

Religious Belief

Age

Employment

Colour

Disability

Human Rights Complaints: What you need to know

Ethnicity

Sex

Ethical belief

Political opinion

Race

This guide lets you know about the options for making a complaint to the Human Rights Commission.

The Human Rights Commission has a free, informal and confidential service for questions or complaints about unlawful discrimination.



NZ
Human
Rights.
Human Rights Commission
Te Kāhui Tika Tangata



NZ Human Rights.

Human Rights Commission
Te Kāhui Tika Tangata

The Human Rights Commission was established in 1977 and works under the Human Rights Act 1993. The Commission's purpose is to promote and protect the human rights of all people in Aotearoa New Zealand. We work for a free, fair, safe and just New Zealand, where diversity is valued and human dignity and rights are respected.

The information in this booklet is only meant to give general guidance. It's not intended, or should be relied on, as a substitute for legal or other professional advice. If needed, we recommend that you get independent legal advice. The information contained in this booklet may be amended from time to time.

First published in June 2020.



Being treated unfairly

The Human Rights Commission offers a free, informal and confidential service for anyone enquiring about human rights or complaining of unlawful discrimination or harassment.

The Human Rights Act 1993 makes it unlawful to discriminate on a wide range of grounds, outlines what behaviours are against the law and includes the process for protecting your rights.

Racial and sexual harassment are also unlawful under the Act as is indirect discrimination (an action or policy that appears to treat everyone the same but actually discriminates against someone).

I orea te tuatara ka
puta ki waho!

A problem is solved
by continuing to find
solutions.





What's unlawful discrimination

Unlawful discrimination as defined by the Human Rights Act 1993 happens when someone is disadvantaged by being treated unfairly or less favourably than others for one of the reasons listed below.

Sex



(including pregnancy and childbirth, gender identity and expression, and sex characteristics)

Sexual orientation



Being heterosexual, gay, lesbian or bisexual

Disability



(includes physical, psychiatric, intellectual, psychological disability or illness, sensory impairment)

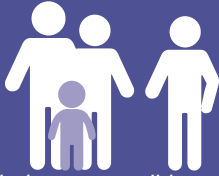
Political opinion



(including not having a political opinion)

tion?

Family status



(includes being responsible, or not, for children or other dependants)

Race, colour, ethnicity or national origins



Employment status



(e.g. being unemployed or on a benefit or on ACC)

Marital status



(including marriages and civil unions)

Religious Belief



Ethical belief



(not having a religious belief)

Age



(16 years and over)



Where discrimination can happen.

Not all discrimination is unlawful. To be covered by the Act you need to have experienced the discrimination or harassment in an area of public life.

It's unlawful to discriminate in:

- Employment (including unpaid work)
- Education and vocational training
- Industrial or professional associations
- Provision of goods and services
- Land, housing and accommodation
- Access to public places, vehicles and facilities
- Government services.

Discrimination and harassment at work.

If the discrimination or harassment happened at work, then you can also contact Employment New Zealand for help www.employment.govt.nz

If the discrimination or harassment happened in pre-employment (e.g. within a job advertisement, job application or job interview) we can look after your complaint.

Either way, we can help by providing advice, information and suggesting how best to resolve your issue.

The Act protects you from being treated unfairly if you contact us about a complaint or support another person to make a complaint.

It's safe to complain.



How does the complaint process work?



Step One:

Contact our Infoline team

It's safe and confidential. The team will listen to you, ask questions and provide information. If appropriate, they will give you a complaint form to complete and refer you to a mediator.

Phone **0800 496 877** or email **Infoline@hrc.co.nz**,
text **021 0236 4253**, NZ Relay Service, or visit **www.hrc.co.nz**



Step Two:

Early resolution

Our mediators use early resolution to help resolve complaints at a low level. A mediator may give you information to help you resolve the complaint yourself, talk with the people involved in a dispute, or help parties communicate with each other. It is free and confidential.



Step Three:

Mediation

A mediator helps the people involved safely talk to each other about the issues and discuss possible solutions. It's free, confidential and impartial.



Step Four:

Resolution

Most complaints are sorted out by early resolution or mediation. Resolution can include an apology, an agreement not to do the same thing in the future, a training programme or compensation.



Step Five:

Legal Action

If your complaint is not resolved at mediation, you can take legal action. Human Rights complaints are heard before the Human Rights Review Tribunal, which is like a court. You can apply for free legal representation.

Note: We do not investigate or make judgements on whether the law was breached.



Our complaints process



Is your complaint about?

- Unlawful discrimination
- Sexual harassment
- Racial harassment
- Racial disharmony
- Victimisation
- Unfair treatment by an employer because you have experienced family violence

NO



Get in touch with us by:

InfoLine: **0800 496 877**

Fax: **09 377 3593** (Attn: InfoLine)

Email: infoline@hrc.co.nz

TXT: **0210 236 4253**

www.hrc.co.nz

NZ Relay Service

We will assess your complaint and discuss your options for resolving it with you.

UNSURE

YES

UNRESOLVED

RESOLVED

We may refer you to other organisations if your complaint is not one we can deal with.



There are a number of different agencies that may be able to assist.
More information on the list of other agencies is available in this booklet.



Dispute Resolution Service:
We will work with you and the other party to try to resolve your complaint. We have a range of options, including early resolution and mediation. Our process is free, confidential, and voluntary, and the Commission is impartial.

Note: We do not investigate or make judgements on whether the law was breached.



Office of Human Rights Proceedings (OHRP)
The OHRP may offer free, legal representation for some complaints at the Human Rights Review Tribunal. The OHRP is independent of the Commission's dispute resolution service.

Go to: www.hrc.co.nz/ohrp/

Human Rights Review Tribunal
You could choose to take your case to the Tribunal, which is independent of the Commission.

The Tribunal operates like a court, calls witnesses, listens to submissions and decides based on the facts of the case.

For more information go to www.justice.govt.nz/tribunals/human-rights/



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About us.

The Human Rights Commission

Te Kāhui Tika Tangata promotes and protects the human rights of all people in Aotearoa New Zealand. We work for a fair and just New Zealand, where diversity is valued and human dignity and rights are respected.

Our job is to:

- advocate and promote respect for human rights in New Zealand
- encourage harmonious relations between individuals and diverse groups in New Zealand
- to promote racial equality and cultural diversity
- to promote equal employment opportunities (including pay equity)
- to promote and protect the human rights of disabled people.

Other agencies that could help include:

The Children's Commissioner

www.occ.org.nz

Advocates for the interests and wellbeing of children and young people.

Health and Disability Commissioner

www.hdc.org.nz

Investigates complaints about treatment received from health and disability providers.

Ombudsman

www.ombudsman.parliament.nz

Investigates complaints against government agencies.

Privacy Commissioner

www.privacy.org.nz

Investigates complaints about potential breaches of privacy.





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