

Do you have a human rights complaint?

◆ Contact us

▼ The first step is to contact our InfoLine team.
Just phone, email, fax or visit our website.

◆ Informal intervention

▼ It's free, confidential and you don't need a lawyer. Staff will provide information to help resolve your complaint. The Act determines whether the Human Rights Commission can accept a complaint. If it looks like the issue is unlawful discrimination, you will be referred to one of our mediators.

◆ Mediation

▼ This is free, confidential and impartial. A mediator will assist both parties to work through the issues raised by the complaint. Mediation includes explaining the Human Rights Act and working through possible solutions.

◆ Resolution

▼ Most complaints are sorted out by informal intervention or mediation. The end result can include: an apology, an agreement not to do the same thing in the future, taking an education or training programme, or compensation.

◆ Legal action

If your complaint about discrimination is not resolved at mediation, you can take legal action. At this stage, human rights complaints are heard before the Human Rights Review Tribunal. This is like a court. You can apply for free legal representation.



Human Rights
Commission
Te Kāhui Tika Tangata

Contact the Human Rights Commission

Human Rights Commission InfoLine

0800 496 877 (toll free)
TTY (teletypewriter) 0800 150 111
Fax 09 377 3593 (Attn: InfoLine)
Email Infoline@hrc.co.nz
Website www.hrc.co.nz
Language Line available
Sign language interpreter available

Tāmaki Makaurau – Auckland

Level 4 Tower Centre
45 Queen Street
PO Box 6751, Wellesley Street
Tāmaki Makaurau
Auckland 1141
Waea Telephone 09 309 0874
Waea Whakāhua Fax 09 377 3593

Te Whanganui ā Tara – Wellington

Level 1 Vector Building
44-52 The Terrace
PO Box 12411, Thorndon
Te Whanganui ā Tara
Wellington 6144
Waea Telephone 04 473 9981
Waea Whakāhua Fax 04 471 6759

Otautahi – Christchurch

Level 3 Guardian Assurance Building
79-83 Hereford Street
PO Box 1578, Otautahi
Christchurch 8140
Waea Telephone 03 379 2015
Waea Whakāhua Fax 03 353 0959

Disclaimer: While we have tried to make this information as accurate as possible, it should not be regarded as legal advice.



DEC 2009

Human rights enquiries and complaints



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Discrimination and harassment

The Human Rights Commission offers a free, informal enquiries and complaints service to deal with issues of discrimination and racial and sexual harassment.

Discrimination happens when a person is treated unfairly or less favourably than others in similar circumstances.

If you think you have faced discrimination, you can make a complaint to the Human Rights Commission. The Commission can help by providing advice and information and, if necessary, by mediating your complaint.

The Human Rights Act makes it unlawful to discriminate based on these grounds:

- ◆ **Sex** – includes pregnancy and childbirth; and discrimination against transgender and intersex people because of their sex or gender identity
- ◆ **Marital status** – includes marriages and civil unions that have ended
- ◆ **Religious belief** – not limited to traditional or mainstream religions
- ◆ **Ethical belief** – not having a religious belief
- ◆ **Colour, race, or ethnic or national origins** – includes nationality or citizenship
- ◆ **Disability** – including physical, psychiatric, intellectual or psychological disability or illness
- ◆ **Age** – people are protected from age discrimination if they are over 16 years old
- ◆ **Political opinion** – including not having a political opinion
- ◆ **Employment status** – being unemployed, on a benefit or on ACC. It does not include being employed or being on national superannuation
- ◆ **Family status** – includes not being responsible for children or other dependants
- ◆ **Sexual orientation** – being heterosexual, homosexual, lesbian or bisexual.

The grounds apply to a person's past, present or assumed circumstances. For example, it is unlawful to discriminate against someone because they have a mental illness, had one in the past, or someone assumes they have a mental illness.

Not all discrimination is unlawful. The Human Rights Act may make it unlawful when it occurs in:

- ◆ government or public sector activities
- ◆ employment
- ◆ business partnerships
- ◆ education
- ◆ public places, vehicles and facilities
- ◆ goods and services
- ◆ land, housing and accommodation
- ◆ industrial and professional associations, qualifying bodies and vocational training bodies.

Sexual and racial harassment

Sexual harassment and racial harassment are particular types of discrimination.

- ◆ Sexual harassment is unwelcome or offensive sexual behaviour that is repeated or significant enough to have a harmful effect on a person.
- ◆ Racial harassment is behaviour that is racist, hurtful or offensive and is either repeated or serious enough to have a harmful effect on a person.

Indirect discrimination

Indirect discrimination is when an action or policy that appears to treat everyone the same actually discriminates against someone. For example, if the only entrance to a shop is by climbing stairs, that indirectly discriminates against someone who uses a wheelchair.

Other human rights complaints

You can still contact the Human Rights Commission if your complaint is about other human rights issues. The enquiries and complaints service can help by providing advice and information, and by suggesting how best to resolve your issue.

Other agencies

Often conduct that is unlawful under the Act is also covered by other laws. This means issues can be dealt with by making a complaint to the Human Rights Commission or to another organisation.

You do not have to make a choice, initially, about whether to go to the Human Rights Commission or to another body.

The courts and the police

Some behaviour that is unlawful under the Act may also be a criminal offence. For example, some types of sexual harassment may also be sexual assaults. Some types of incitement of racial disharmony may qualify as offensive behaviour.

People can make a complaint under the Act and also lay criminal charges with the police or begin proceedings through the courts about the same matter. You do not have to choose one option or the other.

Victimisation

The Human Rights Act protects people from being victimised because they contacted the Commission about a complaint or supported another person to make a complaint.