agency though independent from the Department of Justice in performing its functions. The EOC is responsible for addressing complaints related to discrimination, harassment and victimisation in Western Australia.

## Legislation and Key Terms

**Relevant Legislation:** Below are links to legislation that is relevant to the work of the Western Australia Equal Opportunity Commission:

- *Equal Opportunity Act 1984* (***EO Act***)
- *Public Interest Disclosure* (***PID***) *Act 2003* (***PID Act***)
- *Historical Homosexual Convictions Expungement Act 2018* (***HHCE Act***)

**Key terms:**

**Complainant:** The person or persons who lodge a complaint.

**Gender reassigned person:** As defined in the Act:

(a) A person who has been issued with a recognition certificate under the Gender Reassignment Act 2000 or a certificate that was an equivalent certificate for the purposes of that Act; or

(b) A person -

(i) Whose sex or gender in the registration of the person's birth under the Births, Deaths and Marriages Registration Act 1998 has been changed under section 36Q of that Act; or

(ii) Who has been issued a document acknowledging the person's sex or gender under the Births, Deaths and Marriages Registration Act 1998 section 36ZA

**SAT:** The State Administrative Tribunal.

**Unlawful Discrimination:** unfair treatment because of a protected characteristic, such as sex, race, age or impairment, in an area covered by the Equal Opportunity Act.

**Step 1:** What type of Complaints can be made to this body?

| **The Equal Opportunity Act 1984 (WA) protects certain attributes, called 'grounds'. Complaints must be based on a ground and occur in a recognised area of public life. This includes:** | |
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| **Sub-category** | **Example** |
| Sex discrimination<br>*EO Act* Part II, s8 | **You should make a complaint if you have been discriminated against because of your sex.**<br>This can happen via:<br>• **Direct sex discrimination:** if you are treated less favourably because you are male or female, compared to another person of a different sex, in the same or similar circumstances.<br>• **Indirect sex discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your sex, and is unreasonable in the circumstances.<br>It is unlawful to discriminate because of sex in these areas of public life:<br>• Work<br>• Education<br>• Access to places and vehicles<br>• Provision of goods, services and facilities<br>• Accommodation<br>• Disposal of land or estate<br>• Clubs<br>• Application forms<br>• Advertisements<br>• Insurance – in some instances<br>• Sport – in some instances<br>There are some exceptions to this ground, including:<br>• Measures intended to create equality or meet special needs<br>• Domestic workers in private households<br>• Genuine occupational qualification<br>• Competitive sport where strength, stamina or physique is relevant<br>• Single sex accommodation, clubs or services<br>• Residential care of children<br>• Insurance, where based on reasonable data and statistical evidence<br>• Application forms requesting information about a sex-based medical condition |

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| | • Accommodation in private households<br>• Accommodation provided by religious, charitable or voluntary bodies<br>• Disposal of land or estate by will or gift<br>• The provision of charitable benefits<br>• Admission as a member of a voluntary organisation<br>• Establishments providing accommodation for aged people<br>• Employment, education or training at a religious educational institution<br>• The ordination of priests or ministers of religion<br><br>*Examples:*<br>• *Sophie applied for a factory job and was told it was pointless because the employer only hired men and the facilities were only set up for male staff.*<br>• *Melissa worked as a parking inspector and was subjected to repeated sex-based comments by her co-workers and supervisor, but her employer did nothing to address it.*<br>• *Ethan applied for a supermarket checkout job and was told it was "a job for a woman".*<br>• *Tahlia applied for a mechanical fitter apprenticeship and was refused because the employer assumed she would not be able to do heavy mechanical work because she was a woman.*<br>• *Amira applied for a warehouse role after seeing a job advertisement seeking "young men", even though the work could be done by people of any sex.*<br>• *Lucas was refused a room in shared accommodation because the housing provider said they only wanted female tenants.*<br>• *George was charged an entry fee at a nightclub, while women were allowed in for free on the same night.* |
| Breastfeeding discrimination<br>*EO Act* Part II, s10A | **You should make a complaint if you have been discriminated against due to breastfeeding.**<br>This can happen via:<br>• **Direct breastfeeding discrimination:** if you are treated less favourably because of breastfeeding or bottle-feeding, compared to another person who is not breastfeeding, in the same or similar circumstances.<br>• **Indirect breastfeeding discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because you are breastfeeding or bottle-feeding, and is unreasonable in the circumstances. |

It is unlawful to discriminate because of breastfeeding in these areas of public life:

- Work
- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Disposal of land or estate
- Clubs
- Application forms – subject to exception

There are some exceptions to this ground, including:

- Measures intended to meet special needs
- Rights or privileges granted to a person in connection with breastfeeding
- Orders of courts and tribunals
- The provision of charitable benefits
- Voluntary bodies – admissions and benefits
- The ordination of priests or ministers of religion.

*Examples:*

- *Sarah was having dinner at a restaurant and asked staff where she could sit to breastfeed her baby more privately, but a waitress told her she would have to leave the restaurant if she wanted to breastfeed.*
- *Monique returned to a community centre with her baby, but a staff member told her that because other people had complained, she would have to go into a separate room if she wanted to breastfeed.*
- *Rachel needed to bring her baby into her office to breastfeed during the workday, but her employer would not allow it because the baby was treated as a visitor and visitors were not allowed during office hours.*
- *Emily was breastfeeding her baby in a shopping centre when a security guard told her to stop or leave because other customers might feel uncomfortable.*
- *Priya was waiting for an appointment at a medical clinic and began breastfeeding her baby, but staff told her to move because other patients had complained.*
- *Brooke worked in a warehouse where all staff had to follow the same break schedule, but the fixed break times did not allow her to breastfeed or express milk when needed, and her employer refused to make any adjustment.*

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| Marital status discrimination<br>*EO Act* Part II, s9 | **You should make a complaint if you have been discriminated against due to your marital status.** This includes being single, married, married but living apart from your spouse, divorced, widowed or the de facto partner of someone else.<br>This can happen via:<br>• **Direct marital status discrimination:** if you are treated less favourably because of your marital status, compared to another person of a different marital status, in the same or similar circumstances.<br>• **Indirect marital status discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your marital status, and is unreasonable in the circumstances.<br><br>It is unlawful to discriminate on this ground in these areas of public life:<br>• Work – in some instances<br>• Education<br>• Access to places and vehicles<br>• Provision of goods, services and facilities<br>• Accommodation<br>• Clubs<br>• Disposal of land or estate<br>• Application forms<br>• Advertisements<br>• Sport – in some instances<br>• Insurance – in some instances<br><br>There are some exceptions to this ground, including:<br>• Accommodation provided in a private household or by a religious, charitable or voluntary body<br>• Accommodation provided for employees<br>• Accommodation provided for aged persons<br>• Partnerships of less than six people<br>• Employment, when the job is one of two that will be held by a married couple or partners in a de facto relationship<br>• Employment in a religious, educational institution<br>• The provision of education by a religious organisation<br>• Residential care of children<br>• Disposal of an estate or interest in land or by way of a gift |

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| | • Measures intended to achieve equality or meet special needs<br>• Superannuation and insurance, based on statistical evidence<br>• The provision of charitable benefits<br>• Admission as a member of a voluntary organisation<br>• The ordination of priests or ministers of religion.<br><br>*Examples:*<br>• *Alyssa applied to rent a unit with her partner, but the landlord refused because they were in a de facto relationship and said the property would only be rented to a married couple.*<br>• *Megan applied for an office manager role and was rejected because the employer thought that, as a single woman, she would be more likely to attract harassment in the workplace.*<br>• *Rachel told her health insurer that she had recently married, and after that the insurer made all refund cheques payable to her husband, so she could not access the money without his signature.*<br>• *Sophie applied for a loan shortly after her divorce, but the lender rejected her application because of "residential instability" without properly considering that the change in housing was temporary and did not affect her ability to repay the loan.*<br>• *Tom filled out a job application form that asked whether he was single, married, divorced or in a de facto relationship, even though that information was not necessary for the role.*<br>• *Amira saw a job advertisement stating that the employer was looking for a "married couple", even though the role could be done by people of any marital status.*<br>• *Olivia worked at a company that required employees seeking promotion to show they had a "stable family situation", which unfairly disadvantaged staff who were separated or recently divorced.* |
| Pregnancy discrimination<br>*EO Act* Part II, s10 | **You should make a complaint if you have been discriminated against due to being pregnant.**<br>This can happen via:<br>• **Direct pregnancy discrimination:** direct pregnancy discrimination: if you are treated less favourably because of being pregnant, compared to another person who is not pregnant, in the same or similar circumstances.<br>• **Indirect pregnancy discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of being pregnant, and is unreasonable in the circumstances.<br><br>It is unlawful to discriminate on this ground in these areas of public life: |

- Work
- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Clubs and incorporated associations
- Sport – in some instances
- Application forms
- Advertisements
- Insurance – in some instances

There are some exceptions to this ground, including:

- Measures intended to achieve equality or meet special needs
- Application forms requesting information of a medical nature from a pregnant woman
- Accommodation provided in private households
- Accommodation provided by religious, charity or voluntary bodies
- Disposal of an estate or interest in land by will or by way of gift
- Rights or privileges granted to a woman in connection with pregnancy or childbirth
- Charitable benefits to pregnant women
- Admission of a pregnant woman as a member of a voluntary organisation, or the provision of benefits to that woman
- Employment, education or training at a religious educational institution
- The ordination of priests or ministers of religion

*Examples:*

- *Rachel applied for life insurance when she was seven months pregnant, but the insurer refused to cover her and said it would only consider her application after she gave birth.*
- *Monique was dismissed from her job as a bar attendant because her employer said she no longer fit the image the business wanted once she became visibly pregnant.*
- *Sarah was not told about internal job opportunities because her supervisor assumed she would leave soon and not return after having her baby.*
- *Emily was employed on a casual contract, but after her employer found out she was pregnant, her contract was not renewed.*

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| | • *Jade worked as a sales representative, and when her employer reduced the team from two people to one, she was told she had been chosen for dismissal because she was pregnant.*<br>• *Priya applied for a job at a large retail business and was rejected after the employer learned she was pregnant and assumed she would soon need too much time off.*<br>• *Brooke worked for a company that required all staff to stand for an entire shift without breaks, even though the rule unfairly disadvantaged pregnant workers and could have been adjusted* |
| Family Status discrimination<br>*EO Act* Part IIA | **You should make a complaint if you are discriminated against because of your family status.** Family status means being a relative of a particular person. This can be by blood, marriage, affinity or adoption and includes someone wholly or mainly dependent on a particular person, or a member of that person's household.<br><br>This can happen via:<br>• **Direct family status discrimination:** if you are treated less favourably because of your family status, compared to another person in the same or similar circumstances<br>• **Indirect family status discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your family status, and is unreasonable in the circumstances<br><br>It is unlawful to discriminate because of family status in these areas of public life:<br>• Work<br>• Education<br>• Application forms<br>• Advertisements<br>There are some exceptions to this ground, including:<br>• Domestic workers within private households<br>• Bona fide educational benefits, including concessions<br>• Rights or privileges granted to a person with a particular family status<br>• Measures intended to meet special needs<br>• Accommodation provided for employees<br>• Identity of a relative - where collusion would result in business disadvantage<br>• Orders of courts and tribunals<br>• The provision of charitable benefits<br>• Voluntary bodies - admissions and benefits |

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| | • The ordination of priests or ministers of religion.<br><br>*Examples:*<br>• *Nadia was refused employment because of who she is married to*<br>• *Peter was refused employment because a family member already works there*<br>• *Helen was dismissed after separating from her husband*<br>• *Tom was asked unnecessary questions on an application form about relatives*<br>• *Amira saw an advertisement excluding applicants who are related to current employees*<br>• *Olivia was affected by a blanket workplace rule about relatives of people with criminal histories* |
| Family Responsibility discrimination<br>*EO Act* Part IIA | **You should make a complaint if you are discriminated against because of your family responsibility.** Family responsibility means being responsible for the care of another person, whether or not that person is a dependent, but does not include someone who is paid to care for that person.<br>This can happen via:<br>• **Direct family responsibility discrimination:** if you are treated less favourably because of your family responsibility, compared to another person in the same or similar circumstances<br>• **Indirect family responsibility discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your family responsibility, and is unreasonable in the circumstances<br><br>It is unlawful to discriminate because of family responsibility in these areas of public life:<br>• Work – in some instances<br>• Education<br>• Application forms<br>• Advertisements<br><br>There are some exceptions to this ground, including:<br>• Domestic workers within private households<br>• Bona fide (in good faith) educational benefits, including concessions<br>• Rights or privileges granted to a person with a particular family responsibility |

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| | • Measures intended to meet special needs<br>• Accommodation provided for employees<br>• Identity of a relative - where collusion would result in business disadvantage<br>• Orders of courts and tribunals<br>• The provision of charitable benefits<br>• Voluntary bodies - admissions and benefits<br>• The ordination of priests or ministers of religion<br><br>*Examples:*<br>• *Emma being refused flexibility or an extension in education because she needed to care for a sick child*<br>• *Natalie being required to work hours that conflict with childcare arrangements*<br>• *Michael missing out on promotion because of caring responsibilities for a spouse*<br>• *Sonia or David being disadvantaged in recruitment because of caring responsibilities*<br>• *Leah being affected by a workplace rule that seems neutral but unfairly impacts carers*<br>• *Jasmine being asked about children or caring responsibilities on an application form* |
| Race discrimination<br><br>*EO Act* Part III | **You should make a complaint if you are discriminated against because of your race.** This includes skin colour, descent, ethnic or national origin or nationality and may comprise two or more distinct races.<br>This can happen via:<br>• **Direct race discrimination:** if you are treated less favourably because of your race, or the race of a relative or associate compared to another person of a different race, in the same or similar circumstances<br>• **Indirect race discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your race, and is unreasonable in the circumstances<br><br>It is unlawful to discriminate because of race in these areas of public life:<br>• Work<br>• Education<br>• Accommodation |

- Provision of goods, services and facilities
- Clubs
- Access to places and vehicles
- Application forms
- Advertisements
- Disposal of land or estates

There are some exceptions to this ground, including:

- Domestic workers in private households
- Genuine occupational qualification
- Measures intended to achieve equality or meet special needs
- Where Australian citizenship is required (this applies to public bodies only)
- Accommodation provided by charitable or other voluntary bodies solely for the people of one race
- Accommodation in private households
- Racial or ethnic clubs, except based on colour
- Disposal of an estate or interest in land by will or gift
- The provision of charitable benefits
- Admission as a member of a voluntary organisation
- Establishments providing accommodation for aged people - admissions and benefits
- The ordination of priests or ministers of religion

*Examples:*

- *Aaliyah worked for a large government agency and was consistently passed over for secondment opportunities, even though she had expressed interest and met all the criteria, because managers assumed an Aboriginal employee would not want the extra pressure.*
- *Jun applied for a promotion at a national logistics company, but the role was given to a less experienced white colleague after the manager said he would not "fit the culture".*
- *Mere went to a restaurant with friends, but staff refused to seat her because her tā moko was said to be intimidating to other diners.*
- *Samir applied to rent an apartment through a real estate agency, but his application was rejected after the agent said the owner preferred "local Australians".*

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| | • *Linh applied for a customer service role and was rejected after the employer said customers would struggle with "someone from her background", even though she was fully qualified.*<br>• *Kwame tried to enter a nightclub, but security refused him entry while allowing similarly dressed white patrons to enter.*<br>• *Anika filled out an application form for a private-sector job that required applicants to state their nationality, even though that information was not necessary for the role.*<br>• *Mina applied for a service with a private provider that required all applicants to provide multiple forms of Australian identification and proof of long-term local employment, even though that requirement unfairly disadvantaged recent migrants and was not necessary.* |
| Religious conviction discrimination<br>*EO Act* Part IV | **You should make a complaint if you are discriminated against because of your religious beliefs or views.**<br>This can happen via:<br>• **Direct religious conviction discrimination:** if you are treated less favourably because of your religious conviction, compared to another person in the same or similar circumstances.<br>• **Indirect religious discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your religious conviction, and is unreasonable in the circumstances.<br><br>This applies in these areas of public life:<br>• Work – in some instances<br>• Education<br>• Provision of goods, services and facilities<br>• Accommodation<br>• Clubs and incorporated associations<br>• Application forms<br><br>There are some exceptions to this ground, including:<br>• Domestic workers in private households<br>• Employers with less than six employees<br>• Accommodation provided by a religious body<br>• Accommodation in private households of less than five people<br>• Partnerships of less than six people<br>• Orders of a court or the State Administrative Tribunal<br>• The provision of charitable benefits<br>• Voluntary bodies – admissions and benefits |

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| | • Establishments providing accommodation for aged people<br>• The ordination of priests or ministers of religion<br>• Employment, education or training by a religious educational authority that discriminates in good faith in order to adhere to its religious teachings<br>• Employment in a hospital or where a health-related service is provided, where the employer is a religious body and duties relate to any religious observance or practice.<br><br>*Examples:*<br>• *Yusuf applied for a customer service role at a national retail company, but after the employer learned he was Muslim, he was rejected because the manager said customers might not be comfortable with his religious conviction.*<br>• *Rebecca worked for a large transport company and, as an observant Seventh-day Adventist, asked not to be rostered on Saturdays, but the company kept rostering her on Saturdays even though it could have adjusted the roster without major difficulty.*<br>• *Daniel applied for a promotion at a large logistics company, but after his manager learned he was Jewish, the role was given to a less qualified employee because management said he would not fit the workplace culture.*<br>• *Jacob asked for kosher meals in a service setting, but the provider did not make kosher food available to him at mealtimes.*<br>• *Mariam applied to rent an apartment through a real estate agency, but the agent refused her application after learning about her religious conviction.*<br>• *Noah applied to join a general community club, but his membership was rejected because the committee disagreed with his religious conviction.*<br>• *Priya filled out an application form for a corporate role that asked her to disclose her religion, even though that information was not necessary for the position.* |
| Political Conviction discrimination<br>*EO Act* Part IV | **You should make a complaint if you are discriminated against because of your political beliefs or views.**<br>This can happen via:<br>• **Direct political conviction discrimination:** if you are treated less favourably because of your political conviction, compared to another person in the same or similar circumstances.<br>• **Indirect impairment discrimination:** indirect political conviction discrimination: if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your political conviction, and is unreasonable in the circumstances. |

This applies in these areas of public life:

- Work
- Education
- Provision of goods, services and facilities
- Accommodation
- Clubs
- Application forms

There are some exceptions to this ground, including:

- Domestic workers in private households
- Employers with less than six employees
- Accommodation in private households of less than five people
- Partnerships of less than six people
- Orders of a court or the State Administrative Tribunal
- The provision of charitable benefits
- Voluntary bodies – admissions and benefits
- Establishments providing accommodation for aged people
- When offering employment to a person within the meaning of the Electoral Act 1907, or as a ministerial adviser or officer, employee or worker for a political party, member of the electoral staff of another person or in other similar employment or work

*Examples:*

- *Daniel applied for an administrative role at a large local government authority and was the preferred candidate, but after the panel discussed his political conviction, the position was re-advertised and given to someone else.*
- *Priya applied for a customer service role at a national retail company and was rejected after the employer learned she supported a particular political party.*
- *Marcus worked for a large private business and was removed from client-facing duties after his manager found out about his political conviction and said he was too controversial.*
- *Aaron tried to hire a function room at a commercial venue for a community event, but the venue refused the booking after learning about his political conviction.*
- *Sophie applied to rent an apartment managed by a real estate agency, but her application was refused after the agent saw her political views expressed publicly.*

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| | • *Amira filled out an application form for a corporate role that asked her to disclose her political affiliation, even though that information was not necessary for the position.* |
| Impairment discrimination<br>*EO Act* Part IVA | **You should make a complaint if you are discriminated against because you have an impairment.** This includes if you have a physical, intellectual or mental impairment, had an impairment in the past, or are assumed to have an impairment.<br>This can happen via:<br>• **Direct impairment discrimination:** if you are treated less favourably because of your impairment, compared to another person in the same or similar circumstances.<br>• **Indirect impairment discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your impairment, and is unreasonable in the circumstances.<br><br>It is unlawful to discriminate because of your impairment, or the impairment of a relative or associate, in these areas of public life:<br>• Work – in some instances<br>• Education<br>• Access to places and vehicles<br>• Provision of goods, services and facilities<br>• Accommodation<br>• Clubs and incorporated associations<br>• Sport – in some instances<br>• Application forms<br>• Superannuation schemes and provident funds – in some instances<br>• Advertisements<br><br>There are some exceptions to this ground, including:<br>• Work - where the provision of special services and/ or facilities would impose an unjustifiable hardship on the employer<br>• Accommodation - where the provision of special services and/or facilities would impose an unjustifiable hardship on the provider<br>• Orders of courts and tribunals<br>• The provision of charitable benefits<br>• The ordination of priests or ministers of religion<br>• Domestic workers in private households<br>• A genuine occupational qualification |

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| | • Insurance, if based on reasonable data and statistical evidence<br>• Where there is a regulation that relates to an infectious disease.<br><br>*Examples:*<br>• *Claudia entered a café with her guide dog, but staff refused to serve her inside and told her she would only be served if she sat outside.*<br>• *Vanessa applied for insurance, but the insurer refused her application after learning she had experienced depression in the past, even though she had worked for years without needing time off.*<br>• *Aisha applied to rent a unit, but the real estate agent rejected her application because she used a wheelchair and the agent assumed she would not be able to manage the property.*<br>• *Ethan attended a childcare centre, but after staff learned he was autistic, they told his parents he could no longer attend.*<br>• *Marcus tried to make a travel booking, but the agency refused to accept it after learning he had a disability, without asking about the nature of his needs.*<br>• *Priya applied for a job and was rejected after the employer learned she had an anxiety condition, even though she was qualified and able to perform the role.*<br>• *Olivia worked for a company that required all employees to use the same computer system without accessibility adjustments, even though that requirement unfairly disadvantaged staff with vision impairment.*<br>• *Sophie was refused service at a shop because staff assumed from her speech that she had an intellectual impairment and would not understand the transaction.* |
| Age discrimination<br>*EO Act* Part IVB | **You should make a complaint if you are discriminated against because of your age.**<br>This can happen via:<br>• **Direct age discrimination:** if you are treated less favourably because of your age, or a relative or associate is too old or too young, compared to another person of a different age in the same or similar circumstances.<br>• **Indirect age discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on you because of your age, and is unreasonable in the circumstances<br><br>It is unlawful to discriminate because of age in these areas of public life: |

- Work
- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Disposal of land or estate
- Clubs and incorporated associations
- Sport
- Application forms
- Superannuation schemes and provident funds.
- Advertisements

There are some exceptions to this ground, including:

- Domestic workers in private households
- Accommodation in private households
- Payment of junior wages when prescribed by an award or industrial agreement
- Mature age admission schemes offered by an educational institution
- Bona fide benefits or concessions provided to someone of a particular age
- Where the terms and conditions imposed in relation to employment, access and the provision of goods, services or facilities comply with reasonable health and safety considerations
- Offering voluntary retirement to someone of a particular age
- The retirement of a judge, master, district or family court judge, magistrate or stipendiary magistrate, president or commissioner or solicitor-general
- A contract with a minor if that contract is unenforceable at common law
- Measures intended to achieve equality
- A genuine occupational qualification
- Acts done in compliance with a written law of Western Australia
- Superannuation and insurance, if based on reasonable data and statistical evidence
- Disposal of land within a residential complex intended for persons of a particular age, for example in a retirement village
- The provision of charitable benefits

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| | • Admission as a member, and benefits provided to members, of an unincorporated body<br>• Establishments providing accommodation for aged people<br><br>*Examples:*<br>• *Sophie applied for a job and, after giving her age at interview, was rejected because the employer said they wanted someone younger.*<br>• *Daniel applied for a role at a large company, but the employer refused to consider applicants over 40 because it assumed older workers could not learn new skills.*<br>• *Amira applied for a promotion, but her manager gave it to a younger employee and said the team needed "fresh energy".*<br>• *Noah was 22 and applied for a bank loan, but the lender rejected him because it assumed people under 24 were financially unstable.*<br>• *Leah tried to book a restaurant for dinner with her partner and baby, but the manager refused them service because he did not want young children in the venue.*<br>• *Priya filled out an application form for a private-sector job that required her date of birth even though her age was not relevant to the role.*<br>• *Olivia worked for a large business that required all staff to use a fast-paced digital system without training or adjustment, even though the requirement unfairly disadvantaged older workers and was not necessary in that form.* |
| Gender history discrimination<br>*EO Act* Part IIAA | **You should make a complaint if you are discriminated against because of your gender history.** This includes if you identify as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex. The definition of gender reassigned person can be found in the key terms above.<br>This can happen via:<br>• **Direct family responsibility discrimination:** if you are treated less favourably because of your gender history, compared to another person in the same or similar circumstances. This includes being treated as being of your former sex.<br>• **Indirect family responsibility discrimination:** if a requirement or condition that is the same for everyone disadvantages a higher proportion of gender reassigned people compared to the proportion of people without a reassigned gender who are disadvantaged, and the requirement or condition is unreasonable in the circumstances.<br><br>It is unlawful to discriminate because of gender history in these areas of public life:<br>• Work |

- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Disposal of land or estate
- Clubs
- Sport – in some instances
- Application forms
- Superannuation schemes and provident funds.

There are some exceptions to this ground, including:

- Employment as a domestic worker in a private household
- Employment by an educational institution established for religious purposes
- Employment by a religious organisation
- Accommodation in private households of less than five people
- Accommodation provided by a religious body
- Partnerships of less than six people
- Orders of a court or the State Administrative Tribunal
- The provision of charitable benefits
- Voluntary bodies – admissions and benefits
- Competitive sport where the gender reassigned person would have a significant advantage.

*Examples:*

- *Alicia asked a job agency to refer her to a vacancy, but the agency told her the employer wanted a woman with "no complications", referring to her gender history.*
- *Brooke had strong work performance, but after refusing pressure to live and dress as a man again, she was dismissed while recovering from gender-affirming surgery.*
- *Jasmine applied for a retail job and was rejected after the employer learned she was a gender reassigned woman and said customers would be more comfortable with "a real woman".*
- *Mia was asked to leave a women's change area at a public swimming centre after staff said she should use the men's facilities because of her gender history.*
- *Nina filled out an application form that required her to disclose previous sex or gender details even though that information was not necessary.*

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| | • *Chloe applied for a job at a business that required all employees to use facilities strictly based on the sex recorded at birth, and the rule unfairly disadvantaged gender reassigned staff.* |
| Historical Homosexual Convictions Expungement discrimination<br>*Historical Homosexual Convictions Expungement Act 2018* s17 | **You should make a complaint if you are discriminated against because you have an old conviction for same-sex activity that has now been cleared.**<br>Consensual same-sex activity was once a criminal offence in Western Australia, and some people still have convictions on their record for conduct that is not illegal today. The Historical Homosexual Convictions Expungement Scheme lets people apply to the Office of the Commissioner for Victims of Crime to have those convictions removed from their criminal history.<br>It is unlawful to discriminate on these grounds in the following types of employment or work:<br>• Applicants and employees (full time, part time, contract and casual)<br>• Commission workers<br>• Contract workers<br>• Professional or trade organisations<br>• Qualifying bodies<br>• Employment agencies<br>*Examples:*<br>• *Michael applied for a job, but the employer rejected him after learning he had an expunged historical homosexual conviction.*<br>• *James worked as a contractor, but the business chose not to renew his contract after finding out about his expunged historical homosexual conviction.*<br>• *Peter applied to join a professional association relevant to his work, but his membership was refused because of his expunged historical homosexual conviction.*<br>• *Anthony applied for accreditation required for his occupation, but the qualifying body refused to grant it after learning of his expunged historical homosexual conviction.* |
| Sexual Orientation discrimination<br>*EO Act* Part IIB | **You should make a complaint if you are discriminated against because of your, or a relative or associate's, sexual orientation.** Under the Act, sexual orientation means a person's sexuality. It covers whether a person is heterosexual, homosexual, lesbian, or bisexual, and also situations where others believe they are.<br>This can happen via:<br>• **Direct family responsibility discrimination:** if you are treated less favourably because of your sexual orientation or the sexual orientation of a relative or associate, compared to another person in the same or similar circumstances. |

- **Indirect family responsibility discrimination:** if a requirement, condition or practice that is the same for everyone has an unfair effect on someone of a particular sexual orientation, and is unreasonable in the circumstances.

It is unlawful to discriminate because of sexual orientation in these areas of public life:

- Work
- Education
- Access to places and vehicles
- Provision of goods, services and facilities
- Accommodation
- Disposal of land
- Clubs
- Application forms

There are some exceptions to this ground, including:

- Accommodation provided in private households
- Accommodation provided by a religious body
- Disposal of an estate or interest in land by will or by way of a gift
- Measures intended to achieve equality or meet special needs
- Employment, education or training at a religious educational institution
- Admission as a member, and benefits provided to members, of a voluntary organisation
- Compliance with an order of a Court or Tribunal
- The provision of charitable benefits.

*Examples:*

- *Daniel applied for a customer service role at a national retail company, but after the employer learned he was gay, the role was given to a less qualified applicant.*
- *Priya worked at a large corporate employer and was repeatedly subjected to derogatory comments and jokes after co-workers assumed she was a lesbian because of her appearance.*
- *Michael was dismissed after his employer found out he had separated from his wife and entered into a same-sex relationship.*

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| | • *Amira and her female partner applied for family cover with a private health insurer, but their application was refused even though they otherwise met the requirements for the policy.*<br>• *Leah applied to rent an apartment through a real estate agency with her same-sex partner, but the agent rejected their application after saying the owner wanted a "traditional family".*<br>• *Marcus tried to enter a nightclub with his boyfriend, but security refused them entry while admitting other couples on the same terms.*<br>• *Ben filled out an application form for a private-sector job that asked whether he was in a same-sex relationship, even though that information was not necessary for the role.*<br>• *Olivia worked for a large private business that imposed a rule banning employees from bringing same-sex partners to staff events, even though other employees could bring their partners and the rule unfairly disadvantaged gay and lesbian staff.* |
| Fines Enforcement Registrar's Website discrimination<br>*EO Act* Part IVC | **You should make a complaint if you are discriminated against because your name is published on the Fines Enforcement Registrar's website.** If you have built up a substantial number of unpaid fines, a sheriff has the power to publish your name and other relevant details, such as how much you owe in unpaid fines and the suburb where you live, on the website.<br>It is unlawful to discriminate on this basis in these areas of public life:<br>• Work<br>• Provision of goods, services and facilities<br>• Accommodation<br><br>*Examples:*<br>• *Jason applied for a job, but the employer rejected him after finding his name published on the Fines Enforcement Registrar's website.*<br>• *Darren tried to access a service, but the business refused after finding his name on the Fines Enforcement Registrar's website.*<br>• *Priya booked a venue for a family event, but the booking was cancelled after staff discovered her name on the Fines Enforcement Registrar's website.*<br>• *Tiana applied to rent a unit, but the agent refused her application after seeing her name published on the Fines Enforcement Registrar's website.* |
| Spent Conviction discrimination<br>*Spent Conviction Act 1988 WA* ss 17-24 | **You should make a complaint if you are discriminated against because of your spent conviction.** A spent conviction is a past conviction that the law says usually does not need to be disclosed anymore.<br>It is unlawful to discriminate on this basis in the following types of employment or work: |

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| | • Applicants and employees (full time, part time, contract and casual)<br>• Commission agents<br>• Contract workers<br>• Professional or trade organisations<br>• Qualifying bodies<br>• Employment agencies<br><br>*Examples:*<br>• *Daniel applied for a job, but the employer rejected him after learning he had a spent conviction, even though it was not relevant to the role.*<br>• *Priya was dismissed from her job after her employer became aware of her spent conviction.*<br>• *Marcus applied for work through an employment agency, but the agency refused to refer him to employers after learning of his spent conviction.*<br>• *Sophie applied for accreditation from a qualifying body, but it refused her application because of her spent conviction.* |
| Racial Harassment<br>*EO Act* Part III, Div 3A | **You should make a complaint if you were racially harassed.** This includes threats, abuse, insults and taunts based on your race or a characteristic belonging to, or generally believed to belong to, your race.<br>It is prohibited in these areas of public life:<br>• Employment: it is unlawful to racially harass an employee, a co-worker, a potential employee or a potential employer, commission agent or contract worker.<br>• Education: it is unlawful for an employee of an educational institution to racially harass a student or potential student of that institution.<br>• 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<br>*Examples:*<br>• *Daniel worked in an office where his manager repeatedly mocked his accent during team meetings and made jokes about his ethnic background.*<br>• *Aisha was a student whose teacher mimicked her accent in front of the class and told her she would never succeed sounding like that.*<br>• *Marcus worked in a warehouse where co-workers regularly called him racist names and told him he looked like a terrorist because of his background.* |

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| | • *Leah rented an apartment and was repeatedly abused by neighbours who shouted racial slurs at her from nearby balconies.* |
| Sexual Harassment<br>*EO Act* Part II, Div 4 | **You should make a complaint if you were sexually harassed.** This includes unwelcome sexual advance or request for sexual favours, or unwelcome conduct of a sexual nature.<br>Sexual harassment can include unwelcome sexual conduct where, in the circumstances, a reasonable person would anticipate that the person harassed may feel offended, humiliated or intimidated. It can also include conduct where the person reasonably believes they may be disadvantaged if they reject or object to the behaviour.<br>Sexual harassment can take many forms including, but not limited to:<br>• Unwelcome physical touching, hugging or kissing<br>• Staring or leering at someone or at parts of their body<br>• Suggestive comments or jokes<br>• Sexually explicit pictures, emails or text messages<br>• Intrusive questions about a person's private life or body<br>It is prohibited in these areas of public life:<br>• Employment: it is unlawful to sexually harass an employee, co-worker, potential employee or employer, commission agent or a contract worker<br>• Education: it is unlawful for an employee of an educational institution to sexually harass a student or potential student of that institution<br>• Accommodation: it is unlawful for a person who, as principal or agent, has control over accommodation or the letting of that accommodation, to sexually harass a tenant or occupant.<br><br>**Please note:** You cannot make the same sexual harassment complaint to the EOC, IRC, or IMC at the same time. If you have already lodged it with one of these bodies, you will usually need to withdraw that application before lodging it with another.<br><br>*Examples:*<br>• *Daniel worked in an office where a co-worker repeatedly sent him unwanted sexual text messages and emails, and after he rejected the behaviour, the situation became so serious he felt forced to leave his job.*<br>• *Priya rented a property and her landlord told her he would reduce the rent if she agreed to sexual favours.*<br>• *Melissa worked in retail and a co-worker repeatedly touched her, made sexual comments, and suggested her job could be affected if she complained.* |

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| | • *Leah was a student whose teacher made unwelcome sexual comments and implied she would be disadvantaged if she objected.* |
| Victimisation<br>*EO Act* s67 | **You should make a complaint if you were victimised or treated badly for making a Public Interest Disclosure (PID).** The PID Act allows people to report improper or corrupt conduct by public authorities.<br>To be protected under the PID Act, the disclosure must be made to the correct authority, not to anyone else. If you make the disclosure to the wrong person or organisation, it may not be protected under the PID Act.<br>For example, if your disclosure is about a police officer, the PID Act says it must be made to either the Commissioner of Police or the Corruption and Crime Commission (CCC).<br>To find the correct PID officer, you can search for the PID Contact Officer directory on the Western Australian Government website, or follow this link.<br>It is against the law for someone to victimise, retaliate against, or take reprisal against a person because they made a valid PID. This protection applies to anyone who has made a valid PID.<br>*Examples:*<br>• *Daniel reported suspected corrupt conduct to the proper PID officer, and soon after his manager removed him from key projects because he had "caused trouble".*<br>• *Leah made a valid PID about misconduct in a public authority, and after that her supervisor began excluding her from meetings and important work discussions.*<br>• *Michael made a valid PID and later missed out on a promotion after the disclosure was raised during the decision-making process.*<br>• *Priya reported suspected wrongdoing to the proper authority, and after doing so her co-workers threatened her and told her she would regret speaking up.*<br>• *Aaron made a valid PID and was then transferred to a less desirable role with fewer responsibilities because management saw him as disloyal.*<br>• *Sophie disclosed suspected misconduct through the proper channel, and after that her contract was not renewed because the agency no longer wanted her in the team.* |

**Step 2:** What is the Jurisdiction of the complaints body?

| Jurisdiction | Description |
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| State | The EOC has powers to hear complaints under the law of WA. |

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| Geographical Scope | The EOC has the power to act on complaints that take place within WA. |
| Time Limitations<br>*EO Act* s83 | A complaint must be logged within 12 months of the incident/s occurring. However, EOC may accept incidents that have occurred more than 12 months before the complaint is lodged if the complainant shows 'good cause' for those incidents to be included. |
| Exclusions<br>*EO Act* Part VI | The Equal Opportunity Act contains exceptions that may apply depending on the protected ground, area of public life, respondent type and facts. These exceptions can include some situations involving charities, voluntary bodies, religious bodies, religious educational institutions, aged-person accommodation, private households, statutory authority, insurance, sport and other specific contexts. This does not mean those bodies are always outside the EOC pathway. If you are unsure, you can contact the EOC to check whether the Act may cover your complaint. |
| Exercise of discretion | The EOC has discretion to decide whether to accept or dismiss a complaint. A complaint will be rejected if it is not covered by the EOC Act. If a complaint is accepted, the EOC will delegate an officer to investigate the allegations and this process is both impartial and confidential. |

**Step 3:** Who can you make a complaint against?

| **Respondent** | **Description** |
|---|---|
| Individuals<br>*EO Act* s4 | A single person. This could be anyone who personally did the alleged discriminatory, harassing, or victimising conduct, such as a manager, staff member, landlord, teacher, committee member, service provider, or member of the public. |
| Employers<br>*EO Act* s11 | A person, business, organisation, or government body that hires and manages workers. This includes places where people apply for jobs, work as employees, receive training, are promoted, or are dismissed. |
| Principals<br>*EO Act* ss 4 & 12 | A person or organisation that uses the work of someone who is not their direct employee, such as a contract worker or commission agent. In simple terms, this is the party at the top of the work arrangement who benefits from the work being done. |
| Partnerships<br>*EO Act* s14 | A business structure where 2 or more people carry on a business together as partners. Under this Act, the relevant partnership provisions apply to partnerships of 6 or more partners. This usually covers firms or professional practices run jointly by multiple partners. |
| Professional or trade organisations<br>*EO Act* s15 | Groups that represent workers, employers, or people in a particular trade, industry, or profession. Examples can include unions, employer associations, and professional membership bodies. |

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| Qualifying bodies<br>*EO Act* s16 | Organisations or authorities that decide whether someone gets, keeps, renews, or loses a qualification, licence, registration, accreditation, or other approval needed to do a job or profession. For example, they may control whether someone is allowed to practise in a certain field. |
| Employment agencies<br>*EO Act* ss 4 & 17 | People or organisations that help match workers with jobs. This includes recruitment agencies, labour hire businesses, and other job placement services. |
| Educational authorities<br>*EO Act* ss 4 & 18 | People or bodies that run or administer educational institutions. This includes organisations responsible for schools, universities, colleges, training providers, and other education settings. |
| People controlling public places or vehicles<br>*EO Act* s19 | A person or organisation that controls who can enter or use a place, vehicle, or facility that the public is allowed to access. This can include transport operators, venue operators, or people managing public-facing premises. |
| Providers of goods, services or facilities<br>*EO Act* ss 4 & 20 | A person, business, organisation, or government body that sells goods, delivers services, or makes facilities available to the public or part of the public. This can include shops, banks, insurers, hospitals, local councils, government departments, and many other service providers. |
| Accommodation providers<br>*EO Act* s21 | People or organisations involved in offering, managing, or allocating places to live or stay. This can include landlords, real estate agents, property managers, boarding providers, and others dealing with housing or accommodation. |
| People selling or disposing of land<br>*EO Act* s21A | People or organisations involved in selling, transferring, leasing, or otherwise dealing with ownership or rights in land or property. This can include owners, sellers, and agents handling property transactions. |
| Clubs<br>*EO Act* ss 4 & 22 | Organisations where people join as members for social, recreational, sporting, political, cultural, or similar purposes. The Act covers clubs in relation to things like membership, access to benefits, and treatment of members. |
| Incorporated associations<br>*EO Act* ss 4, 66M & 66ZI | Formal member-based organisations that have their own legal identity under incorporation laws. They are often community groups, societies, sporting bodies, advocacy groups, or not-for-profits that operate through a committee or management structure. |
| People responsible for victimisation<br>*EO Act* s67 | A person who treats someone badly, threatens them, or causes them a disadvantage because they made a complaint, asserted their rights, gave evidence, or were otherwise involved in a matter under the Act. |
| People responsible for discriminatory advertisements | A person or organisation involved in publishing, displaying, or allowing an advertisement, notice, or sign that expresses unlawful discrimination. This can include the person who created it or the person who allowed it to be shown. |

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| *EO Act* s68 | |
| Exclusions | Some exceptions may apply depending on the ground, area of public life, respondent type and facts. This can include some situations involving voluntary bodies, religious bodies, religious educational institutions, charities, private households, insurance, sport, statutory authority and other specific contexts. These are not blanket exclusions from the EOC pathway. |

**Step 4:** Are you eligible to make a complaint?

| **Eligibility** | **Description** |
|---|---|
| Who can make a complaint? | Anyone who has experienced discrimination or harassment in WA can make a complaint to the EOC. This can be done by:<br>• Individuals on their own behalf or on the behalf of another person<br>• Groups of individuals of two or more people<br>• A trade union on behalf of another person or a group of people |
| Pre-requisite steps | There are no pre-requisite steps before contacting the EOC to make a complaint. |
| Can complaints be made on behalf of someone? | Complaints can be made on behalf of another person. If you contact the EOC on someone else's behalf, they will need verbal or written authority from the person making the complaint or you can complete an Authority to Act Form and have it signed by the person you are making the complaint for. |
| Exclusions | There are no specific exclusions regarding who can make a complaint. |

**Step 5:** What remedies are available at this body?

| **Power** | **Description** |
|---|---|
| Dismissal<br>*EO Act* s89 | The EOC can end a complaint if it is not serious, is intended only to annoy, is based on a misunderstanding, has no substance, or concerns conduct that is lawful under the Act. |
| Conciliation<br>*EO Act* s91 | The EOC can try to help the parties resolve the complaint by agreement in a private conciliation process. |
| Referral to SAT after dismissal<br>*EO Act* s90 | A complaint can be referred to SAT either because the complainant requires it after dismissal, or because the Commissioner considers conciliation will not resolve it or has already failed. |
| Interim Order<br>*EO Act* s126 | SAT can make a temporary order while the complaint is still on foot to preserve the current position or protect the parties' rights until the matter is decided. |

| Power | Description |
|---|---|
| Compensation (damages)<br>*EO Act* s127(b)(i) | If SAT upholds the complaint, it can order the respondent to pay the complainant compensation of up to $40,000 for loss or damage caused by the unlawful conduct. |
| Order to stop the conduct<br>*EO Act* s127(b)(ii) | SAT can order the respondent not to continue or repeat the unlawful conduct. |
| Order to take corrective action<br>*EO Act* s127(b)(iii) | SAT can order the respondent to do something reasonable to address the loss or damage suffered by the complainant. |
| Order declaring a contract void<br>*EO Act* s127(b)(iv) | SAT can declare all or part of a contract or agreement void if it was made in contravention of the Act. |
| Dismissal by SAT<br>*EO Act* s127(a) | After hearing the case, SAT can dismiss the complaint. |
| No further action<br>*EO Act* s127(b)(v) | SAT can decide not to take any further action even after finding the complaint substantiated. |

**Step 6:** Preparing your complaint. What should it include?

| Requirement | Description |
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| Format | The complaint must be submitted in writing.<br>This can be done using an online complaint form, email or a letter. |
| Personal Details | You generally cannot pursue an Equal Opportunity Commission complaint anonymously, because the complaint process usually requires the allegations to be put to the respondent.<br>Personal information should include your full name, address, contact number and email address. |
| Respondent's Details | The name and contact details of the person or organisation against whom the complaint is made will be required. |
| Relevant Facts | The specific grounds on which the complaint is based (e.g., sex, race, age, impairment, etc.) must be clear.<br>Details of the alleged discrimination or harassment should include<br>• A specific description of what happened<br>• The date(s) and time(s) of the incident(s)<br>• The location(s) and where the incident(s) occurred |

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| | You may also wish to include an impact statement of the incident. This will explain how the incident affected you (e.g., emotionally, financially, physically etc.).<br>Including supporting evidence such as documents, emails, text messages to support your complaint is beneficial. |
| What NOT to include | Do not include:<br>• Irrelevant personal information;<br>• Claims that are not supported by evidence or documentation;<br>• Offensive language;<br>• Confidential information about third parties without their consent; and<br>• Multiple issues. |
| Additional Information | The complaint must be in writing but does not have to be in English. |

**Step 7:** Lodging your complaint and next steps.

| **Step** | **Description** |
|---|---|
| Where to lodge your complaint | **Online form:** Make a discrimination, harassment or victimisation complaint \| Western Australian Government<br>**Email:** eoc@eoc.wa.gov.au<br>**Post:** Albert Facey House, 469 Wellington Street, Perth WA 6000<br>**Telephone:** 1800 198 149 Monday to Friday between 8:30am to 4:30pm<br>**In person:** Albert Facey House, 469 Wellington Street, Perth WA 6000 Monday to Friday between 8:30am to 4:30pm |
| Initial assessment | The EOC will assess whether the complaint is covered by the Act. If it is not accepted, the complainant is told why and may be given information about other organisations that could assist. |
| Investigation | If the complaint is accepted, the Commissioner will delegate an officer to investigate it. The investigation is impartial and confidential, and the officer may ask for more information such as dates, witness statements, and medical material. |
| Conciliation | If the complaint has not been dismissed and may be resolved, the EOC may schedule a conciliation conference. A conciliation officer helps the parties discuss the complaint and see whether they can reach a mutual resolution. Conciliation may occur face-to-face, by telephone, or by video conference. |

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| Withdrawal or lapse | A complainant may withdraw the complaint. A complaint may also lapse if the complainant stops maintaining contact or does not allow the complaint to progress. |
| Response from the respondent | If the complaint is not dismissed, the allegations are usually given to the respondent, who is asked to provide a written response. That response is usually then provided to the complainant. This exchange may resolve the matter. |

**Step 8:** Post-complaint – what if you are not happy with the outcome of your complaint?

| **Avenue** | **Description** |
|---|---|
| If the complaint is dismissed | If the Commissioner dismisses the complaint, the complainant can require it to be referred to the State Administrative Tribunal within 21 days. This is not an internal review by the EOC. |
| If conciliation does not resolve the matter | If the complaint appears to have substance and attempts at conciliation fail, the Commissioner may refer it to the State Administrative Tribunal. |
| Possible complaint outcomes | A complaint may end by being conciliated, withdrawn, lapsed, dismissed, referred by the Commissioner, or referred at the complainant's request after dismissal. |

**Step 9:** Other bodies that handle discrimination-related complaints

| **Complaint body** | **Description** |
|---|---|
| Australian Human Rights Commission (**AHRC**) | The AHRC can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of your sex, disability, race, age or sexual preference, the AHRC may be able to help. |
| Office of the Western Australian Information Commissioner (**OIC**) | The OIC oversees freedom of information matters in Western Australia. It may be relevant if the issue is about access to WA Government documents or review of a WA freedom of information decision. WA privacy complaint pathways should be checked against the commencement and scope of the relevant WA privacy laws.<br>Website: https://www.oic.wa.gov.au/en-au/<br>Phone: (08) 6551-7888 or 1800 621 244<br>Access the complaints form here. |
| Office of the Australian Information | The OAIC can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of |

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| Commissioner (**OAIC**) | information decisions that are made by Australian Government agencies and ministers.<br><br>There are also State Government privacy and information complaint bodies who may also be able to assist. |
| Corruption and Crime Commission (**CCC**) | The CCC is Western Australia's leading anti-corruption body. It works to improve the integrity of the Western Australian public sector and helps public sector agencies to minimise and manage serious misconduct, and assists WA Police to reduce the incidence of organised crime.<br><br>Website: https://www.ccc.wa.gov.au/<br><br>General enquiries phone: (08) 9215 4888. Reports should be made through the CCC reporting pathway.<br><br>Access the complaint form here. |
| National Anti-Corruption Commission (**NACC**) | The NACC handles complaints about serious or systemic corruption in the Australian Government public sector.<br><br>WA corruption or misconduct bodies may also be relevant for WA public sector corruption or misconduct concerns. |
| Ombudsman Western Australia | Ombudsman Western Australia is an independent office that investigates complaints about the administrative actions of Western Australian public authorities, including government departments, local governments and public universities. |
| Public Sector Commission | The Public Sector Commission's job is to develop a future fit public service for the people of Western Australia by strengthening the efficiency, effectiveness and capability of the public sector to meet existing and emerging needs; and deliver high quality services.<br><br>Website: https://www.wa.gov.au/organisation/public-sector-commission<br><br>Phone: 61 8 6552 8500 |
| Health and Disability Services Complaints Office (**HaDSCO**) | HADSCO was established to deal with complaints by negotiated settlement, conciliation or investigation, provide advice and make recommendations for service improvement, educate the community and service providers about complaint handling.<br><br>Website: https://www.hadsco.wa.gov.au/<br><br>Phone: (08) 6551 7600 or 1800 813 583 (free from landlines)<br><br>Access the complaint form here. |
| State Administrative Tribunal (**SAT**) | The SAT resolves various legal disputes and can make binding determinations.<br><br>SAT deals with matters such as residential tenancies, planning and environment, civil claims and human rights. It provides a less formal and more accessible alternative to court. |
| Fair Work Commission | The Fair Work Commission may be relevant for some workplace matters, including eligible unfair dismissal, general protections, |

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| | workplace bullying or workplace sexual harassment applications. These pathways have separate eligibility rules and strict time limits. |

**Need help preparing or pursuing your complaint?**

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

| Organisation | Contact Details | How they can help |
|---|---|---|
| EOC | Website: www.eoc.wa.gov.au<br>Email: eoc@eoc.wa.gov.au<br>Telephone: 1800 198 149 | You can contact the EOC directly if you have any further questions or need assistance with your complaint. |
| Translating and Interpreter Service | Website: www.tisnational.gov.au<br>Telephone: 131 450 | Provide support to people if English is not their first language. |
| National Relay Service | Website: www.accesshub.gov.au | Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate. |
| Deaf or Hearing Impaired Users | Telephone: Choose preferred NRS channel then 1800 806 314 | Provides communication support for deaf or hearing impaired individuals through the National Relay Service (NRS), where you can choose their channel for assistance. |

**Self-help tools and additional resources**

| Resource | How this helps |
|---|---|
| Equal Opportunity Commission Fact Sheet - Unlawful Discrimination | Information on what constitutes unlawful discrimination. |
| Equal Opportunity Commission Fact Sheet - Sexual Harassment | Information on what constitutes sexual harassment. |
| Equal Opportunity Commission Fact Sheet - Complaint Process | Guidance on how to make a complaint. |
| Law Society: Know Your Rights | Guidance for individuals who are uncertain about where to start when seeking legal advice. |