

**Identification and explanation of key/generic terms in Equal Opportunity.**

| Key Term                   | Definition   |
|----------------------------|--|
| <b>Discrimination</b>      | Discrimination occurs where, because of a particular characteristic a person has, they are treated less favourably than another person who lacks that characteristic. These characteristics include, for example: sex, gender, marital status, race, age, pregnancy, breast feeding, sexual harassment, family responsibility or status, sexual orientation, religious or political beliefs, or an impairment. The full range of characteristics are set out in the Equal Opportunity Act.                                       |
| <b>Impairment</b>          | A problem (such as a defect or disturbance) in a person's body or brain, or how their body or brain works. It also includes an illness or condition which impairs a person's thought processes, perception of reality, emotions, or judgment, or which results in disturbed behaviour.   |
| <b>Racial harassment</b>   | Racial harassment occurs where a person threatens, abuses, insults or taunts another person because of their race or a characteristic associated with their race. It occurs where the harassed person reasonably believes that objecting to that conduct would disadvantage them. It also occurs where the harassed person is in fact disadvantaged by objecting to that conduct. Proceedings for racial harassment under the Equal Opportunity Act may only be brought in the areas of employment, education and accommodation. |
| <b>Sexual harassment</b>   | Sexual harassment occurs where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person. It also occurs where a person engages in unwelcome conduct of a sexual nature in relation to another person. Proceedings for sexual harassment under the Equal Opportunity Act may only be brought in the areas of employment, education and accommodation.   |
| <b>Vicarious liability</b> | The legal responsibility of employers or principals for unlawful acts (such as, for example, discrimination) under the Equal Opportunity Act, done by their employees or agents. The acts must be in connection with the employment or agency.   |

**Victimisation**

Victimisation occurs where a person (the victimiser) subjects or threatens to subject another person (the victimised person) to detriment because they have taken or propose to take certain action under the Equal Opportunity Act. That action includes making a complaint, bringing a proceeding, providing information or documents to someone exercising functions under the Act, appearing as a witness in the Tribunal, and asserting rights or making certain allegations under the Act.