

Case Report

1. Case Number :	0083-24
2. Advertiser :	Maxima
3. Product :	Employment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	3-Apr-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement promoting a job assistance service depicts people including an indigenous man, a woman and a person with a disability.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advert is not true in its way it creates a belief if your Aboriginal you can't somehow get a job on your own & need extra help to get work from maxima. It creates a false belief Aboriginals need extra help to get work like a person with a disability. Being Aboriginal does not mean your hopeless at getting a job and are In need of a service like maxima to help you get a job. Why not say if your Chinese, Arabic or Indian you need help from maxima. Instead an unwanted emphasis is put in Aboriginals like they can get a job. Absolutely untrue and DISCRIMINATIVE towards Aboriginal people.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

1. The Complaint

The complaint alleges that the advertisement is discriminatory towards Aboriginal people and singling out the Aboriginal community as being useless and dumb.

2. Response to Complaint

a. We state at the outset, "For the reasons set out below, the complaint should be dismissed."

b. We address the sections of the Code that have allegedly been breached:

i. Discrimination or vilification (section 2.1 of the Code)

There has been no discrimination or vilification depicted in the Advertisement. The complaint suggests that Aboriginal individuals have been portrayed as "useless" and "dumb." We respectfully disagree with this interpretation. Our First Nations customer shown in the advertisement is looking for his next career.

Closing Submission

As highlighted by National Close the Gap Day, despite efforts to improve health, education, and employment outcomes, significant disparities for First Nations Australians persist. Our purpose as a company is to drive change in the area of employment.

We submit that the advertisement does not contravene section 2.1 of the Code.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is discriminatory towards Indigenous Australians.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of

race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel noted that in 2018, the Indigenous employment rate was around 49 per cent compared to around 75 per cent for non-Indigenous Australians (<https://ctgreport.niaa.gov.au/employment>).

The Panel noted that the advertisement also refers to people with a disability and women. The Panel noted that the reference to employment assistance in the advertisement is in the context of an example of a service that may be of use to First Nations people (and women and people with a disability), and not a negative suggestion that all Indigenous Australians need help to obtain employment.

The Panel considered that the advertisement is about the ability of people to access this service where there is a need, and there is nothing in the language that is negative or suggests that Indigenous Australians are deserving of unfair or less favourable treatment, or which humiliates, intimidates or incites hatred, contempt or ridicule of First Nations people.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel concluded that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.