

EQUAL SERVICE

Responsible approaches to consumers
experiencing homelessness

Guidelines for retail outlets



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experiencing homelessness*

Retail

The Victorian Government has developed these guidelines to help you manage a business that is fair and respectful of all consumers, regardless of their social status. These guidelines have been developed in consultation with business owners and operators throughout Victoria and with people who have experienced homelessness.



Homelessness can happen to anyone

Losing your job, getting sick, relationship breakdowns, domestic violence, financial strain, and emotional breakdowns all can lead to homelessness. Some people are more at risk of experiencing homelessness because of a lack of support services, sustained and institutionalised discrimination, and/or negative community attitudes.

Homelessness is a term used to describe people who do not have access to, safe, secure or affordable housing. This includes people sleeping rough on the streets or in squats, people staying with friends or families, people living in crisis or transitional accommodation, and those staying in boarding houses or in caravan parks without security of tenure. These people include Indigenous Australians, people with disabilities, people from culturally and linguistically diverse backgrounds, people with mental illness, older or younger people, transgender and intersex people.



Why provide EQUAL SERVICE?

EQUAL SERVICE guidelines are consistent with anti-discrimination and residential tenancy laws that you are already required to comply with. Providing EQUAL SERVICE does not mean that you do not have rights as a business owner – it is about treating people with respect and not judging them based on their appearance, background or social status. In following the guidelines you will open your business to the broadest possible client base and build your local reputation as a fair and responsible business leader.

People experiencing homelessness are often treated unfairly and harassed, which can add to their difficulties. While discrimination on the basis of homelessness is not against the law, under the *Equal Opportunity Act 1995* you must not discriminate against people because of their race, disability, physical features and gender identity, just to name a few of the personal characteristics covered by the Act. Adopting a policy of treating everyone fairly and equally is a good first step towards minimising the risk of a complaint of discrimination being made against you.

Guidelines to providing EQUAL SERVICE

I. Meet the basic statutory requirements that govern your industry

Under the *Fair Trading Act 1999*:

- A consumer is entitled to purchase anything that has been advertised for sale on the premises. This includes goods on special or goods available in limited quantities.

Under the *Equal Opportunity Act*:

- You cannot refuse service because of a personal characteristic covered by the Act.

2. Provide all customers with the same level of service

All consumers are entitled to be treated with respect by staff serving them. This means:

- Serving consumers when they reach the beginning of a queue and not expecting a consumer at the front of the queue to wait until other consumers have been served.
- Allowing all consumers to participate in food trials or tastings taking place on the premises.
- Allowing consumers to key in the details on a charity voucher into the computer themselves or responding to their bagging requests.
- All relevant business policies relating to consumers must be fair, equitable, clearly displayed, applied uniformly and comply with the *Equal Opportunity Act*.

Tips

A consumer has the right to refuse a bag search, but if they do you can ask them to leave, refuse them service or call the police. If you choose to make a citizens arrest and it turns out to be wrongful, the consumer is entitled to sue for damages on the grounds of injury, insult, mental suffering or humiliation.

You are entitled to follow consumers around your premises if you believe that they will engage in stealing your property, but you may find that they experience your actions to be a form of harassment.

3. Accept all legal forms of payment for your service

If a consumer can pay for a service, they should have the right to access that service.

- Charity vouchers are legal forms of currency and should be accepted as payment for services provided. It is not the right of the owner to determine how a charity voucher can be spent. The voucher will state if it is limited to the purchase of certain goods.

Resources

Victorian Equal Opportunity and Human Rights Commission

Provides free information and advice on the *Equal Opportunity Act*. Investigates and conciliates complaints of discrimination, sexual harassment and racial and religious vilification.

Advice Line 03 9281 7100

Toll Free 03 1800 134 142 (country callers)

Website www.humanrightscommission.vic.gov.au

PILCH Homeless Person's Legal Clinic

Provides free legal information and advice to people who are homeless or at risk of homelessness.

Free Call 1800 606 313

Website www.pilch.org.au

Council to Homeless Persons' Homelessness Advocacy Service

Provides information, advocacy and advice to improve outcomes for people experiencing homelessness or at risk of homelessness.

Phone 03 9419 8529

Website www.chp.org.au

Department of Human Services

To assist someone access housing and support services, call 1300 650 172 and ask for the Community Housing and Homelessness Programs area of your regional office.

Dispute Settlement Centre of Victoria

Can deal with a wide range of disputes including matters in the retail industry. For free mediation and dispute resolution advice call 9603 8370 (metropolitan), regional 1800 658 582.

Disclaimer

The information contained in this brochure is intended as a guide only and is not a comprehensive account of the law or a substitute for professional advice.

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