

Case studies at work

Activity sheet

The following hypothetical case studies present a number of scenarios where you can examine the potential legal rights and the legal responsibilities applicable to both employees and employers in the workplace.

Using the space provided, answer the questions presented about each scenario. In doing so, try to identify behaviours you see as inappropriate and comment on what avenues are available to ensure the workplace is free from unlawful discrimination and harassment.

In formulating your answers, refer to the *Aspects of the law* resource sheet and identify any aspects of inappropriate behaviour that are based on:

- identity
- discrimination and harassment
- stereotyping and assumptions
- power relationships between people
- workplace atmosphere and productivity levels
- the potential losses to business due to conflict
- the impact on the person’s job and career opportunities.

Case study 1

Alexandra is an apprentice chef at Cafe Claude’s. Basil, the head chef, pays her a lot of attention. At first she feels flattered, but when he starts touching and cuddling her she is worried. She wants him to stop, but is afraid that if she says anything she might lose her job or strain the working relationship.

1a. What actions can Alexandra take to stop the unwanted behaviour?

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1b. What responsibilities have Basil and Café Claude’s got to ensure the workplace is free of discrimination and harassment?

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Case study 2

Donna is being interviewed for a training position as a commercial pilot. The interviewer, Eric, says how impressed he is with Donna. He then asks Donna about her personal life and plans she may have regarding marriage and children before the training is finished. Donna replies that she does not think the question is relevant to the job. Eric says that he is asking it to ensure that the company gets some return for the cost of training.

2a How is Eric's behaviour inappropriate?

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2b What can Donna do to make sure her employment is not adversely affected by Eric's attitude?

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Case study 3

John works in a fashion design company. He is good at his job but some of the customers make it known that they prefer to deal with women - they say that because he is a man he is unlikely to understand their requirements. When the supervisor, Fran, has to choose some workers to go on a new sales course designed to advance career prospects, she does not choose John because "there's no point training him for sales when people don't want to buy from him".

3a. What areas of the law is John protected under in terms of training?

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3b. What is Fran's responsibility to the customers who prefer to deal with women?

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Case study 4

Ho is a nineteen year old man from a Cambodian background. When Ho's job requires him to deal directly with a supplier, he is told, "I'll deal directly with the boss, not you, refugee". Ho explains the situation to his boss, Iannis, who says he will deal with the supplier personally. Ho is humiliated and angry, but decides not to raise the issue with Iannis again for fear of being seen as weak and unable to handle the job.

4a. What can Ho do about the supplier's behaviour?

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4b. What should Iannis have done when Ho came to him?

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Case study 5

Jemal is a devout Muslim who wears the traditional head covering, the hijab. Most of the workers at her place of employment have no problem with Jemal's dress. One colleague, however, Kalia, constantly mocks her for her beliefs, and calls her names. At times when Jemal is fasting, Kalia keeps putting food on her desk. Jemal gets very upset. She is uncomfortable with the situation and sometimes becomes ill with worry and stays at home.

5a. What responsibility does Jemal have to her employer?

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5b. What rights should the company be protecting in this workplace?

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5c. Should the other employees be involved in Kalia's behaviour? Explain.

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Case study 6

Melanie works in a large restaurant. She is keen to make a career in the hospitality industry. This is her first job and, like everyone else, she sometimes makes mistakes. Her boss, Neil, suggests that they go out. Melanie does not want to and declines the invitation. Trying to ease the situation, she suggests that she might change her mind in the future. Neil comments: "That's OK, but the way you're working there might not be a future". Melanie now thinks that she might only keep her job if she goes out with Neil.

6a. What sort of behaviour is Neil demonstrating to Melanie?

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6b. Are there any reasons Melanie should go out with Neil?

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Case study 7

Oswald has a Nigerian background. Having worked part-time for a few months, he applies for a full-time position that has become vacant in his department. His manager, Peter, says that he has to choose between several candidates, but has found in the past that Nigerians and other African people are not as responsible or reliable as others, but he will think about it.

7a. What steps can Oswald take to ensure his application is fairly considered?

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7b. Is there anything wrong with Peter's comment, given that he has dealt with other Nigerians?

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Case study 8

Quentin needs a wheelchair to be mobile. His department manager, Ronnie, thinks he is a good worker but refuses to install ramps in a section of the department store where they work. This means that there are parts of the store that Quentin cannot access, and some types of work that he cannot gain experience in.

8a. Whose responsibility is it to ensure Quentin can get to all parts of the store?

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8b. Is additional experience part of Quentin's workplace rights?

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Case study 9

Talia has an Eritrean background. She works part-time in a hamburger shop called 'Vinny's'. Una often works the same shift. She calls Talia names like 'golliwog' and 'monkey face'. When Talia objects, she is told by Una to "go back where you came from then". Talia tries to avoid being near Una but has not reported the insults to Vinny for fear she might lose her job.

9a. What responsibility does Vinny have for Una's comments?

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9b. What responsibility does Talia have for Una's comments?

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9c. Is Una's behaviour unlawful?

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Case study 10

Wilhelm's family came to Australia from Holland when he was 15. He picked up the English language quickly, but speaks it with a strong Dutch accent. Yul, whose family is Russian, came to Australia as a baby. He often mocks Wilhelm about his accent, saying that he "speaks like a wog". Their employer, Zara, laughs when she hears this, and tells Wilhelm not to worry; he'll soon lose his accent and be able to speak properly.

For now, though, when a promotional opportunity arises, he is told his English is too poor and the promotion is given to somebody else.

10a. Is there anything that Zara should be doing for Wilhelm?

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10b. Is there anything that Zara should be doing to Yul?

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Every one of these situations may be harmful and unfair for the individuals. A workplace must be safe, comfortable and fair, and the employer has a responsibility to ensure there are formal ways of having any problems sorted out.

Australian Parliaments have identified major areas where they are prepared to have special laws to protect people's fundamental sense of identity, their sense of who they are. These areas include race or ethnicity, gender, age, and disability. For this reason, specific laws against discrimination and harassment have been developed.

The law recognises special areas and makes explicit the boundaries of acceptable behaviour. This gives everybody the same set of guidelines about how to behave in a public environment like a workplace. These laws protect individuals' human rights and help society as a whole function successfully with respect and understanding.