



# 2017-18 Annual Report

## Equal Opportunity Commission



Government of South Australia  
Equal Opportunity Commission

To:

The Hon Vickie Chapman MP

Deputy Premier

Attorney-General

This annual report is presented to Parliament to meet the statutory reporting requirements of *the Public Sector Act 2009 (SA)* and the *Equal Opportunity Act 1984 (SA)* and meets the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Equal Opportunity Commission by:

**Dr Niki Vincent PhD**

Commissioner for Equal Opportunity



28 September 2018

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Signature

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Date

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## Section A: Reporting required under the *Public Sector Act 2009*, the *Public Sector Regulations 2010* and the *Public Finance and Audit Act 1987*

### Agency purpose or role

The South Australian Equal Opportunity Commission (EOC) is an independent statutory body with responsibility under the *Equal Opportunity Act 1984 (SA)* (the Act) for promoting equality of opportunity and fostering informed and unprejudiced community attitudes, with a view to eliminating discrimination on the grounds to which the Act applies.

Our vision at the EOC is for a flourishing South Australia, enriched by diversity and united in a commitment to inclusiveness and equality of opportunity. Our mission is to engage, empower, advocate for, and collaborate with, the South Australian community. Our values include integrity, impartiality, adaptability and workplace leadership. The EOC reports to Parliament through the Attorney-General.

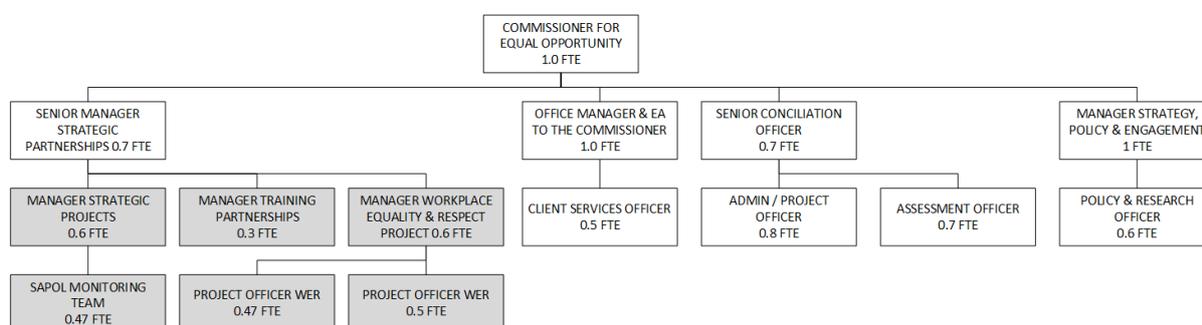
### Objectives

- To promote equal opportunity principles to all South Australians through cultural change projects and programs, research, law reform and policy development.
- To provide information, education and training to promote diversity and inclusion and encourage compliance with the legislation.
- To examine and respond to complaints of discrimination.

### Legislation administered by the agency

*Equal Opportunity Act 1984 (SA)*

### Organisation of the agency as at 30 June 2018



Note: Positions reporting to the Senior Manager, Strategic Partnerships are funded through fee for service activity and not through core EOC budget.

## Executive employment in the agency

Executive classification	Number of executives
None - Commissioner is a statutory appointment	0

Data for the past five years is available at: <https://data.sa.gov.au/data/organization/attorney-general-s-dept>

For further information, the [Office for the Public Sector](#) has a [data dashboard](#) for further information on the breakdown of executive gender, salary and tenure by agency.

## Section B: Reporting required under any other act or regulation

### South Australian Equal Opportunity Act 1984 (Version 1.08.2017)

#### Equal Opportunity Act 1984

##### Section 14 – Annual Report by Commissioner

(1) The Commissioner must, not later than 30 September in each year, report to the Minister on –

- (a) the operation and administration of this Act; and
- (b) the work undertaken by the Commissioner under Section 11, during the previous financial year.

##### Section 11 – Functions of Commissioner

(1) The Commissioner must foster and encourage amongst members of the public informed and unprejudiced attitudes with a view to eliminating discrimination on the grounds to which this Act applies.

#### Chiefs for Gender Equity

The Chiefs for Gender Equity (the Chiefs) are a group of senior leaders from prominent South Australian organisations representing key industry sectors, brought together by the EOC to advance gender equity. The Chiefs are working to progress sustainable change from within their own organisations and to increase the participation of women at the highest levels of industry. The group aims to educate and encourage other SA businesses to respond to gender inequality, particularly in the workplace.

The membership of the group includes:

- Kirsten Bickendorf, CEO, Australian Refugee Association
- Gabby Costigan, CE, BAE Systems Australia

- Andrew Culley, Managing Partner SA, Deloitte
- Clare Harris, CEO, Surf Life Saving SA
- David Martin, Managing Partner, Finlaysons
- Victoria MacKirdy, CEO, City of Victor Harbor
- Jake Parkinson, CEO, South Australian National Football League
- Inca Pearce, CEO, Vinehealth Australia
- Jane Pickering, CE, Eldercare
- Professor Peter Rathjen, Vice-Chancellor and President, The University of Adelaide
- Matthew Salisbury, SA & NT Regional Director, WSP
- Catherine Sayer, CEO, Food South Australia
- Grant Stevens APM, Commissioner, South Australia Police
- Lester Wynne-Jones, State General Manager, Westpac
- Roger Zammit, CE, Badge Group

In the long term, creating a more flexible, diverse and inclusive South Australian workforce will generate productivity, increase workforce participation and improve workplace culture.

The Chiefs continue to focus on six key areas:

- Leadership Shadow – walking the talk
- Flexible work – ensuring that employees, men and women, can access flexible working arrangements to better manage their work and life responsibilities
- Reducing unconscious bias
- Accountability – developing a reporting matrix that provides insight into emerging issues, helps to monitor progress and makes leaders publicly accountable
- Raising awareness of the gender pay gap
- Workplace responses to domestic violence.

In September 2017, the Chiefs launched Beyond First Impressions: Reducing Unconscious Bias in the Workplace. This resource aims to help organisations to recognise and understand their biases, while providing tools to ensure that systems and processes are free from these biases.

As part of the 2018 Open State festival, the Chiefs partnered with the Premier’s Council for Women on a breakfast event. It featured members of both groups and keynote speaker, Atena Abrahamzadeh, delivered a presentation called “Do you see what I see?”. The inaugural event of the program examined the impact of gender stereotypes on work, which was attended by 150 people.

In February 2018, the Chiefs launched “What gets measured gets done: Gender Equality Accountability Framework”. The guide assists organisations to set gender equity goals and contains a framework that is adaptable to reflect any workplace’s size, focus and stage of development.

Also in February, women Chief Executives were invited to deliver Leadership Shadow training to members, colleagues and peers. Over 50 people attended two workshops which aimed to help leaders understand the shadows they cast and how they can personally lead on gender diversity.

In April, a forum was held on pay equity with Libby Lyons, Director of the Workplace Gender Equality Agency. The forum discussed the key issues affecting the gender pay gap in South Australia and, importantly, what to do about them.

The group met its target of 50% women membership well in advance of 2018. As of 30 June 2018, it has grown to 15 members.

### **National Anti-Racism Strategy**

The EOC has continued to drive the promotion and implementation of the National Anti-Racism Strategy and its associated 'Racism. It Stops with Me' public awareness campaign in South Australia.

In November 2017, the EOC partnered with Welcoming Cities to promote both the 'Racism. It Stops with Me' campaign and the Australian Standard for Welcoming Cities to metropolitan and regional councils in South Australia. This work was undertaken with a view to leveraging the ideas and innovation that come from being welcoming and inclusive to new migrants.

The Commissioner met with Mayors and senior staff at the City Councils of Tea Tree Gully, Salisbury, Playford, Onkaparinga and the Port Pirie Regional Council, as well as campaign supporters at the Port Augusta City Council to discuss their experiences of the campaign. The City of Onkaparinga has since become a new signatory to the 'Racism. It Stops with Me' campaign.

Currently, there are 33 active South Australian members, including local community and sporting organisations, Councils and businesses supporting the campaign and undertaking work to combat race discrimination.

The EOC convened a Stop Racism Taskforce six times in 2017-18. The Taskforce is a roundtable group of 24 South Australian peak bodies, government agencies, academics and social justice advocates. Members of the Taskforce come together to identify and promote good practice initiatives to prevent and reduce racism in workplaces and the broader community. They collaborate on strategic projects designed to reduce racism, support diversity and build social cohesion in priority areas.

In February 2018, the Taskforce collaborated with alumni of the Governor's Leadership Foundation Program to host an intensive one day think tank about challenging covert racism in our communities. The Governor's Leadership Foundation is a renowned flagship program of the Leaders Institute of South Australia, with over 650 graduates in senior leadership positions across the state. The event was attended by 24 alumni and leaders in the cultural diversity and inclusion sector. Recommendations from the think tank about how best to address covert racism were shared with the Australian Human Rights Commission's Anti-Racism Secretariat and the former Federal Race Discrimination Commissioner.

The EOC has costed options to sponsor a sample boost for South Australia for both the national Reconciliation Barometer and the Scanlon Foundation's Mapping Social Cohesion Survey to help us better understand State attitudes towards reconciliation, multiculturalism and social cohesion to inform evidence based policy and program initiatives.

## **Workplace Equality and Respect (WER) Project**

The EOC has been funded by the Senior Management Council to deliver a three-year Workplace Equality and Respect (WER) Project. The project commenced in January 2018 and aims to strengthen gender equality and promote safe and respectful workplace cultures across the public sector. The project will contribute to the State Government's efforts to prevent violence against women by addressing, through the workplace, the underlying drivers or causes of gendered violence.

Through the project, 21 State Government agencies will develop and implement a Gender Equality and Respect Strategy and Action Plan/s that align with Our Watch's best practice Workplace Equality and Respect Standards (to be formally launched in late 2018).

The EOC will coordinate a whole-of-government process for the reaccreditation of participating agencies with White Ribbon Australia. It will support individual agencies to meet the standards required for reaccreditation (subject to a final decision by State Government on White Ribbon reaccreditation).

## **South Australia Police Monitoring Program**

The EOC was commissioned by South Australia Police (SAPOL) to conduct an Independent Review into the nature and extent of sex discrimination and sexual harassment, including predatory behaviour, within SAPOL (the 'Independent Review').

The Independent Review commenced in April 2016 and the final report was released in December 2016. The report included 38 recommendations to combat sex discrimination, sexual harassment and predatory behaviour and improve the safety and wellbeing of SAPOL staff.

Six key areas covered in the recommendations included:

- Leadership
- Workforce management
- Training and development
- Flexible workplace cultures
- Dispute resolution and complaints
- Wellbeing and support services.

All recommendations were accepted for implementation by SAPOL.

SAPOL has since engaged the EOC to independently monitor and report on SAPOLs progress in implementing these 38 recommendations over a three year period, and to evaluate whether a change in culture is being achieved. Funding is being provided by SAPOL for this project.

The EOC completed its first progress report to SAPOL at the end of January 2018.

The report analysed the extent to which SAPOL has set a foundation for positive cultural change and noted seven areas for improvement on the issues of change management, change leadership and immediate actions for cultural change.

The progress report can be viewed on the EOC's website.

The EOC will continue to work in partnership with SAPOL providing:

- a sounding board service about how to best implement the recommendations,
- reports focused on the progress and achievement of outcomes and organisational change, and
- advice to facilitate the integration of areas for improvement into actions and/or projects based on findings from monitoring.

The next SAPOL monitoring report is due to be released in September 2018.

### **South Australia Police Restorative Engagement Program**

One of the 38 recommendations from the EOC's Independent Review into the nature and extent of sex discrimination and sexual harassment, including predatory behaviour, in South Australia Police (SAPOL), was to establish a Restorative Engagement Program (REP).

The REP was established as an independent program within the EOC on 21 April 2017. The REP has separate procedures from the Commission's legislatively mandated complaint mechanisms. The primary purpose of the REP is to provide a forum for former or current employees who have worked at SAPOL in the last 10 years and have experienced sexual harassment and/or sex discrimination during this period, to tell their story to specially selected and trained SAPOL leaders during a safe and confidential Restorative Engagement Conference. An acknowledgement and an apology can be offered by the SAPOL leader, if desired by the complainant. The process does not engage with, or investigate, the alleged perpetrators. The model of Restorative Engagement draws from approaches developed to respond to institutional abuse in the Australian Defence Force, the Truth and Reconciliation Commission of South Africa and other abuse redress facilitation models for religious institutions.

The REP was delivered until 29 December 2017 and 13 conferences were undertaken. Feedback from the REP complainants was overwhelmingly positive and complainants reported feeling that they had achieved what they had hoped for by participating.

The REP service has transitioned into the EOC's Conciliation Team from January 2018 and is available upon request to SAPOL.

### **Strengthening Responses to Sexual Assault and Harassment at the University of Adelaide**

In June 2017, the University of Adelaide commissioned the EOC to undertake an audit of its systems and structures that prevent and respond to incidents of sexual harassment and sexual assault. One of the key recommendations made by the EOC was that the University undertake a review of all student residential accommodation facilities (University and privately owned and managed) to examine ways they can work collectively to address sexual violence.

The EOC was subsequently engaged to undertake this review through May to August 2018.

## **SA Metropolitan Fire Service (SAMFS) Investigation into Workforce Culture**

The EOC was commissioned to undertake a four-month qualitative study of the attitudes and culture of the SAMFS in relation to diversity and inclusion. In-depth focus groups and forums were conducted with 103 current SAMFS staff members from all levels of the organisation. Interviews with 11 external stakeholders were also conducted.

The EOC's final report covered its findings in relation to the culture of the SAMFS, perceptions of the value of diversity in the organisation, organisational barriers to diversity, strategies for increasing diversity and inclusion and a draft 'Diversity and Inclusion Vision Statement' with recommendations to guide the organisation in achieving this.

## **Inclusive School Uniform Policies in Independent and Faith Based Schools**

The Commissioner met with independent and faith based school associations in Adelaide and wrote to school principals and their board chairs on 23 May 2018 urging them to consider more inclusive and non-discriminatory school uniform policies that consider students' gender, disability, religious dress requirements and cultural diversity. Dress codes with gender specific requirements are not necessarily discriminatory under the law. However, if the requirement for girls to wear skirts or dresses constrains a girl's participation in some school activities, it could be considered discrimination. Current research shows that girls wearing dresses to school is a restrictive factor in their play and activity and directly results in them engaging in less physical activity. The Commissioner encouraged schools to provide girls with a pant or short offering, as well as traditional dress options, to allow greater freedom of movement and gender expression. The Commissioner advised that failing to address these issues may give rise to a complaint of discrimination under equal opportunity laws. This engagement was followed by a media release on the topic on 27 May 2018.

The Commission has received six responses from independent and faith based schools in response to the campaign. Of these, some schools have already reviewed their uniform policies and have advised that they have introduced greater choice for students. Other schools are currently in the process and see the Commissioner's letter as providing support for their policy direction.

The campaign has received national interest, and the EOC has received correspondence from concerned parents in Queensland praising South Australia for raising awareness and driving change regarding school uniform choice. The Commissioner has also spoken with the Acting Commissioner of the Anti-Discrimination Commission Queensland about planning a similar school uniform campaign in Queensland.

The EOC will issue a follow up letter to schools and their board chairs in February 2019, along with a follow-up media story on changes resulting from the campaign. This may include a school case study. The Director of Catholic Education South Australia, Dr Neil McGoran, has accepted an invitation to join the EOC's Chiefs for Gender Equity.

## Training and Community Education

The EOC provides education and training services to employers, employees and community groups to help achieve compliance with the *Equal Opportunity Act 1984 (SA)*, embed best practice, and support cultural change on equal opportunity. These services include in-house training courses and customised training for organisations and workplaces. In 2017/18, the EOC delivered 44 in-house and customised training sessions which was an increase on last financial year (see below). Types of courses provided included Preventing Workplace Bullying, Discrimination and Harassment; Managers: Resolving Workplace Conflict and Bullying; Contact Person Role & Responsibilities and refresher courses; and Unconscious Bias in Recruitment. These training courses were offered on a fee-for-service basis.

Number of in-house and customised training sessions and participants presented as a time series

Training Provided to External Agencies	2014/15	2015/16	2016/17	2017/18
<b>Customised Training:</b>				
Participant nos.	2966	2186	908*	598 ^
Training Sessions nos.	70	45	22	29
<b>In-house Training Program:</b>				
Participant nos.	123	135	86	144
Training Sessions nos.	10	19	14	15
<b>Total - Participants</b>	<b>3159</b>	<b>2366</b>	<b>1016*</b>	<b>742</b>
<b>Total - Sessions</b>	<b>80</b>	<b>64</b>	<b>36</b>	<b>44</b>

\* Includes 640 community education participants

^ Community education participant numbers no longer collected

## Training Referral Program

In 2017/18 the EOC worked with the Crown Solicitor's Office and Attorney-General's Department procurement team to develop a Training Referral Program (TRP). The aim of the TRP was to establish a panel of preferred providers to support and extend the EOC's capacity to deliver equal opportunity training to promote diversity and inclusion and encourage compliance with the *Equal Opportunity Act (1984)*. The EOC undertook an application and assessment process from May to June 2018 to select preferred training providers. Six external providers were invited to apply. Of those invited, five applied and were successful in gaining contracts. The TRP pilot became operational from 1 July 2018. Initially, the TRP will be a 12-month pilot program on a small scale to enable the EOC to understand how a large-scale referral program would work in practice and to inform a future TRP.

## Commissioner Engagement

The Commissioner delivered regular presentations to a range of community and business groups, industry associations, peak bodies, government and non-government organisations, and unions with a view to informing and engaging on equal opportunity and anti-discrimination issues and promoting the work of the EOC. In 2017/18, the Commissioner spoke at 51 events (see below) reaching more than 6,500 people.

Of prominence in the last year has been presentations on gender equity and women's leadership in the workforce, and fighting sexual harassment and discrimination. Following the #MeToo movement at the end of 2017, the EOC has seen a significant rise in enquiries and complaints about sexual harassment and discrimination and is pleased to see women feeling more confident to talk about these important issues.

### Dr Niki Vincent's speaking engagements in 2017/18

Date/Time	Organisation/event
25/7/17	Australian Institute of Project Management - topic 'What is diversity and what it brings to a project/company'
26/7/17	RMIA Women in Risk Event
27/7/17	Governor's Leadership Foundation - presentation on Diversity Leadership
31/7/17	Participation on panel at UniSA Business School Research Day - topic "What industry wants from research: perspectives from industry".
1/8/17	KPMG and CBRE joint event - Diversity and inclusion
2/8/17	Adelaide University Alumni Breakfast Series - Adaptive Leadership: why it's important and how to build capacity in yourself and others.
15/8/17	Women's Leadership for Entrepreneurship, Governance, Social Development and Economic Growth AAFP Group 'Addressing sex discrimination and Chiefs of Gender Equality Initiative'
18/8/17	IPPA - Commissioner interviewed by Ingrid Haythorpe for 'On the Couch' event
25/8/17	SAPOL SEMS Management Group planning day
29/8/17	Queen Adelaide Club - Amanda Blair interviewing Dr Niki Vincent, Erma Ranieri, David Reynolds on gender equity in the workplace,
1/9/17	SAPOL ELT members on Flexible work recommendations and rationale
4/9/17	Presentation for the Psychology Honours information session Adelaide University
18/9/17	Law Society of SA - Equality, Diversity and Inclusion Committee – Engaging the profession in adopting equity practices and dealing with gender and other harassment
21/9/17	Women In Leadership Summit 2017 - Leaders Panel: Busting the myth of "merit": who defines and who decides? Does true meritocracy exist?
21/9/17	Perk - Perquisite program - Backing yourself - insights and advice for women in leadership
23/9/17	LGBTIQ Information Symposium - Know your Rights
27/9/17	Public Service Association's Conference - Gender Equality in 2017 - panel discussion
28/9/17	Chiefs for Gender Equity / Premier's Council for Women - Open State event
29/9/17	Beyond Bank Inaugural Diversity Panel – Dr Niki Vincent and Dr Eva Balun-Vnuk
5/10/17	Lifetime Support Authority of SA Open State event - Democratising Disability
8/10/17	ZestFest panel discussion "You reckon that's old?"
19 & 20/10/17	Australian Council of Human Rights Authorities Officers Conference in Brisbane
26/10/17	Australian Council of Human Rights Authorities Conference in Melbourne
27/10/17	CPA National Congress - collaboration with private sector
6/11/17	Feast Festival – launch of photo exhibition
8/11/17	STEM Professional Learning Community Event – spoke to educators and students about her role and life journey.
17/11/17	Flinders University - Women and Leadership in the Higher Education Sector
21/11/17	SA Governments Senior Management Council - presentation on Violence against Women

Date/Time	Organisation/event
21/11/17	JusticeNet AGM - Adaptive Leadership in the Equal Opportunity Commission: expanding our thinking and impact (with less resources).
19/12/17	Department for Environment, Water and Natural Resources – Presentation to executives on ‘Flexible work in the Future’
19/1/18	Women in Sport Conference - speaking on discrimination in sport
7/2/18	Stop Racism Taskforce Think Tank with the Governor’s Leadership Foundation
16/2/18	Law Society of SA Forum - Pioneering Pay Equity: Strategies to Bridge the Gap, Own Your Value and Negotiate your Worth
22/2/18	Southern Adelaide Health Network (Mental Health Leadership program) - Mindsets and behaviours for adaptive change leadership
27/2/18	Chiefs for Gender Equity - Launch of Accountability Framework
28/2/18	Osmo Flo Women’s Leadership Day - Commissioner’s journey
5/3/18	Launch of book - Me and my Mentor for author Norah Breekveldt - in Melbourne
8/3/18	Speaking at Coles Supermarkets event for International Women’s Day
9/3/18	ASC Shipbuilding – Gender Equity
15/3/18	Port Pirie Rotary Club – Diversity and Inclusion
27/3/18	SA Leadership Academy - Diversity Dividend: Inclusive Leadership symposium
9/4/18	Whyalla City Council – Diversity and Inclusion Discussions with various community members and SAPOL staff
21/5/18	TechInSA – speaking on a panel with Heather J MacKenzie from Denver Colorado
25/5/2018	Local Government Authorised Persons’ Association – Discrimination in dealing with colleagues & clients in the workplace.
31/5/2018	Heart Foundation SA – ‘Heart of the Matter Breakfast’ – hosting event and interviewing Stacey Copas
6/6/18	CEDA – SA launch of Norah Breekveldt’s book ‘Me and My Mentor’ - panel event
8/6/18	SA Regional Development Conference (Kadina) - Economic Development Masterclass/Welcoming Cities
13/6/18	Australian Institute of Company Directors - Cognitive Diversity
14/6/18	UniSA public lecture series - Gender equity initiatives: Good intentions and unintended consequences
22/6/18	Australian Refugee Association 2018 Oration - with Gill Hicks -

## Media Engagement

The EOC has sought to proactively engage with radio, online and print media as a platform to help educate the community about their rights and responsibilities under equal opportunity law, and to draw community attention to systemic issues of discrimination.

In 2017/18 the Commissioner and the Chiefs for Gender Equity were featured in:

- 9 radio interviews
- 2 television interviews for local ABC and News 24
- 19 press articles
- 8 opinion editorials
- 1 letter to the editor
- National coverage on the Channel 9’s Today Show

This media coverage was achieved through six media releases and personal pitches to journalists.

Topics discussed through the media included discrimination against LGBTIQ people, sex and gender identity discrimination, disability discrimination in access to goods and services, diversity and inclusion

in education, discrimination facing people with disability in employment, flexible work, women and age discrimination at work, gender pay gaps, women in STEM (Science, Technology, Engineering and Mathematics), the merit myth, International Women's Day, and South Australian Equal Opportunity Consulting Services.

### **Website and Social Media**

The EOC's website ([www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)) forms an integral part of its community information service and delivers access to a range of information and educational resources, including publications, factsheets, policies, procedures, case studies, training videos, online courses and quizzes. It also enables people to lodge complaints of discrimination online, view the EOC's training calendar, and enrol for in-house equal opportunity training programs.

In 2017/18 the website was visited over 212,000 times (including outside Australia visits). This was a decrease in the number of visitors from last financial year. However, the high number of visitors from 2016/17 was largely attributable to the publication of the EOC's Independent Review into Sex Discrimination and Sexual Harassment, including Predatory Behaviour in South Australia Police in December 2016, which attracted significant public and media interest.

The EOC has maintained an 'EO 4 Schools' website ([www.eo4schools.net.au/](http://www.eo4schools.net.au/)) which provides targeted equal opportunity educational resources and information for school-aged students and teachers. In 2017/18 this website was shut down and its contents transferred to the EOC's main website.

The EOC's website is one part of a broader communication strategy employed by the Commission. The EOC also continues to grow its social media presence on Facebook and Twitter, amplifying the reach and impact of its work. The EOC has seen a 17% increase in community engagement through Facebook from the previous financial year. In 2017/18, Facebook posts and Tweets reached an audience of more than 130,000.

The Commissioner has her own Facebook page that has seen an increase in followers from 750 to over 1,600 people. There was a similar increase in the Commissioner's Twitter followers. The Commissioner also has over 8000 followers on LinkedIn. The Chiefs for Gender Equity Facebook page has seen an almost 500% increase in followers, from 104 to 512, and their Twitter account now has 720 followers.

**Section 11 (2)** The Commissioner may institute, promote or assist in research, the collection of data and the dissemination of information relating to discrimination on the grounds to which this Act applies.

### **Research Initiatives – Adelaide University PhD Program**

The EOC has launched a PhD program with the University of Adelaide to deliver research into key workplace and cultural equity issues facing South Australia. The PhD program includes a stipend scholarship funded by the University for up to four years, as well as an internship with the Commission.

The Commissioner provides academic supervision and guidance in collaboration with an in-house university supervisor.

Students with a strong academic record in fields such as psychology, law, economics, social sciences, business or management are eligible for the scholarships. Scholarships were offered through the University of Adelaide’s regular major round PhD scholarship cycle in September 2017. Five applications were received and two applicants secured a scholarship. Current research topics include men’s uptake of flexible working arrangements, and best practice for dispute resolution between school authorities and students with disability who are represented by their parents. This unique internship and industry experience will be offered again in the next major round of the PhD scholarship cycle in September 2018.

### **Free Legal Advice Clinic – Adelaide University Law School**

The EOC has established a free legal advice clinic in partnership with the University of Adelaide to improve access to justice for members of the community. The clinic opened in January 2018 and is based at the offices of the EOC. The clinic can provide legal advice to any individual who believes that they have been unlawfully discriminated against, sexually harassed or victimised. While the clinic is available to all, it is particularly helpful in supporting people who are disadvantaged or ill-equipped to cope with the challenges of legal process. It is staffed by final year law students from the University. Qualified legal practitioners supervise the service and all advice provided by the service is checked by an experienced lawyer. The clinic can work with people to identify equal opportunity and discrimination issues and can advise and support people through the entire complaints process. This includes drafting and lodging complaints, providing referrals to other resources and supports, preparing documents, and preparing for Tribunal hearings. Between January and June 2018, the clinic has assisted 50 people in 25 days of operation and consideration is now being given to expanding the clinic to an additional day per week.

### **EOC Enquiry Data**

The EOC provides a free, impartial and confidential enquiry service to educate the community about their rights and responsibilities under equal opportunity law. Details of enquiries are recorded to understand the types of discrimination faced by members of the community and their informational needs to better target the delivery of educational information, resources and training.

570 enquiries were received in 2017/18, showing a 5% decline in enquiries from the previous financial year. Enquiries have steadily declined over the last four years (Table 1). This is in part attributable to an increase in customer usage of self-service information and resources made available through the EOC’s website, as evidenced by the increasing number of website visits over the last ten years.

Table 1: Number of enquiries received presented as a time series

<b>Enquiries Received</b>	<b>5 year average (2009-14)</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
<b>No. of enquiries received</b>	1618	1196	891	597	570
<b>% difference from previous year</b>	-	-26%	-26%	-33%	-5%

- dash indicates data not collected

Enquiries to the EOC can be made via a range of methods (Table 2). 74% of all enquiries were made by telephone in the 2017/18 financial year.

Table 2: Method of enquiry presented as a time series

Method of Enquiry	2013/14		2014/15		2015/16		2016/17		2017/18	
	No.	%	No.	%	No.	%	No.	%	No.	%
Telephone	1071	76%	955	80%	707	79%	455	75%	421	74%
Email	245	17%	164	14%	106	12%	109	16%	83	15%
Online incident report	17	1%	13	1%	25	3%	22	4%	35	6%
In person	49	3%	36	3%	29	3%	15	3%	22	4%
Facebook	2	0%	2	0%	3	0%	6	1%	0	0%
Letter	0	0%	8	1%	7	1%	4	1%	4	1%
Online complaint form	3	0%	17	1%	14	2%	3	1%	5	1%
Hardcopy complaint form	18	1%	1	0%	0	0%	1	0%	0	0%
<b>Total *</b>	<b>1405</b>	<b>100%</b>	<b>1196</b>	<b>100%</b>	<b>891</b>	<b>100%</b>	<b>615</b>	<b>100%</b>	<b>570</b>	<b>100%</b>

\* 100% is the rounded value

The EOC assisted enquirers in a number of ways (Table 3). General information was provided to the majority of enquirers (41%, 233).

Table 3: Enquiry outcomes presented as a time series

Enquiry Outcomes	2013/14		2014/15		2015/16		2016/17		2017/18	
	No.	%								
General information provided	600	43%	461	39%	331	37%	260	43%	233	41%
Referred elsewhere (out of EOC jurisdiction)	209	15%	212	18%	159	18%	75	13%	101	18%
Referred to EOC electronic complaint form	89	6%	135	11%	100	11%	62	10%	82	14%
Referred to EOC Website	97	7%	78	7%	64	7%	49	9%	43	8%
Referred to advocate (to assist with EO/other Issue)	146	10%	68	6%	63	7%	48	9%	34	6%
Complaint form and information package sent	121	9%	134	11%	58	7%	38	7%	25	4%
No action required	87	6%	61	5%	76	9%	31	5%	32	6%
Referred to Australian Human Rights Commission	26	2%	30	3%	24	3%	14	2%	13	2%
Report provided	0	0%	2	0%	0	0%	9	1%	0	0%
Publications provided	8	1%	5	0%	8	1%	5	1%	4	1%
Media response provided/Presentation requested/Other	3	0%	0	0%	3	0%	5	0%	1	0%

Enquiry Outcomes	2013/14		2014/15		2015/16		2016/17		2017/18	
	No.	%								
Appointment made for interview with EOC enquiry officer	10	1%	4	0%	0	0%	1	0%	2	0%
Referred to SAET <sup>#</sup>	9	1%	5	0%	1	0%	0	0%	0	0%
<b>Total *</b>	1405	100%	1195	100%	884	100%	597	100%	570	100%

\* 100% is the rounded value

# SAET (South Australian Employment Tribunal)

Disability and race were the most commonly reported grounds of discrimination by enquirers in the 2017/18 financial year, and have been so for the previous four years (Table 4).

Table 4: Top eight grounds of discrimination identified by enquirers presented as a time series

Enquiries – Grounds	2013/14		2014/15		2015/16		2016/17		2017/18	
	No.	%								
Disability	370	23%	315	22%	235	23%	167	25%	128	22%
Race	154	10%	160	11%	106	10%	68	10%	62	11%
Bullying	91	6%	71	5%	40	4%	25	4%	34	6%
Sex	101	6%	95	7%	67	7%	49	7%	37	6%
Sexual Harassment	67	4%	63	4%	53	5%	26	5%	33	6%
Age	97	6%	86	6%	59	6%	36	5%	28	5%
Caring Responsibilities	56	3%	56	4%	43	4%	33	5%	17	3%
Pregnancy	42	3%	34	2%	28	3%	13	2%	15	3%
All other Enquiries (includes victimisation, parental leave, sexual orientation, unfair dismissal, courts)	641	40%	526	37%	389	38%	243	39%	266	38%
<b>Total *#</b>	1619	100%	1406	102%	1020	100%	660	100%	620	100%

\* 100% is the rounded value

# There may be more than one issue per enquiry

The areas of employment and goods and services rank as the most commonly identified areas of discrimination by enquirers (Table 5).

Table 5: Areas of discrimination identified by enquirers presented as a time series

Enquiries – Areas	2012/13		2013/14		2014/15		2015/16		2016/17		2017/18	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Employment</b>	826	59%	688	56%	615	57%	467	59%	290	58%	283	56%
<b>Goods and Services</b>	329	24%	291	24%	267	25%	176	22%	108	21%	113	23%
<b>Education /Training</b>	114	8%	99	8%	89	8%	56	7%	43	9%	45	9%
<b>Clubs and Associations</b>	43	3%	69	6%	48	4%	48	6%	29	6%	31	6%
<b>Housing / Land</b>	71	5%	70	6%	46	4%	40	5%	29	6%	25	5%
<b>Advertising</b>	6	0%	4	0%	12	1%	9	1%	3	1%	3	1%
<b>Qualification</b>	0	0%	0	0%	7	1%	1	0%	1	0%	1	0%
<b>Total*</b>	<b>1389</b>	<b>100%</b>	<b>1221</b>	<b>100%</b>	<b>1084</b>	<b>100%</b>	<b>797</b>	<b>100%</b>	<b>503</b>	<b>100%</b>	<b>501</b>	<b>100%</b>

\* 100% is the rounded value

Areas of enquiry that fall outside the jurisdiction of the *Equal Opportunity Act 1984 (SA)* are not included in this table

Where the gender identity of enquirers was known, more females than males made enquiries to the EOC in 2017/18 (Table 6).

Table 6: Gender identity of enquirers presented as a time series

Gender of Enquirers	2012/13	%	2013/14	%	2014/15	%	2015/16	%	2016/17	%	2017/18	%
<b>Female</b>	552	36%	487	35%	398	33%	387	44%	284	48%	258	46%
<b>Male</b>	425	28%	477	34%	316	26%	310	35%	199	33%	210	37%
<b>Transgender</b>	7	0%	4	0%	2	0%	2	0%	3	1%	1	0%
<b>Intersex</b>	0	0%	0	0%	1	0%	1	0%	1	0%	0	0%
<b>Unknown</b>	538	35%	435	31%	478	40%	185	21%	110	18%	93	17%
<b>Total*</b>	<b>1522</b>	<b>100%</b>	<b>1403</b>	<b>100%</b>	<b>1195</b>	<b>100%</b>	<b>885</b>	<b>100%</b>	<b>597</b>	<b>100%</b>	<b>562</b>	<b>100%</b>

\* 100% is the rounded value

## EOC Complaint Data

The EOC implemented business performance improvements in complaint-handling over the 2016/17 and 2017/18 financial years to streamline the complaint-handling process, reduce administrative duplication and workload, and improve the timeliness and efficiency of the service. The efficiencies gained enabled the EOC to clear the significant backlog of complaints that were on file from previous financial years. The number of open complaints carried over to the new 2018/19 financial year have been significantly reduced (62) compared with last financial year (176) (Table 7).

Table 7: Number of open complaints brought forward from previous financial year and carried forward to the new financial year

All Complaints	2016/17	2017/18
Complaints brought forward from previous financial year	101	176
Complaints carried over to new financial year	176	62

In the 2017/18 financial year, 211 complaints of discrimination were lodged, representing a 14% (-35) decrease from the previous year (Table 8).

Table 8: Number of complaints lodged presented as a time series

All Complaints	5 year average (2009-14)	2014/15	2015/16	2016/17	2017/18
No. complaints lodged in the year	263	228	184	246	211
% difference of lodged complaints from previous year	-	-13%	-18%	32%	-14%

- dash indicates data not collected

Of the 211 complaints lodged in the 2017/18 financial year, 57% were by way of the online complaint form through the EOC's website (Table 9). Electronic lodgement of complaints is preferred by the majority of complainants.

Table 9: Method of complaint lodgement presented as a time series

Method of complaint lodgement	2013/14		2014/15		2015/16		2016/17		2017/18	
	No.	%								
Online complaint form	113	56%	111	49%	116	62%	135	56%	121	57%
Email	9	4%	26	11%	35	19%	51	21%	34	16%
Hardcopy complaint form	73	36%	77	34%	27	14%	33	14%	47	22%
Letter	5	2%	10	4%	5	3%	19	8%	6	3%
In Person	0	0%	0	0%	1	1%	1	0%	2	1%
Telephone	0	0%	0	0%	1	1%	0	0%	0	0%
Fax	1	0%	4	2%	2	1%	0	0%	1	0%
Facebook	0	0%	0	0%	0	0%	0	0%	0	0%
Total*	201	100%	228	100%	187	100%	239	100%	211	100%

\* 100% is the rounded value

## Complaint Assessment

All complaints of discrimination received by the EOC are assessed to determine whether they fall within the jurisdiction of the *Equal Opportunity Act (1984)*.

When lodging a complaint, the complainant must provide sufficient details to indicate an alleged contravention of the Act to enable the EOC to come to a preliminary view that a contravention has occurred.

A complaint is accepted when it is considered within jurisdiction. In these circumstances, the complainant has been able to identify a ground and area for discrimination under the Act and a causal link between the ground identified and the unfair treatment. Complaints that are not accepted fall outside jurisdiction or do not meet the threshold requirements.

Complaints that are declined at lodgement are determined to be lacking in substance or misconceived, frivolous or vexatious. Or, the complainant is unable to be contacted, or has expressed an intention not to proceed, or has a lack of interest in proceeding with the complaint. Or, the complainant has unreasonably refused or failed to cooperate.

More rigorous complaint assessment processes were introduced by the EOC in 2017/18 as part of the business performance improvements. Complaints assessed within the 2017/18 financial year were more thoroughly investigated prior to their acceptance. This has partly contributed to a decrease in the number of complaints accepted in the 2017/18 financial year compared with the 2016/17 financial year (Table 10). However, numbers of accepted complaints in the 2017/18 financial year are now more consistent with previous years.

Key performance indicators were introduced to the complaint-handling team in 2016, including a 28-day assessment target for complaints.

In 2017/18, there has been an improvement in the overall timeliness of complaint assessment processes, with 46% of complaints being assessed within four weeks (Table 11). The median assessment time for all complaints has almost halved in the 2017/18 financial year.

For complaints received and assessed in the 2017/18 financial year only, assessment times have shown further improvement, with 55% of all complaints being assessed within four weeks (Table 11). 73% of all complaints for this period were assessed within six weeks.

Assessments can be delayed in instances where the EOC has needed to gather further information from the complainant or seek legal advice from the Crown Solicitor on jurisdictional issues.

Table 10: Number of complaints assessed and outcomes of assessment presented as a time series

Complaint Assessments	2013/14	2014/15	2015/16	2016/17	2017/18
No. of complaints assessed	185	129	169	216 <sup>§</sup>	248
Complaints accepted at assessment	129	90	132	181	127
% Complaints accepted	70%	71%	79%	84%	51%
Declined (at Lodgement)	11	7	19	36 <sup>#</sup>	62
Not accepted	45	32	18	28 <sup>^</sup>	59

§ Number has been amended from the 2016/17 EOC Annual Report as 30 complaints were not recorded in the Client Management System workflow which was used to generate the data report

# Number has been amended from the 2016/17 EOC Annual Report as 22 complaints were not recorded in the Client Management System workflow which was used to generate the data report

^ Number has been amended from the 2016/17 EOC Annual Report as 8 complaints were not recorded in the Client Management System workflow which was used to generate the data report

Table 11: Complaint assessment times for the 2016/17 and 2017/18 financial years

Complaint Assessment Times	2016/17	2017/18 <sup>#</sup>	Complaints received in 2017/18 financial year only
No. of complaints assessed	216 <sup>§</sup>	248 <sup>#</sup>	191
Average no. of weeks to assess complaint *	11.9 weeks	11.6 weeks	5.9 weeks
Median (50th percentile) weeks to assess complaint	8.6 weeks	4.8 weeks	3.6 weeks
% complaints assessed within 4 week target	30%	46%	55%

\* Calculated from time complaint lodged to time complainant and respondent/s are notified of assessment outcome

§ Number has been amended from the 2016/17 EOC Annual Report as 30 complaints were not recorded in the Client Management System workflow which was used to generate the data report

# Number includes open complaints carried over from the 2016/17 financial year

## Nature of Complaints

Disability was the most common ground of discrimination identified in accepted complaints, both for the 2017/18 financial year and in previous years (Table 12). Other common grounds identified were sexual harassment and age discrimination (Table 12).

Table 12: Number of accepted complaints by ground of discrimination presented as a time series

Grounds (Accepted Complaints)	5 Year Average (2009-14)		2014/15		2015/16		2016/17		2017/18	
	Total	% ^	Year Total	% ^	Year Total	% ^	Year Total	% ^	Year Total	% ^
Age	11	8%	4	4%	13	14%	8	4%	13	10%
Aiding Unlawful Act	1	1%	3	3%	0	0%	0	0%	0	0%
Association with Child	2	1%	1	1%	1	1%	0	0%	1	1%
Caring Responsibilities	20	7%	5	5%	12	13%	5	3%	7	6%
Disability	56	39%	40	43%	56	62%	80	44%	42	33%
Gender Identity	3	1%	2	2%	1	1%	1	1%	3	2%
Identity of Spouse	4	2%	1	1%	0	0%	1	1%	3	2%
Marital Status	2	1%	2	2%	5	5%	1	1%	0	0%
Pregnancy	7	5%	5	5%	3	3%	2	1%	6	5%
Race	22	15%	11	12%	16	18%	35	19%	11	9%
Religious Appearance or Dress	3	2%	0	0%	0	0%	0	0%	0	0%
Sex	17	12%	3	3%	13	14%	18	10%	6	5%
Sexual Harassment	27	19%	4	5%	16	18%	30	17%	30	24%
Sexual Orientation	3	2%	2	2%	5	5%	2	1%	4	3%
Victimisation	18	12%	16	20%	20	22%	29	16%	11	9%
Whistleblower *	6	4%	7	8%	4	3%	9	5%	5	4%
<b>Total Grounds as a % of Accepted Complaints #</b>	<b>202</b>	<b>131%</b>	<b>106</b>	<b>116%</b>	<b>165</b>	<b>179%</b>	<b>221</b>	<b>123%</b>	<b>142</b>	<b>112%</b>

\* Refers to complaints of victimisation under the *Whistleblowers Protection Act 1993 (SA)*

# There may be more than one ground per complaint

^ Percentages relate to the proportion of all grounds in relation to the number of accepted complaints

In the 2017/18 financial year, the most common areas of discrimination in accepted complaints were employment and goods and services (Table 13).

Table 13: Number of accepted complaints by area of discrimination presented as a time series

Areas (Accepted Complaints)	5 yr avg (2009- 14)	% of Acc. Cts	2014/ 15	% of Acc. Cts	2015/ 16	% of Acc. Cts	2016/ 17	% of Acc. Cts	2017/ 18	% of Acc. Cts
Employment	91	64%	49	54%	73	56%	80	44%	83	75%
Goods and Services	41	29%	23	25%	47	36%	59	32%	13	12%
Clubs and Associations	2	1%	6	7%	3	2%	19	10%	2	2%
Education/Training	9	6%	11	12%	9	7%	14	8%	6	5%
Housing, Land, Accommodation	4	3%	3	3%	4	3%	10	6%	7	6%
Advertising	0	0%	0	0%	0	0%	1	1%	0	0%
Qualification	0	0%	2	2%	0	0%	0	0%	0	0%
<b>Total *</b>	<b>147</b>	<b>100%</b>	<b>94</b>	<b>100%</b>	<b>136</b>	<b>100%</b>	<b>183</b>	<b>100%</b>	<b>111</b>	<b>100%</b>

\* 100% is the rounded value

Disability discrimination, sexual harassment and age discrimination in employment were the most common complaints accepted by the EOC in the 2017/18 financial year (Table 14a).

Table 14a: Number of accepted complaints by ground and areas of discrimination (employment, goods and services and housing/land/accommodation) presented as a time series

Grounds and Areas (Accepted Complaints)	Employment				Goods and Services				Housing/Land/Accommodation			
	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2014/ 15	2015/ 16	2016/ 17	2017/ 18
Age	3	10	5	11	-	4	3	1	-	-	-	-
Aiding Unlawful Act	3	-	-	-	-	-	-	-	-	-	-	-
Association with a Child	-	-	-	-	1	-	-	1	-	1	-	-
Caring Responsibilities	3	10	4	5	2	-	1	-	-	-	-	1
Disability	19	32	26	29	12	30	37	7	2	3	3	4
Gender Identity	-	-	-	-	2	2	1	1	-	-	-	1
Identity of Spouse or Partner	1	-	1	3	-	-	-	-	-	-	-	-
Marital Status	-	3	1	-	-	2	-	-	1	2	-	-
Pregnancy	5	3	2	5	-	-	-	-	-	-	-	1
Race	4	7	13	6	4	11	17	2	-	-	7	-
Sex	-	11	7	4	1	2	7	2	1	1	-	-
Sexual Harassment	5	21	26	29	-	1	7	-	-	-	-	-
Sexual Orientation	-	5	2	4	2	-	-	-	-	-	-	-
Victimisation	11	19	24	9	2	-	3	-	2	-	1	1
Whistleblower <sup>s</sup>	6	4	5	5	1	-	1	-	-	-	2	-
<b>Total<sup>h</sup></b>	<b>60</b>	<b>125</b>	<b>116</b>	<b>110</b>	<b>27</b>	<b>52</b>	<b>77</b>	<b>14</b>	<b>6</b>	<b>7</b>	<b>13</b>	<b>8</b>

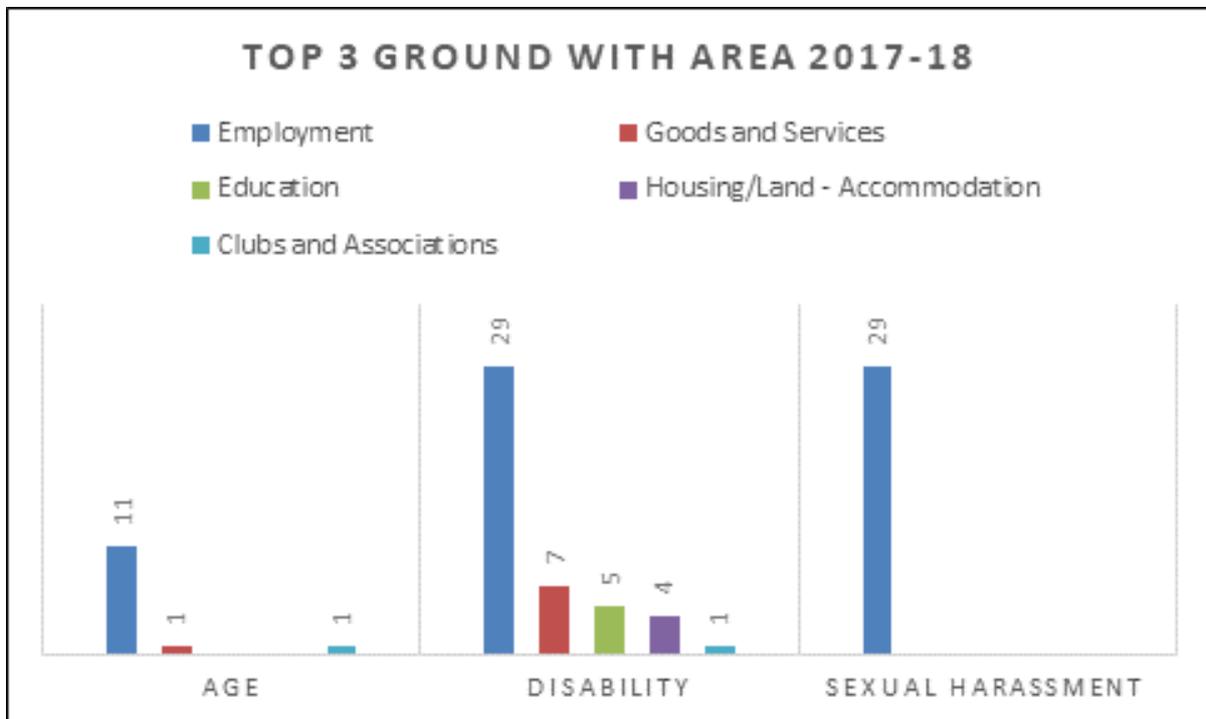
Table 14b: Number of accepted complaints by ground and areas of discrimination (clubs and associations and education/training) presented as a time series

Grounds and Areas (Accepted Complaints)	Clubs and Associations				Education/Training				Total Grounds			
	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2014/ 15	2015/ 16	2016/ 17	2017/ 18
Age	-	-	2	1	1	-	-	-	4	14	10	13
Aiding Unlawful Act	-	-	-	-	-	-	-	-	3	-	-	-
Association with a Child	-	-	-	-	-	-	-	-	1	1	-	1
Caring Responsibilities	-	-	-	1	-	-	-	-	5	11	5	7
Disability	-	-	-	1	-	-	-	5	43	78	85	46

Grounds and Areas (Accepted Complaints)	Clubs and Associations				Education/Training				Total Grounds			
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2016/17	2017/18
Gender Identity	-	-	-	1	-	-	-	-	2	2	1	3
Identity of Spouse or Partner	-	-	-	-	-	-	-	-	1	-	1	3
Marital Status	-	-	-	-	1	1	1	-	2	8	2	
Pregnancy	-	-	-	-	-	-	-	-	5	3	2	6
Race	-	-	1	-	1	1	1	2	11	19	39	10
Sex	1	1	9	-	-	-	-	-	3	15	24	6
Sexual Harassment	-	-	2	-	-	-	1	-	5	22	36	29
Sexual Orientation	-	-	-	-	-	-	-	-	2	5	2	4
Victimisation	2	1	5	-	2	-	2	-	19	20	35	10
Whistleblower <sup>§</sup>	-	1	1	-	-	-	1	-	7	5	10	5
<b>Total*</b>	<b>6</b>	<b>7</b>	<b>24</b>	<b>4</b>	<b>12</b>	<b>12</b>	<b>21</b>	<b>7</b>	<b>113</b>	<b>203</b>	<b>252</b>	<b>143</b>

§ Refers to complaints of victimisation under the *Whistleblowers Protection Act 1993 (SA)*

# The following data are not reported in Tables 14a and 14b: Sex in Advertising - 1 in 2016/17; Race in Qualification - 1 in 2014/15



## Complainant Demographic Information

The majority of complainants lodging matters with the EOC in the 2017/18 financial year were of working age (Table 15), and a higher proportion of complainants were female (Table 16).

Table 15: Age of complainants presented as a time series

Age of Complainants (Accepted Complaints)	2012/13		2013/14		2014/15		2015/16		2016/17		2017/18	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
0 - 9 years	0	0%	0	0%	0	0%	0	0%	0	0%	2	2%
10 - 19 years	3	2%	5	4%	6	7%	4	3%	10	5%	9	7%
20 - 29 years	18	14%	19	15%	11	12%	20	15%	22	12%	18	15%
30 - 39 years	22	17%	16	12%	12	13%	29	22%	35	19%	12	9%
40 - 49 years	31	24%	22	17%	6	7%	20	15%	28	15%	28	23%
50 - 59 years	20	16%	19	15%	23	26%	25	19%	21	11%	16	13%
60 - 69 years	9	7%	19	15%	6	7%	7	5%	26	14%	11	9%
70 - 79 years	1	1%	3	2%	2	2%	5	4%	3	2%	4	3%
80 + years	0	0%	1	1%	0	0%	0	0%	1	1%	0	0%
Unknown age	24	19%	25	19%	24	27%	23	17%	37	20%	24	20%
<b>Total *</b>	<b>128</b>	<b>100%</b>	<b>129</b>	<b>100%</b>	<b>90</b>	<b>100%</b>	<b>133</b>	<b>100%</b>	<b>183</b>	<b>100%</b>	<b>124</b>	<b>100%</b>

\* 100% is the rounded value

Table 16: Gender identity of complainants presented as a time series

Gender of Complainants (Accepted Complaints)	2012/13		2013/14		2014/15		2015/16		2016/17		2017/18	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Female	73	56%	69	53%	40	44%	67	50%	108	59%	76	61%
Male	55	43%	60	47%	50	56%	64	48%	72	39%	48	39%
Partners joined in one complaint	0	0%	0	0%	0	0%	0	0%	2	1%	0	0%
Transgender	0	0%	0	0%	0	0%	2	2%	1	1%	0	0%
Intersex	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<b>Total *</b>	<b>128</b>	<b>100%</b>	<b>129</b>	<b>100%</b>	<b>90</b>	<b>100%</b>	<b>133</b>	<b>100%</b>	<b>183</b>	<b>100%</b>	<b>124</b>	<b>100%</b>

\* 100% is the rounded value

## Outcomes of Accepted Complaints

Under section 95 of the *Equal Opportunity Act (1984)*, if the Commissioner believes a complaint may be resolved by conciliation (other than matters declined by the Commissioner under section 95A), she must make all reasonable endeavours to resolve the complaint by conciliation.

Conciliation is a flexible and responsive dispute resolution process that provides an alternative to the more formal legal proceedings in the South Australian Employment Tribunal.

Of the 159 complaints managed as conciliations and finalised in the 2017/18 financial year, 41% were resolved (Table 17). There was a decrease in the percentage of complaints resolved by conciliation because a number of complex matters that were carried over from the 2016/17 financial year were referred to Tribunal for hearing and determination.

Table 17: Outcomes of complaints managed as conciliations, presented as a time series

Outcomes of Complaints	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
<b>Managed as Conciliations</b>						
<b>Complaints resolved by conciliation</b>	68	87	30	58	71	66
<b>Percentage of complaints resolved by conciliation</b>	58%	65%	43%	64%	72%	41%
<b>Referred to South Australian Employment Tribunal</b>	34	43	36	18	13	66
<b>Declined by the Commissioner</b>	16	4	3	14	15	30
<b>Total complaints managed as conciliations and finalised in the year *</b>	118	134	69	90	99	162*

\* This figure includes a number of complaints managed as conciliations in the previous 2016/17 financial year but not finalised until the current 2017/18 financial year

Conciliation rates fluctuate from year to year and can be impacted by the complexity of matters and the willingness of parties to come to an agreement. When parties are uncooperative, complaints are more likely to be referred to Tribunal.

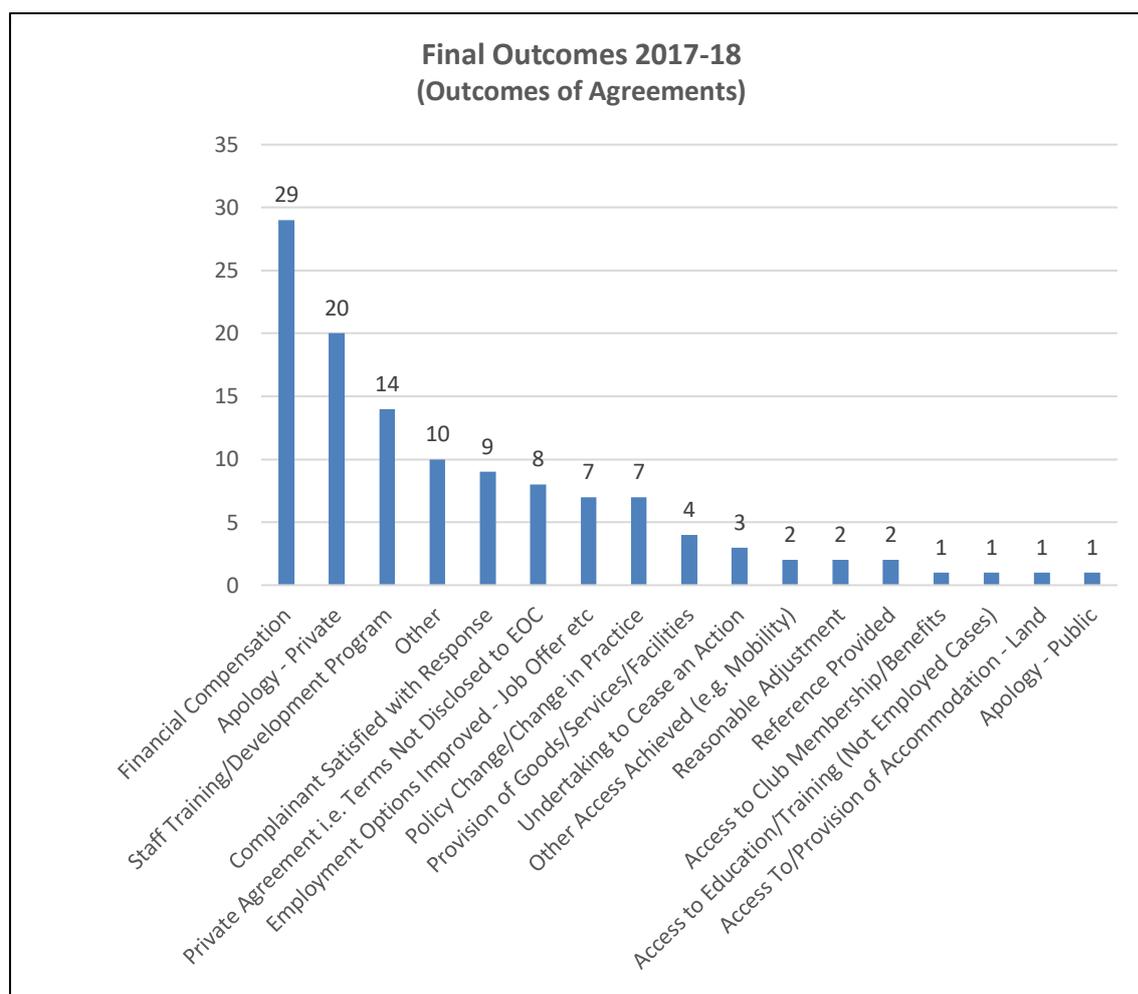
The issuing of financial compensation and an apology were the most common outcomes achieved in settlement agreements made in conciliation (Table 18, Figure 1). The implementation of staff training and development programs, organisational policy or practice change, and private agreements were the next most common agreement outcomes achieved (Table 18, Figure 1). Settlement agreements can include more than one outcome and not all resolved conciliations involve a written agreement.

Table 18: Complaint outcomes resulting from settlement agreements presented as a time series

Complaint Final Outcomes * (Outcomes from Agreements)	2014/15	2015/16	2016/17	2017/18
<b>Access to Club Membership/Benefits</b>	1	2	4	1
<b>Access to Education/Training</b>	1	2	3	1
<b>Access To/Provision of Accommodation - Land</b>	0	1	1	1
<b>Alleged Perpetrator Relocates (in Employment Cases)</b>	0	0	1	0
<b>Apology</b>	13	19	31	20
<b>Complainant Satisfied with Response</b>	3	4	7	9
<b>Employment Options Improved, eg Job Offer</b>	5	1	1	7
<b>Financial Compensation</b>	11	27	36	29
<b>Other</b>	6	17	20	10
<b>Other Access Achieved (e.g. Mobility)</b>	3	6	3	2
<b>Policy Change/Change in Practice</b>	6	8	9	7
<b>Private Agreement</b>	0	2	2	8
<b>Provision of Goods/Services/Facilities</b>	2	6	3	4
<b>Reasonable Adjustment</b>	0	3	2	2
<b>Reference Provided</b>	4	3	3	2
<b>Staff Training/Development Program</b>	8	10	9	14
<b>Undertaking to Cease an Action</b>	0	0	3	3

\* There is one agreement per complaint, however there may be more than one outcome per agreement

Figure 1: Complaint outcomes resulting from settlement agreements



In some cases, financial compensation was awarded for damages, economic loss, or refunds as part of a settlement agreement. In the 2017/18 financial year, there was a decline in both the total amount and average amount of financial compensation awarded to complainants compared with the 2016/17 financial year (Table 19).

Table 19: Financial compensation awarded in settlement agreements presented as a time series

Financial Compensation	2014/15	2015/16	2016/17	2017/18
<b>Total financial compensation payments</b>	\$52,000	\$68,503	\$217,643	\$139,317
<b>Average financial compensation payments</b>	\$5,778	\$4,030	\$10,364	\$5,805
<b>Median financial compensation payments</b>	\$4,750	\$3,500	\$2,000	\$2,334

Where conciliation does not achieve a resolution, the Commissioner must refer the complaint to the Tribunal for hearing and determination, unless the complaint is declined by the Commissioner or withdrawn.

Of those complaints that were unresolved, 66 were referred to the Tribunal in the 2017/18 financial year (Table 17). This included a backlog of complex complaints carried over from the previous financial year.

Subject to section 95C subsection (2) of the *Equal Opportunity Act (1984)*, the Commissioner may, at the request of the complainant or respondent, provide representation for them in proceedings before the Tribunal at public expense. Before providing representation, the Commissioner considers a range of factors including:

- the capacity of the complainant or respondent to represent himself or herself or provide his or her own representation;
- the nature and circumstances of the alleged contravention of the Act;
- whether the case has good prospects of success (if it becomes apparent that prospects of success are not good, funding will cease);
- that representation is a judicious use of public funds;
- whether the complainant or respondent can afford to pay for representation without hardship.

In the 2017/18 financial year, the Commissioner agreed to fund 10 complainants for an initial legal assessment to determine prospects of success for their case before the Tribunal, of which two were later withdrawn. One complainant was funded for representation before the Tribunal, in accordance with section 95C of the Act.

The time taken to finalise complaints has increased in the 2017/18 financial year (Table 20). However, this is due to a large backlog of open complex complaints that were carried over from the 2016/17 financial year and finalised in the 2017/18 financial year.

The EOC finalised more complaints in the 2017/18 financial year than the previous three years (Table 20).

Complaints received in the 2017/18 financial year only were finalised more quickly, within 17.4 weeks (Table 20).

Table 20: Finalisation times for complaints presented as a time series

Finalisation Times (Accepted Complaints)	5 Year Average (2009-14)	2014/15	2015/16	2016/17	2017/18	Complaints received and closed 2017/18 financial year only
Finalised complaints	149	86	114	121	188 <sup>#</sup>	73
Average no. weeks taken to finalise complaints	-	22.1	33	30.4	44	17.4

- Dash indicates data not reported

<sup>#</sup> Includes complaints carried over from the 2016/17 financial year and finalised in the 2017/18 financial year

### Customer Satisfaction with Complaint Handling Services

Customer satisfaction refers to how well the EOC complaint-handling services met or exceeded the expectations of complainants and respondents.

Customer satisfaction surveys are posted to complainants and respondents following conciliation finalisation. A total of 21 evaluation surveys were returned from both complainants (11) and respondents (10) in the 2017/18 reporting period. Survey results indicated a high level of overall

satisfaction with complaint-handling services from complainants (97%) and a slightly lower level of satisfaction from respondents (79%) (Table 21). Results will be used to inform a review of complaint-handling policy and procedures in 2018/19.

Table 21: Evaluation results of complaint-handling services

Service Evaluation Summary Results	Agree *	
	Complainant	Respondent
<b>Questions:</b>		
<i>The complaint process was well explained to me.</i>	100%	70%
<i>I was kept well informed by Commission staff throughout the complaint process.</i>	100%	60%
<i>I understood the information provided by Commission staff.</i>	100%	90%
<i>The forms, brochures and documents provided were easy to understand &amp; use.</i>	100%	100%
<i>Staff were professional, helpful and courteous in their manner.</i>	100%	100%
<i>I was treated fairly and impartially.</i>	90%	80%
<i>The other party was treated fairly and impartially.</i>	100%	89%
<i>I am satisfied with the time it took to resolve the complaint.</i>	90%	70%
<i>I am satisfied with the complaint outcome reached.</i>	90%	60%
<i>I am satisfied with the complaint handling process overall.</i>	100%	70%
<b>Overall Average Satisfaction</b>	<b>97%</b>	<b>79%</b>

\* Average of sum of "Somewhat Agree" to "Strongly Agree" responses

**Section 11 (3)** The Commissioner may make recommendations to the Minister as to reforms, whether of a legislative nature or otherwise, that the Commissioner believes will further the objects of this Act

### **Law Reform – An Examination of the Partial Defence of Provocation Under the Criminal Law Consolidation Act 1935**

The EOC participated in Stage 1 and 2 of the South Australian Law Reform Institute’s (SALRI’s) examination of the partial defence of provocation under the *Criminal Law Consolidation Act 1935* in terms of the ‘gay panic’ aspect.

The EOC strongly advocated for the abolishment of provocation law because it indirectly sanctions lethal violence against those who seem to exhibit homosexual behaviour and is discriminatory on the grounds of sexual orientation.

The problems of provocation extend well beyond gay panic to gender bias, implications for victims of domestic violence (with linked changes to duress and necessity), mandatory sentencing (SA has a general fixed 20-year non-parole period for murder) and offenders with cognitive impairment.

In its stage 1 report, SALRI made recommendations, largely relating to improving the laws of self-defence, duress and necessity to victims of family violence.

In its stage 2 report, SALRI looked at the general law of provocation and sentencing for the offence of murder, to identify an effective and non-discriminatory wider solution that most appropriately address aspects of the current law that discriminates on the basis of sexual orientation or gender.

### **Law Reform – Suitable Regulatory Framework for Surrogacy in South Australia**

After receiving two formal complaints of discrimination from members of the public in 2017/18, the EOC made recommendations to the former Premier, former Attorney-General, former Minister for Health, Attorney-General and Minister for Health and Wellbeing to reform the *Family Relationships*

*Act 1975* to enable single people to have equal access to surrogacy arrangements in South Australia. Currently, single people are prohibited from accessing surrogacy services in South Australia because the Act stipulates that parties must be legally married or in a de facto relationship for at least three years to access services. South Australia and Western Australia are the only states where a person's relationship status affects their eligibility to access surrogacy arrangements and these restrictions are discriminatory. The issue, along with other regulatory considerations related to surrogacy, have been referred to the South Australian Law Reform Institute (SALRI) which is now conducting a reference into appropriate regulatory provisions. The EOC made a formal submission to the SALRI reference.

### **Reforming Disability Standards for Accessible Public Transport – Emergency Egress for People with Disability on the O’Bahn Service**

In 2018 the Commissioner met with the former Minister for Transport and Infrastructure and the Department of Planning, Transport and Infrastructure about concerns that emergency evacuation procedures for the new O-Bahn tunnel were hazardous to drivers and members of the public. The Commissioner's concerns related to the way people with disability and those who use wheelchairs or mobility aids were considered in the procedure, and that actions under the procedure may give rise to a complaint of disability discrimination.

The procedure provides for the fact that it may not be possible to get a wheelchair out of the bus and that drivers, who already lack specialist training, should ask for assistance (presumably from a member of the public) to remove a passenger from their wheelchair. In some circumstances, it may be necessary to 'cross the tracks' because emergency exits were only built on one side of the tunnel. Also noteworthy is that the width of the walkway, built for the new tunnel, is narrower than a current Adelaide tram stop 'City South' where drivers will not deploy a ramp or assist wheelchair users because it is inaccessible and due for an upgrade.

After raising the issue with the former Minister for Transport and Infrastructure and the Department of Planning, Transport and Infrastructure, the EOC was advised that the new O’Bahn tunnel meets Disability Standards for Accessible Public Transport (DSAPT).

The DSAPT currently do not fully address minimum requirements for emergency egress for people with disability on public transport. Part 19 of the DSAPT covering emergency warning systems is the only legislated requirement.

The Commissioner is working with the Australian Council of Human Rights Authorities to achieve policy reform in this area. The EOC will also provide a submission to the Third Review of the DSAPT being conducted by the Federal Department of Infrastructure, Regional Development and Cities later in the year.

### **Changes to the Building Code of Australia – Provisions for Gender Neutral Toilet Facilities**

In advocating for gender-neutral toilet facilities in the design of the new Attorney-General's Department GPO Tower office accommodation, it was brought to the Commissioner's attention that changes need to be made to the Building Code of Australia to prevent unlawful discrimination and ensure access to toilet facilities for gender diverse people in the workplace.

Changes to the 2016 National Construction Code Volume 1 of the Building Code of Australia (BCA) incorporated an amendment to Part F2 Sanitary and Other Facilities.

The new change, specifically clause F2.3(a), instructs the provision of separate sanitary facilities for males and females with minimal exceptions. The provision of unisex accessible sanitary compartments (and showers) is one exception.

The allowance and promotion of a unisex accessible facility within the BCA and Australian Standards, although more accepting of a non-gender specific provision, is supported only with an example of where both sexes may be required to attend the same facility at the same time (for example, where a person with a disability is accompanied by a carer who is a member of the opposite sex). The provision of a toilet titled “unisex” presumes its occupant identifies themselves according to a gender binary. It gives no wider acceptance to a gender-neutral approach for use by people who are intersex or identify outside the boundaries of male and female. The EOC is working with members of the Australian Council of Human Rights Agencies to prepare a submission to amend the BCA.

**Other Policy Submissions:**

- Response to the Department of Communities and Social Inclusion’s ‘The Way Forward Report’.
- Briefs for Australia’s appearance before the Committee on the Elimination of Discrimination Against Women (CEDAW).
- Teleconference with the Joint Standing Committee on Foreign Affairs, Defence and Trade’s Human Right’s Sub Committee Secretariat – Parliamentary Inquiry into Freedom of Religion or Belief.
- Submission on draft Southern State Superannuation (Insurance) Variation Regulations 2017 governing insurance offered under Triple S.

## Section C: Reporting of public complaints as requested by the Ombudsman

### Summary of complaints by subject

Public complaints received by Equal Opportunity Commission	
Category of complaints by subject	Number of instances
Complaint regarding EOC service provision	4

Data for the past five years is available at: <https://data.sa.gov.au/data/organization/attorney-general-s-dept>

### Complaint outcomes

Nature of complaint or suggestion	Services improved or changes as a result of complaints or consumer suggestions
Complaint regarding a staff member who allegedly was unable to respond to an enquiry.	Offered an appointment with both the Senior Conciliation Officer and the Adelaide University Legal Advice Clinic to discuss the discrimination matter.
Complaint regarding a member of staff who was allegedly unprofessional and disrespectful to the complainant. Complainant felt she was put under pressure by the Conciliation Officer during conciliation proceedings.	Apology issued and new Conciliation Officer allocated to work on case.
Complaint alleging that the EOC breached principles of procedural fairness in the handling of a discrimination complaint by failing to provide un-redacted documents to the complainant.	Under Principle 10 of the Information Privacy Principles (IPPS) Instruction, un-redacted documents could not be provided. This was explained to complainant. Redacted documents were provided.

<b>Nature of complaint or suggestion</b>	<b>Services improved or changes as a result of complaints or consumer suggestions</b>
<p>Complaint alleging lack of transparency in conciliation processes. Complainant requested timely access to discrimination complaint handling guidelines.</p>	<p>Provided copy of Charter of Service to complainant. Complaint-Handling Procedures Manual provides a policy and procedural framework for the handling of discrimination complaints under the <i>Equal Opportunity Act 1984 (SA)</i>. However, this is an internal document and primarily used to guide staff practice and induct new staff. The EOC is now developing a new policy framework for complaint-handling that will supplement the Charter of Service and improve organisational transparency and accountability.</p>