|  |
| --- |
|  |

Department of XYZ

**Equal Opportunity Commission**

**2016-17 Annual Report**

|  |
| --- |
| Equal Opportunity Commission |
| Level 17, 45 Pirie Street, Adelaide SA 5000 |
| www.eoc.sa.gov.au |
| Contact phone number | (08) 8207 1977 |
| Contact email | eoc@agd.sa.gov.au |
| **ISSN** | 1835-1786 |
| **Date presented to Minister:** | 30 September 2017 |

|  |
| --- |
| To:The Hon John Rau MP |
| Deputy PremierAttorney-GeneralMinister for PlanningMinister for Industrial RelationsMinister for Business Services and Consumers |

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 |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature | 29/09/2017\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date |

# Contents

[Contents 3](#_Toc492040010)

[Section A: Reporting required under the *Public Sector Act* 2009, the *Public Sector Regulations 2010* and the *Public Finance and Audit Act* 1987 4](#_Toc492040011)

[Agency purpose or role 4](#_Toc492040012)

[Objectives 4](#_Toc492040013)

[Key strategies and their relationship to SA Government objectives 4](#_Toc492040014)

[Agency programs and initiatives and their effectiveness and efficiency 5](#_Toc492040015)

[Legislation administered by the agency 12](#_Toc492040016)

[Organisation of the agency 12](#_Toc492040017)

[Executive employment in the agency 13](#_Toc492040018)

[Section B: Reporting required under any other act or regulation 14](#_Toc492040019)

[Equal Opportunity Act 1984 14](#_Toc492040020)

[Section C: Reporting of public complaints as requested by the Ombudsman 29](#_Toc492040021)

[Summary of complaints by subject 29](#_Toc492040022)

[Complaint outcomes 29](#_Toc492040023)

# 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.

##

## Key strategies and their relationship to SA Government objectives

| **Key strategy** | **SA Government objective** |
| --- | --- |
| Educate the community about their rights and responsibilities under equal opportunity laws and the benefits of diversity and inclusion. | Attorney-General’s Department (AGD) Goal: South Australians know their rights and obligations which AGD administers fairly.  |
| Work with strategic partners to model best practice and deliver research, review, audit and training programs that promote workplace diversity and deliver positive cultural change within organisations. | SA Government Universal Access and InclusionSA is the place where people and business thrive |
| Deliver timely, accessible and impartial conciliation services and restorative engagement programs  | Attorney-General’s Department (AGD) Goal: South Australians know their rights and obligations which AGD administers fairly.  |
| Invest in our people so they have the tools, knowledge and skills they need to deliver results. | South Australian Public Sector Values and Behaviour Framework - Professionalism. Strive for Excellence |

## Agency programs and initiatives and their effectiveness and efficiency

| **Program name** | **Indicators of performance/effectiveness/efficiency** | **Comments**  |
| --- | --- | --- |
| Equal Opportunity Commission led the *White Ribbon Workplace Accreditation Project* | 19 government departments achieved White Ribbon Workplace Accreditation. | The White Ribbon Workplace Accreditation Program recognises workplaces that are taking active steps to stop violence against women. White Ribbon Workplaces engender a whole of organisation commitment to stop violence against women to create a safer and more respectful workplace. Completing this project reflects the government’s commitment to preventing and taking action against violence against women which is a serious issue for the whole South Australian community. |
| Completed the EOC *Independent Review into Sex Discrimination, Sexual Harassment and Predatory Behaviour in South Australia Police (SAPOL)* | The final report on the Review was released by the EOC in December 2016. It included 38 recommendations to improve the safety and wellbeing of SAPOL staff across six key areas including leadership, workforce management, training and development, flexible workplace cultures, dispute resolution and complaints, and wellbeing and support services. All recommendations were accepted for implementation by SAPOL.The EOC has been commissioned by SAPOL to independently monitor and report on their progress in implementing these 38 recommendations over a three-year period. This monitoring program begun planning phase in May 2017, and outcomes cannot be assessed in this reporting period. | Sex discrimination, sexual harassment and predatory behaviour are broader social issues that affect all areas of society. SAPOL provides a vital service in keeping South Australians safe. To ensure the best possible service to the community, SAPOL must also ensure the safety and wellbeing of staff, of which 32% are women. The SAPOL Commissioner, Grant Stevens, and his leadership team have made a commitment to identify opportunities to improve their practices to ensure the culture in SAPOL is positive and inclusive. This project also allowed for effective collaboration and relationship-building between agencies. |
| EOC established a SAPOL *Restorative Engagement Program* | Not assessed in this reporting period. | One of the 38 recommendations of the EOC Independent Review into Sex Discrimination, Sexual Harassment and Predatory Behaviour in South Australia Police was to establish this Restorative Engagement Program. Undertaking this project reflects SAPOLs commitment to preventing and taking action against sexual harassment and sex discrimination, to create a safer and more respectful workplace.  |
| Completed *An Audit of Structures and Systems that Prevent and Respond to Incidents of Sexual Harassment and Sexual Assault* | In June 2017 the University of Adelaide, as part of its commitment to providing a safe and respectful learning environment, commissioned the EOC to undertake an audit of its systems and structures that prevent and respond to incidents of sexual harassment and sexual assault. The audit identified areas of good practice and areas that could be improved in an effort to ensure the University was meeting its duty of care. The final report on the Review was released by the EOC to the University of Adelaide on the 28 July 2017. It included 42 recommendations across 7 key areas including University community development, policies/processes/procedures, information and communication technology, resourcing, communications and engagement, training and further investigation. | The university is a unique community with particular vulnerabilities including a high population of young students and foreign students. The EOC has provided practicable advice as to how to keep the community safe and to ensure that breaches of safety are responded to appropriately, with an emphasis on the victim’s wellbeing. This increases the effectiveness of the University to deal with sexual harassment and sexual assault. |
| National Anti-Racism Strategy in South Australia | Two roundtables were held in 2016-2017 with nine representatives from state government departments and 18 representatives from non-government organisations.The group developed a work plan, and the EOC has pursued funding for community projects working with secondary school age students as anti-racism bystanders in priority local council areas.  | The Australian Human Rights Commission introduced the National Anti-Racism Strategy in 2012 to promote a clear understanding in the Australian community of what racism is, and how it can be prevented and reduced. The roundtables provide opportunities to drive the National Strategy. Members identify and promote good practice initiatives to prevent and reduce racism in the public and workplace; and collaborate on strategic projects designed to reduce racism, support diversity and build social cohesion in priority areas. |
| Chiefs for Gender Equity | On Equal Pay Day 2016 the Chiefs launched their Plan of Action 2016-17. The work plan focuses on:* + - * Our Leadership Shadow - walking the talk
			* Flexible Work - including encouraging men to take up flexible work
			* Reducing Unconscious bias
			* Accountability reporting matrix.

October 2016 saw a significant change in the direction of the Chiefs, with the commencement of six women members. These appointments were made following the group’s commitment to having a 50/50 gender balance of members by 2018.To mark International Women’s Day 2017, the Chiefs launched work smarter. work better. work flex, a toolkit to support organisations to work towards gender equality by creating sustainable, flexible work environments. Work flex is an easy to use guide that uses best practice and case studies from the organisations represented on the group. As part of the launch, a panel of Chiefs and the Commissioner for Equal Opportunity took part in a forum discussion at the University of Adelaide, highlighting the benefits of flexible working for both employers and employees and encouraging men to uptake flexible work arrangements.  | As senior leaders in South Australia, the Chiefs for Gender Equity aim to increase knowledge and capacity for South Australian businesses to respond to gender inequality particularly in the workplace.In the long term, creating a more flexible, diverse and inclusive South Australian workforce will generate productivity, increase workforce participation and improve workplace culture. |
| LGBTIQ Community Engagement | The EOC led interactive community forums with the LGBTIQ community.The forums informed participants about the recent South Australian LGBTIQ law reforms that have removed discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity or intersex status. On 21 September 2016, the EOC joined the Department of the Premier and Cabinet in hosting a conversation with Australian Sex Discrimination Commissioner, Kate Jenkins on sexual orientation, gender identity and intersex discrimination and LGBTIQ law reform.On 10 November 2016, the EOC hosted a Mobilising Change forum in partnership with Katrine Hildyard MP, the Department of the Premier and Cabinet, the Department for Communities and Social Inclusion and the Human Rights Law Centre. This forum updated participants on the South Australian Government’s progress on law reform and discussed how members of the LGBTIQ community could affect change through advocacy, public debate and action.In January and February 2017, the EOC surveyed people who participated in the Mobilising Change forum to find out the important issues facing LGBTIQ people in South Australia. Data from the survey has been used to inform the development of a program of work for 2017-18 including the development of workplace guidelines for transgender people. | LGBTIQ community work has educated and informed the community about their rights and responsibilities under changes to Equal Opportunity laws. It also helps the EOC to understand how services can better serve this diverse community.Experiences of discrimination can contribute to poor mental health for LGBTIQ individuals and this project supports Target 86 of the South Australian Strategic Plan: Psychological wellbeing - Equal or lower the Australian average for psychological distress by 2014 and maintain thereafter. |
| Disability Awareness Training for the Public Sector | The Equal Opportunity Commission has partnered with the Attorney-General’s Department to develop a customised disability awareness training tool for use by justice agencies including SA Police, the Department for Correctional Services, Office of the Director of Public Prosecutions and the Courts Administration Authority.The Attorney-General’s Department is now leading this project as a priority action under the Disability Justice Plan 2014 - 2017.The Disability Awareness and Inclusion Training Framework was endorsed by the Disability Justice Plan Advisory Group in May 2017.An introductory Disability Awareness and Inclusion base training module will be delivered to all employees across the four criminal justice agencies.A content outline has been agreed to by agencies.The base training will inform participants on disability rights and the diversity of disability experienced within the community. It will encourage informed and respectful engagement and communication with people with disabilities as customers, employees and colleagues. Development of the training module will be guided through stakeholder review and completion is planned for the end of December 2017. | This project supports Priority Action 4.8 in the Disability Justice Plan 2014 - 2017.Training on disability creates a disability confident organisation that understands the benefits of employing people with a disability. This project aligns with Target 50 of the South Australian Strategic Plan: People with disability - Increase by 10% the number of people with a disability employed in South Australia by 2020. |
| EOC and University of Adelaide PhD program | The University of Adelaide and the EOC have launched a unique PhD program to help tackle key workplace and cultural equity issues facing South Australia.The PhD program will include a stipend scholarship for up to four years, as well as an internship in the EOC, with academic supervision and fortnightly one-one-one meetings with the Commissioner.The unique internship and industry experience will be offered to up to five students from 2018.Performance, effectiveness and efficiency not assessed in this reporting period. | This program aims to tackle key workplace and cultural equity issues and injustices facing South Australia.The new partnership will have a genuine impact on studying and addressing important human rights and equal opportunities issues facing the State and students will be encouraged to examine areas such as alternative dispute resolution, flexible working arrangements, gender pay gaps, the effects of workplace diversity, accommodating workers impacted by domestic violence and barriers to employment to Aboriginal employees. |
| Legal Advice Clinic with the Adelaide University Law School | The EOC is currently collaborating with the University of Adelaide to set up a “pop up” legal advice service for the community to assist with identification of equal opportunity and discrimination issues, referral to other resources or supports, preparation of documents, and preparation for Tribunal hearing. Performance, effectiveness and efficiency not assessed in this reporting period. | This program will support people who are often disadvantaged or ill equipped to cope with the challenge of legal process. The clinic will provide understanding to clients about process, help clients to develop confidence in navigating process, and provide “backup” support as needed to the EOC. This aims to empower people to access the justice system. Clinics also help to identify systemic discrimination issues. This can help with law reform and the development of educational materials. |
| Team Member Development | During 2016-17 the EOC supported staff to undertake 16 individual and 15 group professional development training courses/conferences, including the following development opportunities:* CEDA Women in Leadership forum
* Casten Centre for Human Rights Law Conference.
 | EOC staff are encouraged and supported to develop skills and keep up-to-date with the current issues and needs of the diverse South Australian community that we serve. The EOC prioritises performance development and staff training as it promotes a high performing team focused on the delivery of services to the public. |

## Legislation administered by the agency

|  |
| --- |
| Equal Opportunity Act 1984 (SA) |

## Organisation of the agency

## 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](http://publicsector.sa.gov.au/) has a [data dashboard](http://publicsector.sa.gov.au/about/office-for-the-public-sector/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 Australia Equal Opportunity Act 1984 (Version 21.03.2017-30.06.2017)**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. |
| **Training and Community Education**The EOC provides education and training services to promote equal opportunity principles and to give people the knowledge and skills needed to understand their rights and responsibilities under the *Equal Opportunity Act 1984* (SA). These services include in-house training courses, customised training for organisations and workplaces, and education and information sessions for the community.In 2016-17, the EOC delivered 36 in-house and customised training sessions to employers, employees and community groups, as illustrated in Table 20 below. The EOC’s public training program was limited from February to June 2017 to enable staff to undertake a training review and develop a new collaborative training and education model with industry and university providers. This resulted in a decrease in the number of in-house and customised training/education sessions delivered in 2016-17. Types of courses provided include: Preventing workplace bullying, discrimination and harassment; Managers: resolving workplace conflict, bullying; Contact person role & responsibilities and refresher courses; unconscious bias in recruitmentTable 1:

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Training Provided to External Agencies**  | 5 year avg (2009-14) | 14/15 | 15/16 | 16/17 | 5 year avg (2009-14) | 14/15 | 15/16 | 16/17 | 5 year avg (2009-14) | 14/15 | 15/16 | 16/17 |
| Paid | Unpaid # | Totals |
| Customised Training: |
| Participant nos. | 602 | 455 | 170 | 268 | 2436 | 2511 | 2016 | 640 | 3038 | 2966 | 2186 | 908 |
| Training Sessions nos. | 47 | 26  | 14 | 17 | 64 | 44  | 31 | 5 | 111 | 70 | 45 | 22 |
| Inhouse Training Program: |
| Participant nos. |  221 | 123  | 135  | 86  |   |   |   |   | 221 | 123 | 135 | 86 |
| Training Sessions nos. | 18  | 10  | 19  | 14  |   |   |   |   | 18 | 10 | 19 | 14 |
| Total - Participants |  |  |  |  |  |  |  |  | 3370 | 3159 | 2366 | 1016\* |
| Total - Sessions |  |  |  |  |  |  |  |  | 129 | 80 | 64 | 36 |

\* includes 640 community education participants.# Unpaid training generally relates to community awareness programs.**Commissioner Engagement**The Commissioner delivers 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 2016-17, the Commissioner spoke at 38 events, reaching an audience of more than 4,000 people.**Mitchell Oration**On the 23 October 2016, the EOC sponsored and hosted the 22nd Mitchell Oration. This is a biennial event honouring the work and lifelong achievements of Dame Roma Mitchell. This year we partnered with the 2016 Adelaide Festival of Ideas to discuss what Dame Roma Mitchell might say about the current state of human rights in Australia if she were alive, including issues such as the treatment of refugees and asylum seekers; the incarceration rates of Aboriginal and Torres Strait Islanders; freedom of speech; domestic violence; women in the legal profession; equal pay; and same-sex marriage. The Commissioner for Equal Opportunity provided an opening address, before a speech by the Hon Dr Robyn Layton. The Oration is an important platform through which the Commission can provide analysis directly into political and social commentary related to human rights in Australia. This year’s event had an audience reach of approximately 150 people.**Website and Social Media**The EOC maintains an informative website (www.eoc.sa.gov.au) that delivers educational resources and enables people to lodge complaints of discrimination online. In 2016-17 the website was visited 367,274 times (including outside Australia visits), or more than 1000 times a day. This far exceeded the EOC’s projected target of 330,000 website visits for 2016-17. Visits increased by 14% over the previous year as more people use online information and resources. The EOC also maintains an ‘EO 4 Schools’ website (www.eo4schools.net.au/) which provides targeted equal opportunity educational resources and information for school-aged students and teachers. This website was visited 59,403 times in 2016-17 (including outside Australia visits).Increased customer use of website self-service information and resources has helped to boost workplace efficiency and reduce in-bound telephone enquiries to the EOC. This has enabled limited staff resources to be redirected to help manage a 37% increase in the number of accepted complaints handled during the 2016-17 financial year.The EOC’s growing social media presence on both Facebook and Twitter amplifies the reach and impact of our work in informing unprejudiced community attitudes with a view to eliminating discrimination. Social media serves as an important platform through which the EOC can provide analysis directly into political and social commentary on equal opportunity issues. The EOC has seen a 33% increase in community engagement through Facebook with over 800 people liking its Facebook page, compared with 600 people last financial year. The EOC’s Facebook posts and tweets routinely reached an audience of more than 89,000 in the 2016-17 reporting period. |
| **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. |
| **Strategic Partnerships (WGEA)**The EOC has engaged the Workplace Gender Equality Agency (WGEA) as a national partner to support gender equality cultural change projects currently underway in South Australia. The EOC invited WGEA to present to the Gender Equality in Leadership Steering Committee, the Chiefs for Gender Equality group and to SAPOL’s Project Equitas Team about the Gender Strategy Toolkit and other useful resources developed based on national metrics. SAPOL has since engaged WGEA as a resource in their development of a Diversity and Inclusion Strategy. This partnership supports the EOC’s work to prevent and address discrimination on ground of sex and to promote gender equality.**Complaint-Handling Statistics****Enquiries**The EOC provides a free, impartial and confidential enquiry service. 597 enquiries were received in 2016-17, showing a 33% decline in enquiries from the previous financial year. As indicated in Table 2, enquiries have steadily declined over the last three years. This is in part attributable to an increase in customer usage of self-service information and resources made available through the EOC’s websites.Table 2:

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

- Data not collected.Enquiries can be made via a range of methods as illustrated in Table 3. 75% of all enquiries were made by telephone in the 2016-17 financial year. The distribution of methods of enquiry in percentages is comparable over the last four years.Table 3:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **How Enquiries were Received** | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
| No. | % | No. | % | No. | % | No. | % |
| Telephone | 1071 | 76% | 955 | 80% | 707 | 79% | 455 | 75% |
| Email | 245 | 17% | 164 | 14% | 106 | 12% | 109 | 16% |
| Online incident report | 17 | 1% | 13 | 1% | 25 | 3% | 22 | 4% |
| In person | 49 | 3% | 36 | 3% | 29 | 3% | 15 | 3% |
| Facebook | 2 | 0% | 2 | 0% | 3 | 0% | 6 | 1% |
| Letter | - | - | 8 | 1% | 7 | 1% | 4 | 1% |
| Online complaint form | 3 | 0% | 17 | 1% | 14 | 2% | 3 | 1% |
| Hardcopy complaint form | 18 | 1% | 1 | 0% | 0 | 0% | 1 | 0% |
| Total | 1405 | 100% | 1196 | 100% | 891 | 100% | 597 | 100% |

The outcomes of enquiries shown in Table 4 illustrate the ways in which enquirers were assisted. General information was provided in 43% (260) of enquiries. The distribution of enquiry outcomes in percentages is comparable for the last three years.Table 4:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Enquiries – Outcomes** | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
| No. | *%* | No. | *%* | No. | *%* | No. | *%* |
| General information provided | 600 | 43% | 461 | 39% | 331 | 37% | 260 | 43% |
| Referred elsewhere (out of EOC jurisdiction) | 209 | 15% | 212 | 18% | 159 | 18% | 75 | 13% |
| Referred to EOC electronic complaint form | 89 | 6% | 135 | 11% | 100 | 11% | 62 | 10% |
| Referred to EOC Website | 97 | 7% | 78 | 7% | 64 | 7% | 49 | 9% |
| Referred to advocate (to assist with EO/other Issue) | 146 | 10% | 68 | 6% | 63 | 7% | 48 | 9% |
| Complaint form and information package sent | 121 | 9% | 134 | 11% | 58 | 7% | 38 | 7% |
| No action required | 87 | 6% | 61 | 5% | 76 | 9% | 31 | 5% |
| Referred to Australian Human Rights Commission | 26 | 2% | 30 | 3% | 24 | 3% | 14 | 2% |
| Report provided | 0 | 0% | 2 | 0% | 0 | 0% | 9 | 1% |
| Publications provided | 8 | 1% | 5 | 0% | 8 | 1% | 5 | 1% |
| Media response provided/Presentation requested/Other | 3 | 0% | 0 | 0% | 3 | 0% | 5 | 0% |
| Appointment made for interview with EOC enquiry officer | 10 | 1% | 4 | 0% | 0 | 0% | 1 | 0% |
| Referred to South Australian Equal Opportunity Tribunal | 9 | 1% | 5 | 0% | 1 | 0% | 0 | 0% |
| Total | 1405 | 100% | 1195 | 100% | 884 | 100% | 597 | 100% |

The top eight grounds of discrimination identified by enquirers is shown in Table 5. Disability and race are the most commonly reported grounds of discrimination in the 2016-17 financial year, and have been so for the last four years. The percentages distribution of grounds is very comparable for the last three years.Table 5:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Enquiries – Grounds of Discrimination** | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
| No. | **%** | No. | % | No. | % | No. | % |
| Age | 97 | 6% | 86 | 6% | 59 | 6% | 36 | 5% |
| Bullying | 91 | 6% | 71 | 5% | 40 | 4% | 25 | 4% |
| Caring Responsibilities | 56 | 3% | 56 | 4% | 43 | 4% | 33 | 5% |
| Disability | 370 | 23% | 249 | 18% | 192 | 19% | 167 | 25% |
| Race | 154 | 10% | 161 | 11% | 106 | 10% | 68 | 10% |
| Sex | 101 | 6% | 96 | 7% | 67 | 7% | 49 | 7% |
| Sexual Harassment | 67 | 4% | 64 | 5% | 53 | 5% | 32 | 5% |
| Victimisation | 30 | 2% | 34 | 2% | 24 | 2% | 15 | 2% |
| All other Enquiries | 653 | 40% | 593 | 42% | 436 | 43% | 253 | 37% |
| (includes parental leave, pregnancy, sexual orientation, unfair dismissal, Whistleblowers, courts) |
| Total | 1619 | 100% | 1410 | 100% | 1020 | 100% | 678 | 100% |

The areas of discrimination identified by enquirers are listed in Table 6. Areas that fall outside the jurisdiction of the *Equal Opportunity Act 1984* (SA) are not included in this table. The areas of employment and goods and services rank as the most commonly identified areas of discrimination. The percentages distribution of areas is comparable for the last five years.Table 6:

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

Where the gender identity of enquirers was known, more females than males made enquiries to the EOC in 2016-17 as indicated by Table 7.Table 7:

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Gender Identity of Enquirers**  | 2012-13 |  | 2013-14 |  | 2014-15 |  | 2015-16 |  | 2016-17 | % |
| Female | 552 | 36% | 487 | 35% | 398 | 33% | 387 | 44% | 284 | 48% |
| Male | 425 | 28% | 477 | 34% | 316 | 26% | 310 | 35% | 199 | 33% |
| Transgender | 7 | 0% | 4 | 0% | 2 | 0% | 2 | 0% | 3 | 1% |
| Intersex | 0 | 0% | 0 | 0% | 1 | 0% | 1 | 0% | 1 | 0% |
| Unknown | 538 | 35% | 435 | 31% | 478 | 40% | 185 | 21% | 110 | 18% |
| Total | 1522 | 100% | 1407 | 100% | 1195 | 100% | 887 | 100% | 597 | 100% |

**Complaints**There has been an increase of 28% (52) in the number of complaints lodged with the EOC in the 2016-17 financial year, as indicated in Table 8.Table 8:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **All Complaints** | 5 year average (2009-14) | 2014/15 | 2015/16 | 2016/17 |
| Complaints lodged in the year | 263 | 228 | 184 | 239 |
| % difference of lodged complaints from previous year | - | -13% | -15% | 28% |
| Complaints open at 30/6/16 and brought forward  |  - |  - |  - | 101 |
| Complaints open as at 30/6/17 |  - |  - |  - | 163 |

- Data not collected.Of the 239 complaints lodged, 56% were by way of the online complaint form through the EOC’s website. Table 9 shows that electronic lodgement is preferred by the majority of complainants.Table 9:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **How Complaints were Lodged** | 2013-14 | 2014/15 | 2015/16 | 2016/17 |
| No. | % | No. | % | No. | % | No. | % |
| Online complaint form | 113  | 56% | 111 | 49% | 116 | 62% | 135 | 56% |
| Email | 9  | 4% | 26 | 11% | 35 | 19% | 51 | 21% |
| Hardcopy complaint form | 73  | 36% | 77 | 34% | 27 | 14% | 33 | 14% |
| Letter | 5  | 2% | 10 | 4% | 5 | 3% | 19 | 8% |
| In Person | 0  | 0%  | 0 | 0% | 1 | 1% | 1 | 0% |
| Telephone | 0  | 0%  | 0 | 0% | 1 | 1% | 0 | 0% |
| Fax |  1 | 0%  | 4 | 2% | 2 | 1% | 0 | 0% |
| Facebook | 0  | 0%  | 0 | 0% | 0 | 0% | 0 | 0% |
| Total | 201 | 100% | 228 | 100% | 187 | 100% | 239 | 100% |

**Complaint Assessment**For the first half of the 2016-17 financial year, complaints on average were assessed in 44 days. In October 2016, the EOC implemented business process improvements to reduce complaint assessment times and improve the overall timeliness of complaint handling processes. This was in recognition that unresolved complaints of discrimination, sexual harassment and victimisation can have a detrimental and ongoing impact on parties involved, and it is in the best interests of all parties that complaints are resolved as quickly as possible.From October 2016, an improved assessment process was implemented and a key performance indicator was introduced to reduce average complaint assessment times to 28 days.It is noted that for complaints received from November 2016, assessment times were markedly reduced, with 57% of complaints meeting the 28 day assessment target (average 39.9 days). This was a marked improvement from the previous 2015-16 financial year, where only 16% of complaints received were assessed within 28 days (average 129.5 days).A number of complaints for a variety of reasons took 91 days or longer to assess. Since November 2016, 10% of assessments fell into this category compared with 34% for the year.The improvements in the overall timeliness of complaint handling processes have been achieved despite the number of accepted complaints increasing by 37% in the 2016-17 financial year, as indicated in Table 10 below.Table 10:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Assessed Complaints** | 2012-13 | 2013-14 | 2014/15 | 2015/16 | 2016/17 |
| No. of complaints assessed | 214 | 185 | 129 | 169 | 216 |
| Assessment time: |  |  |  |  |  |
| Average no. of weeks to assess complaint \* | 7.3 weeks | 9.6 weeks | 11.8 weeks | 18.8 weeks | 11.9 weeks |
| % complaints which achieved target of 4 weeks to assess complaint | 35% | 24% | 18% | 16% | 36% |
| No. Accepted (at assessment)  | 126 | 129 | 90 | 132 | 181 |
| % complaints accepted of complaints assessed | 59% | 70% | 71% | 79% | 84% |
| No. Declined at lodgement | 28 | 11 | 7 | 19 | 4 |
| No. Not accepted | 60 | 45 | 32 | 18 | 28 |
| No. Withdrawn after assessment # | 29 | 18 | 19 | 25 | 20 |

\* Calculated as time complaint lodged to time complaint accepted following assessment by Commissioner.# Complaints may be withdrawn after assessment for a variety of reasons including failure of the complainant to respond, lost contact with the complainant, complainant not wishing to pursue the complaint, or the complaint being resolved. In 2016-17, 19 complaints were withdrawn prior to assessment.**Nature of Complaints**Disability was the most common ground of discrimination in accepted complaints, both for the 2016-17 financial year and in previous years. Other grounds showing as consistently high are race discrimination, sexual harassment and victimisation. Table 11 illustrates the number of complaints accepted by the EOC by grounds. There may be more than one ground identified per complaint and the most common grounds of discrimination are highlighted in bold.Table 11:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Grounds****(Accepted Complaints)** | 5 Year Average (2009-14) | 2014/15 | 2015/16 | 2016/17 |
| Total | % | Year Total | % | YearTotal | % | YearTotal | % |
| Age | 11 | 8% | 4 | 4% | 13 | 14% | 8 | 4% |
| Aiding Unlawful Act | 1 | 1% | 3 | 3% | 0 | 0% | 0 | 0% |
| Association with Child | 2 | 1% | 1 | 1% | 1 | 1% | 0 | 0% |
| Caring Responsibilities | 20 | 7% | 5 | 5% | 12 | 13% | 5 | 3% |
| Gender Identity | 3 | 1% | 2 | 2% | 1 | 1% | 1 | 1% |
| **Disability** | **56** | **39%** | **4** | **43%** | **56** | **62%** | **80** | **44%** |
| Identity of Spouse | 4 | 2% | 1 | 1% | 0 | 0% | 1 | 1% |
| Marital Status | 2 | 1% | 2 | 2% | 5 | 5% | 1 | 1% |
| Pregnancy | 7 | 5% | 5 | 5% | 3 | 3% | 2 | 1% |
| **Race** | **22** | **15%** | **11** | **12%** | **16** | **18%** | **35** | **19%** |
| Religious Appearance or Dress | 3 | 2% | 0 | 0% | 0 | 0% | 0 | 0% |
| Sex | 17 | 12% | 3 | 3% | 13 | 14% | 18 | 10% |
| **Sexual Harassment** | **27** | **19%** | 4 | 5% | **16** | **18%** | **30** | **17%** |
| Sexual Orientation | 3 | 2% | 2 | 2% | 5 | 5% | 2 | 1% |
| **Victimisation** | 18 | 12% | **16** | **20%** | **20** | **22%** | **29** | **16%** |
| Whistleblower \* | 6 | 4% | 7 | 8% | 4 | 3% | 9 | 5% |
| Total Grounds | 202 | 131% | 106 | 116% | 165 | 179% | 221 | 122% |

\* Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA).In the 2016-17 financial year, employment and goods and services were the most common areas of discrimination in accepted complaints. Table 12 illustrates the number of complaints accepted by the EOC by areas. Table 12:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **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 |
| Employment | **91** | **64%** | **49** | **54%** | **73** | **56%** | **80** | **44%** |
| Goods and Services | **41** | **29%** | **23** | **25%** | **47** | **36%** | **59** | **33%** |
| Clubs and Associations | 2 | 1% | 6 | 7% | 3 | 2% | 19 | 10% |
| Education/Training  | 9 | 6% | 11 | 12% | 9 | 7% | 14 | 8% |
| Housing and Land | 4 | 3% | 3 | 3% | 4 | 3% | 10 | 6% |
| Advertising | 0 | 0% | 0 | 0% | 0 | 0% | 1 | 1% |
| Qualification | 0 | 0% | 2 | 2% | 0 | 0% | 0 | 0% |
| Total Areas | 147 | 104% | 94 | 103% | 136 | 105% | 184 | 101% |

Table 13 illustrates the number of complaints by ground and area. Disability discrimination in the areas of goods and services provision and employment continues to be the most common complaint. Most complaints of sexual harassment and victimisation occurred in the area of employment.Table 13:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Grounds and Area****(Accepted Complaints)**  | **Clubs and Associations** | **Education****/Training** | **Employment** | **Goods and Services** | **Housing/Land** **- Accommod’n** | **Total****Grounds** |
| **14-15** | **15-16** | **16-17** | **14-15** | **15-16** | **16-17** | **14-15** | **15-16** | **16-17** | **14-15** | **15-16** | **16-17** | **14-15** | **15-16** | **16-17** | **14-15** | **15-16** | **16-17** |
| Age |  |  | 2 | 1 |  |  | 3 | 10 | 5 |  | 4 | 3 |  |  |  | 4 | 14 | 10 |
| Aiding Unlawful Act |  |  |  |  |  |  | 3 |  |  |  |  |  |  |  |  | 3 |  |  |
| Association with a Child |  |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 |  | 1 | 1 |  |
| Caring Responsibilities |  |  |  |  | 1 |  | 3 | 10 | 4 | 2 |  | 1 |  |  |  | 5 | 11 | 5 |
| Gender Identity |  |  |  |  |  |  |  |  |  | 2 | 2 | 1 |  |  |  | 2 | 2 | 1 |
| Disability | 3 | 4 | 4 | 7 | 9 | 15 | 19 | 32 | 26 | 12 | 30 | 37 | 2 | 3 | 3 | 43 | 78 | 85 |
| Identity of Spouse or Partner |  |  |  |  |  |  | 1 |  | 1 |  |  |  |  |  |  | 1 |  | 1 |
| Marital Status |  |  |  | 1 | 1 | 1 |  | 3 | 1 |  | 2 |  | 1 | 2 |  | 2 | 8 | 2 |
| Pregnancy |  |  |  |  |  |  | 5 | 3 | 2 |  |  |  |  |  |  | 5 | 3 | 2 |
| Race |  |  | 1 | 1 | 1 | 1 | 4 | 7 | 13 | 4 | 11 | 17 |  |  | 7 | 11 | 19 | 39 |
| Sex | 1 | 1 | 9 |  |  |  |  | 11 | 7 | 1 | 2 | 7 | 1 | 1 |  | 3 | 15 | 24 |
| Sexual Harassment |  |  | 2 |  |  | 1 | 5 | 21 | 26 |  | 1 | 7 |  |  |  | 5 | 22 | 36 |
| Sexual Orientation |  |  |  |  |  |  |  | 5 | 2 | 2 |  |  |  |  |  | 2 | 5 | 2 |
| Victimisation | 2 | 1 | 5 | 2 |  | 2 | 11 | 19 | 24 | 2 |  | 3 | 2 |  | 1 | 19 | 20 | 35 |
| Whistleblower \* |  | 1 | 1 |  |  | 1 | 6 | 4 | 5 | 1 |  | 1 |  |  | 2 | 7 | 5 | 10 |
| Totals of Areas | 6 | 7 | 24 | 12 | 12 | 21 | 60 | 125 | 115 | 27 | 52 | 77 | 6 | 7 | 13 | 113 | 203 | 252 |

\*Refers to complaints of victimisation under the *Whistleblowers Protection Act 1993* (SA).The following minor data are not showing in Table 13:Sex (ground) in Advertising (area) - 1 case in 2016-17 Race (ground) in Qualification (area) - 1 case in 2014-15. **Complainant Demographic Information**Demographic information about the complainant such as age and gender identity is sought via an intake form sent to the complainant at the time their complaint is acknowledged. Of those complainants who provided demographic data, 34% of who alleged discrimination were aged between 30 and 49 years, as indicated in Table 14.Table 14:

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

The gender distribution of complainants is indicated in Table 15.Table 15:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Gender of Complainants (Accepted Complaints) | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
| Female | 73 | 56% | 69 | 53% | 40 | 44% | 67 | 50% | 108 | 59% |
| Male | 55 | 43% | 60 | 47% | 50 | 56% | 64 | 48% | 72 | 39% |
| Partners joined in one complaint  | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 2 | 1% |
| Transgender | 0 | 0% | 0 | 0% | 0 | 0% | 2 | 2% | 1 | 1% |
| Intersex | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% |
| Total | 128 | 100% | 129 | 100% | 90 | 100% | 133 | 100% | 183 | 100% |

**Outcomes of Accepted Complaints**Complaints accepted by the Commissioner ordinarily proceed to conciliation. Conciliation is a flexible and responsive dispute resolution process that provides a crucial alternative to legal action for complainants. Conciliation provides an opportunity to resolve complaints at an informal level without the need for lawyers, and with both parties retaining control over the complaint outcome. If conciliation does not achieve a resolution, the Commissioner must refer the complaint to the Equal Opportunity Tribunal unless the complaint is declined by the Commissioner or withdrawn. Of the complaints referred to the Equal Opportunity Tribunal in 2016-17, the Commissioner agreed to partially fund one complainant for representation before the Tribunal, in accordance with Section 95c of the *Equal Opportunity Act 1984* (SA). Table 16 shows outcomes of complaints managed as conciliations in 2016-17.Table 16:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Outcomes of Complaints Managed as Conciliations** | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
| Complaints resolved by conciliation | 68 | 87 | 30 | 58 | 71 |
| Percentage resolved by conciliation\* | 58% | 65% | 43% | 64% | 72% |
| Unresolved conciliations:  |  |  |  |  |  |
| Referred to South Australian Equal Opportunity Tribunal | 34 | 43 | 36 | 18 | 13 |
| Declined by the Commissioner | 16 | 4 | 3 | 14 | 15 |
| Total managed as conciliation and finalised | 118 | 134 | 69 | 90 | 99 |
| Withdrawn (after assessment) | 26 | 17 | 17 | 25 | 18 |
| Total including withdrawn complaints | 144 | 151 | 86 | 115 | 117 |

\* In 2016-17 data measurements changed. Complaints withdrawn are no longer included in the calculation of percentage complaints resolved by conciliation. Percentages will therefore vary from previously reported data.Table 17 shows the final outcomes resulting from settlement agreements following a resolved conciliation. Financial compensation and an apology were the most frequent agreement outcomes. Staff training/development programs, policy change and changes in practice for an organisation were the next most frequent agreement outcomes. Agreements can include more than one outcome and not all resolved conciliations involve a written agreement. The most common outcomes are highlighted in bold. Table 17:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Complaint Final Outcomes 2016-17****(Outcomes from Agreements)**  | 5 year avg (2009-14) | 2014/15 | 2015/16 | 2016/17 |
| Access to Club Membership/Benefits | - | 1 | 2 | 4 |
| Access to Education/Training | - | 1 | 2 | 3 |
| Access To/Provision of Accommodation - Land | - | 0 | 1 | 1 |
| Alleged Perpetrator Relocates (in Employment Cases) | - | 0 | 0 | 1 |
| **Apology** | - | **13** | **19** | **31** |
| Employment Options Improved - Job Offer etc | - | 5 | 1 | 1 |
| **Financial Compensation** | - | **11** | **27** | **36** |
| Other | - | 6 | 17 | 20 |
| Other Access Achieved (e.g. Mobility) | - | 3 | 6 | 3 |
| **Policy Change/Change in Practice** | - | **6** | **8** | **9** |
| Private Agreement | - | 0 | 2 | 2 |
| Provision of Goods/Services/Facilities | - | 2 | 6 | 3 |
| Reasonable Adjustment | - | 0 | 3 | 2 |
| Reference Provided | - | 4 | 3 | 3 |
| **Staff Training/Development Program** | - | **8** | **10** | **9** |
| Undertaking to Cease an Action | - | 0 | 0 | 3 |
|  |  |  |  |

In some cases, financial compensation is awarded as part of a settlement agreement and can include damages, economic loss, or refunds. In 2016-17 there has been a significant rise in the total amount of financial compensation awarded to complainants, as indicated in Table 18, although the median payment was lower than the two previous years.Table 18:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Compensation 2016-17****(Agreements from Conciliations)** | 2014/15 | 2015/16 | 2016/17 |
| Total financial compensation payments | $52,000 | $68,503 | $217,643 |
| Average financial compensation payments |  $5,778 |  $4,030 |  $10,364 |
| Median financial compensation payments |  $4,750 |  $3,500 |  $2,000 |

Business process improvements implemented by the EOC in 2016-17 have reduced complaint assessment times. This has led to an overall improvement in the time taken to finalise complaints as indicated in Table 19, despite a significant increase in the number of accepted complaints.Table 19:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Finalisation Times** **(Accepted Complaints)** | 5 Year Average (2009-14) | 2014/15 | 2015/16 | 2016/17 |
| Finalised complaints  | 149 | 86 | 114 | 121 |
| Weeks taken to finalise complaints  | **-** |  22.1 weeks |  33 weeks | 30.4 weeks |

- Data not collected.**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. Measuring customer satisfaction is important to enable the EOC to better manage and further improve services.Customer satisfaction surveys are posted to complainants and respondents following conciliation finalisation. A total of 19 evaluation surveys were returned from both complainants (9) and respondents (10) in the 2016-17 reporting period. Table 20 shows a high level of overall satisfaction with complaint handling services from both complainants and respondents, at 98% and 95% respectively. Table 20:

|  |  |
| --- | --- |
| **Service Evaluation Summary Results** | Agree \* |
| Complainant | Respondent |
| Questions: |
| *The complaint process was well explained to me.* | 100% | 100% |
| *I was kept well informed by Commission staff throughout the complaint process.* | 100% | 70% |
| *I understood the information provided by Commission staff.* | 100% | 100% |
| *The forms, brochures and documents provided were easy to understand & use.* | 100% | 100% |
| *Staff were professional, helpful and courteous in their manner.* | 100% | 100% |
| *I was treated fairly and impartially.* | 100% | 100% |
| *The other party was treated fairly and impartially.* | 100% | 100% |
| *I am satisfied with the time it took to resolve the complaint.* | 78% | 100% |
| *I am satisfied with the complaint outcome reached.* | 100% | 90% |
| *I am satisfied with the complaint handling process overall.* | 100% | 90% |
| Overall Average | 98% | 95% |

*\** 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. |
| **Changes to the Equal Opportunity Act 1984 (SA)**In 2016-17, the EOC supported the reform to state laws that discriminated against individuals and families on the grounds of sexual orientation, gender identity, and intersex status. This included two major changes to the *Equal Opportunity Act 1984* (SA) that occurred during the 2016-17 reporting year.Interpretive and language amendments were made to the Act to ensure non-binary concepts of sex and gender are recognised, and protections against discrimination are extended to persons who do not identify as male or female.In addition, the attributes of sexuality and chosen gender in Part 3 of the *Equal Opportunity Act 1984* (SA), which have been described by many as inappropriate or outdated, have been replaced with the more inclusive protections based on the attributes of ‘sexual orientation’ and ‘gender identity’ as defined in the *Sex Discrimination Act 1984* (Cth). These changes were made through the *Statutes Amendment (Gender Identity and Equity) Act 2016* and will ensure that South Australian law complies with the relevant Commonwealth anti-discrimination provisions.Secondly, the Act was amended in line with the *Statutes Amendment (Surrogacy Eligibility) Act 2017*, to include the provision of assisted insemination or assisted reproductive treatment as services to which the Act applies. This means that a person seeking the provision of assisted insemination or assisted reproductive treatment services are not allowed to be discriminated against by these service providers on the basis of their sexual orientation or gender identity, or marital status. However, a person who is a registered objector within the meaning of the *Assisted Reproductive Treatment Act 1988* is allowed to refuse to provide these services on these bases, and will not be taken to be refusal of a service to which the Act applies.The EOC also recommended for changes to the *Equal Opportunity Act 1984* (SA) to include domestic violence as a protected ground.**Policy Reform**In 2016-17 the EOC was involved in roundtables including:* the South Australian Law Reform Institute Roundtable on the *Law of Provocation*
* the Australian Human Rights and Equal Opportunity Commission *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) NGO Consultation
* the *Recognising Domestic and Family Violence in SA’s Criminal Law: Modernising the defences of self-defence and duress* Roundtable.
 |

# 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 | 3 |
| Complaint regarding access to EOC services | 1 |

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 about lack of EOC shopfront for public at 45 Pirie Street - Person intimidated by security when upset/distressed about their situation. | Reported to AGD Facilities and discussed potential design solutions for the new GPO Tower as part of staff consultation processes. EOC made recommendations for improved shop front access as part of GPO Tower development. |
| Complaint regarding a staff member who allegedly breached impartiality and bullied complainant with no consideration to their severe psychiatric condition during conciliation process. Complainant contacted Ombudsman SA. | Offered amended conciliation agreement. New conciliator allocated to work on case. The Ombudsman SA found upon assessment that the EOC did not act in a way that was unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. They did not find that further enquiries into the complaint by their office was necessary or justifiable. |
| Complaint regarding cultural offence caused by EOC trainer during delivery of Contact Person Roles and Responsibilities training session on 07/09/16. During a role play exercise the trainer used some derogatory terms as examples of offensive language used within the workplace. | Acknowledgement of offense that was caused and issue of apology. A full refund provided for training costs. Matter addressed with the trainer and full training review undertaken to ensure the EOC continues to provide a culturally safe training environment for future participants. Staff to undertake refresher Aboriginal Cultural Safety Training. |
| Complaint regarding how clearly the Conciliation Officer communicated information about our complaint handling processes and timeliness of response from Conciliator. | Commissioner met with complainant. New conciliator allocated to work on case. Communication plan developed and weekly updates provided by new conciliator. Business Performance Improvement process initiated with conciliation team in 2016-17 financial year. |