**Equal Opportunity Legislation**

**State Legislation:** Equal Opportunity Act 1984

The [Equal Opportunity Act 1984](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_305_homepage.html) was enacted by the Western Australian Parliament in 1984 and came into operation in July 1985. Its objectives are to:

a) to eliminate, so far as is possible, discrimination against persons on the grounds of sex, marital status, pregnancy, family responsibility or family status, race, religious or political conviction, impairment, age or, in certain cases, gender history in the areas of work, accommodation, education, the provision of goods, facilities and services, and the activities of clubs; and

b) to eliminate, so far as is possible, sexual harassment and racial harassment in the workplace, and in educational institutions and sexual harassment and racial harassment related to accommodation: and

c) to promote recognition and acceptance within the community of the equality of men and women; and

d) to promote recognition and acceptance with the community of the equality of persons of all races, regardless of their religious or political convictions, their impairments or ages.

Equal Opportunity Commission

The Commissioner for Equal Opportunity established the Equal Opportunity Commission to investigate and conciliate complaints lodged by people who believe they have been discriminated against; to conduct community education and training programs; and provide community information on equal opportunity.

The Commissioner also conducts investigations, research and inquiries into all matters relating to discrimination.

The [*Equal Opportunity Act 1984* (EO Act)](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_305_homepage.html) is the main piece of legislation underpinning the principles of equal opportunity in Western Australia. The EO Act addresses discrimination in the areas of employment, accommodation, education and the provision of goods, facilities, services and activities on the following grounds:

* sex
* sexual orientation
* gender history
* family responsibility or family status
* marital status
* race
* religious or political conviction
* age
* impairment
* pregnancy

**Federal Legislation:** Australian Human Rights Commission Act 1986

Leading the promotion and protection of human rights in Australia by:

* making human rights values part of everyday life and language;
* empowering all people to understand and exercise their human rights;
* working with individuals, community, business and government to inspire action;
* keeping government accountable to national and international human rights standards;

We do this by:

* listening, learning, communicating and educating;
* being open, expert, committed and impartial;
* fostering a collaborative, diverse, flexible, respectful and innovative workplace.

**Our statutory responsibilities include:**

* education and public awareness
* discrimination and human rights complaints
* human rights compliance
* policy and legislative development.

We do this through:

* resolving [complaints](https://www.humanrights.gov.au/complaints_information/index.html) of discrimination or breaches of human rights under [federal laws](https://www.humanrights.gov.au/about/legislation/index.html)
* holding public inquiries into human rights issues of national importance
* developing human rights [education programs and resources](https://www.humanrights.gov.au/education/index.html) for schools, workplaces and the community

The [***Australian Human Rights Commission Act 1986***](http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401635?OpenDocument) (formerly called the *Human Rights and Equal Opportunity Commission Act 1986* ), established the Human Rights and Equal Opportunity Commission (now known as the Australian Human Rights Commission) and gives it functions in relation to the following international instruments:

[International Covenant on Civil and Political Rights](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx) (ICCPR)

[Convention Concerning Discrimination in Respect of Employment and Occupation](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111) (ILO 111)

[Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/convention/conventionfull.shtml)

[Convention on the Rights of the Child](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx)

[Declaration of the Rights of the Child](http://www.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/sch3.html)

[Declaration on the Rights of Disabled Persons](http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightsOfDisabledPersons.aspx)

[Declaration on the Rights of Mentally Retarded Persons](http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightsOfMentallyRetardedPersons.aspx), and

[Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief](http://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx).

In addition, the Aboriginal and Torres Strait Islander Social Justice Commissioner has specific functions under the *AHRC Act* and the *Native Title Act,1993* to monitor the human rights of Indigenous people.

* providing independent [legal advice](https://www.humanrights.gov.au/legal/submissions_court/index.html) to assist courts in cases that involve human rights principles
* providing advice and [submissions](https://www.humanrights.gov.au/legal/submissions.html) to parliaments and governments to develop laws, policies and programs
* undertaking and coordinating research into human rights and discrimination issues.

The Commission works closely with other national human rights institutions, particularly through the [Asia Pacific Forum of National Human Rights Institutions](http://www.asiapacificforum.net/), to address major human rights issues in the region.

**Questions & Activities:** using the information & websites provided, complete the following

1. What is equal opportunity?
2. How is State equal opportunity legislation affected by Federal equal opportunity legislation?
3. Extended response question: Explain how an awareness of equal opportunity legislation improves the effectiveness of working in a diverse workplace (for both employers & employees)?
4. Complete the retrieval chart

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| --- | --- | --- |
|  | State – Equal Opportunity Commission Western Australia [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)  | Federal – Australian Human Rights Commission[www.humanrights.gov.au](http://www.humanrights.gov.au)  |
| When it was created |  |  |
| Aims/objectives |  |  |
| Processes involved in accessing |  |  |
| Example of when it has been used successfully – eg. Court case |  |  |

1. Extended response question: Compare the similarities & differences between the State organisation & the Federal organisation for equal opportunity?