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Court says 'Kiwi' is not a racist term – 5th December, 2018

Level 4

A court judged that calling a New Zealander a "Kiwi" is not discriminatory. A worker complained against a bakery where her co-workers nicknamed her "Kiwi". She said this was racial discrimination, insulting and disrespectful. The judge did not agree. The bakery said New Zealanders were proud of the term "Kiwi". He said New Zealand's government approves of it. He said it is "a term of endearment and...a means of identifying as a New Zealander".

The tribunal ruled that the term "Kiwi" was not offensive or insulting. It said the worker was not badly treated or segregated in the workplace. However, an equal opportunity commissioner said if someone takes offence at a nickname and says they don't like it and asks not to be called it, "then in a respectful workplace,...you wouldn't call them that anymore." The bakery owner said he employs "every nationality known to man" and is not a racist.

Level 5

An Australian court has judged that describing a New Zealander as a "Kiwi" is not discriminatory. A worker filed a complaint against a bakery where her colleagues nicknamed her "Kiwi". She said the term "Kiwi" was racial discrimination, insulting and disrespectful. An employment tribunal did not agree and dismissed her complaint. The bakery owner said the term "Kiwi" was one that New Zealanders were proud of. He said New Zealand's government openly approves of the term. He said it is used as "a term of endearment and as a means of identifying as a New Zealander".

The tribunal ruled that calling a New Zealander a Kiwi was not offensive or insulting. The judge said Ms Savage, "did not allege that she suffered unfavourable treatment,...lack of progression or segregation". An equal opportunity commissioner acted on Ms Savage's behalf. She said: "If someone takes particular offence at that nickname...and says they don't like it and asked not to be called that anymore, then in a respectful workplace,...you wouldn't call them that anymore." The bakery owner said he employs "every nationality known to man" and is not a racist.

Level 6

A court in Australia has judged that the use of the word "Kiwi" to describe a person from New Zealand is not discriminatory. New Zealander Julie Savage filed a complaint against an Australian bakery where she was nicknamed "Kiwi" by her colleagues. She asserted that the term "Kiwi" was a form of racial discrimination and was insulting and disrespectful. However, the employment tribunal decided otherwise and dismissed her complaint. The bakery owner argued that the term "Kiwi" was one that most New Zealanders were proud of. He said the New Zealand government openly endorses the term and that it was used as "a term of endearment and as a means of identifying as a New Zealander".

The tribunal judge ruled that calling a New Zealander a Kiwi was not offensive. She said: "'Kiwi' is not an insult." In her findings, the judge observed that Ms Savage, "did not allege that she suffered unfavourable treatment in respect of the terms of her employment, lack of progression or segregation". Australia's Commissioner for Equal Opportunity acted on Ms Savage's behalf. She determined that: "If someone takes particular offence at that nickname and doesn't like it and says they don't like it and asked not to be called that anymore, then in a respectful workplace, that's what you'd do, you wouldn't call them that anymore." The bakery owner said he employs "every nationality known to man" and is not a racist.