**DEPARTMENT OF LABOUR**

**OVERCOMING DISCRIMINATION**

**Learn more about discrimination in**

 **the work-place and skills to**

**cope with it**

**Issued by the Sub-directorate: Employment Counselling**

**Directorate: Work-seeker Support**

**Branch: Public Employment Services**

**Self-help for discrimination**

South Africa has some of the best laws in place to prevent discrimination in the work-place; however, sometimes discrimination still takes places unknowingly. Today’s work-place can be a tough one, and people are sometimes on the receiving end of unfair treatment from others for various reasons. People entering the work-force must have special skills and attitudes that can help them survive the world of work and get ahead. Employers expect newcomers to have these skills.

When you have a certain characteristic that sets you aside from other people, people often attach certain *stereotypes,* or even *stigmas* to you, even though you might be performing much better than them. You might be a person with a disability, an ex-offender, a woman, or a youth. People might then target you for attacks, or deny you opportunities. On the other hand, people can be treated more favourably than others, due to a specific characteristic, such as being very beautiful, which is negative discrimination to others that do not have the characteristic.

If you find that you have experienced such discrimination, then print this booklet. You can work through its content and help yourself understand and cope with discrimination. It will help you deal with discrimination when you apply for work and in the work-place itself.

**What is discrimination?**

Discrimination can come in different forms:

**Stereotyping:** Seeing all people from one group as the same and making assumptions about that group, eg all young people are irresponsible and do not know what is expected of them in the work-place, regardless whether it is true or not. Making a negative statement about all people coming from that group of people who are different to others, regardless of the fact whether this is true or not for a specific individual (or even the whole group)

**Prejudice:** Making negative judgements or having negative opinions about a group of people, without checking whether they are true for the specific person or group. The person of group is therefore literally judged before they had a chance to prove themselves.

**Discrimination:** Treating people less favourably, because they belong to a certain group.

**Bullying:** Constant criticism, ridiculing, shouting, personal attacks, fault-finding, humiliation, exclusion, and false hints of underperformance. Lying to incriminate a person. Physical, verbal and emotional abuse. Singling people out and treating them differently with the purpose of humiliating them and making them feel less effective as a person.

**Scapegoating:** Placing blame on one person or a specific group for a mistake or problem and rejecting that person/group.

**Harassment:** Harassment is an incident that has happened to you that is unwelcome, unwanted or has a destructive effect.

**Stigma**: An ***extreme*** disapproval of a certain group of people, due to a specific trait/characteristic.

**Discrimination in the work-place**

The above terms all come down to discrimination in the work-place, because they are usually targeted at one specific individual or group with specific characteristics. Sometimes people, who are discriminating, become very personal and intense in their attacks. What is sad about the whole situation, is that everybody is not being given the same opportunity to contribute their talents to the best of their ability in a harmonious and healthy work environment. Discrimination thus often happens in a sick office environment.

Discrimination can be ***fair*** or ***unfair***. An employer may refuse to appoint a person to a position where the requirements of the job tasks will prevent a person with a certain characteristic to do his work safely and to an acceptable standard.

Discrimination can be ***direct*,** such as when a woman is paid less than a man doing the same work, or ***indirect***, such as gossiping behind your back to create a wrong idea about you.

The term ***constructive dismissal*** should also be brought in here. Constructive dismissal happens when employees are forced to resign, because employers made their continued employment unbearable, or insufferable or insupportable. There are two measures of constructive dismissal: 1) The employee must have resigned, and 2) the employee must prove that the employer’s behaviour led him to resign. Only after this, it is up to the employer to prove that the employee’s decision to resign was not justifiable. Examples of constructive dismissal are resigning rather than taking an unlawful deduction in salary or an unlawful instruction, or being subjected to continuous sexual harassment at the work-place.

**Do I experience discrimination in the work-place?**

Discrimination can happen when you are refused an opportunity to enter the work-place, due to that characteristic, or it can happen in the work-place itself.

1. Entering the work-place
2. The work-place itself.

It is important to know what behaviours you might come across in the work-place, once you are in the work-place, so you can prepare for them upfront.

*Please tick the boxes that apply to you in both A and B, as you have experienced them in your career:*

1. ***Discrimination on finding a job/skills development opportunity***

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| --- | --- | --- |
| **Behaviour of others** | **Yes** | **No** |
| Not giving a person a job or skills development opportunity based on race, gender, sexual orientation, pregnancy, age, disability, religion, HIV status. |  |  |
| Repeated turn-downs of applications |  |  |
| Advertisement was drawn up to exclude people with a certain characteristic (Note: An employer must include the tasks required for a specific job)  |  |  |
| Information was obtained from a previous employer about my disability without my informed consent |  |  |
| Employers focus on my disability/criminal record/inability to perform certain duties due to a specific requirement of the job, rather than my abilities in the interview. (Note: An employer may ask how you will perform certain functions as a result of your specific characteristic.) |  |  |
| The employer was informed that I would need reasonable accommodation during the interview, but did not provide it |  |  |
| I was subjected to doctor’s testing *before* I was offered the job/skills development opportunity |  |  |
| I could not do my best in the psychological testing, because I was not asked whether I would need reasonable accommodation before the test |  |  |
| The employer sent me for an HIV test, but did not get an approval by a court to do so |  |  |
| The employer had an abrasive and rude attitude towards me during the interview |  |  |
| The employer had a much shorter interview with me than with other candidates |  |  |
| The skills development opportunity is such that I cannot get access, for example only certain people are taken, or the training materials are inaccessible. |  |  |
| I established that a situation was created that made my application less favourable, eg false evidence was provided on my security clearance, doubtful reasons were used to rule my application out, or a person was hired that did not apply. |  |  |

1. **THE WORK-PLACE**

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| --- | --- | --- |
| **Behaviour of others** | Yes | No |
| Withholding training and promotion opportunities from a person, based on race, gender, disability, age, etc |  |  |
| Lower pay, fewer fringe benefits or lower level assignments for a specific person due to a specific characteristic |  |  |
| Denying a person training and development based on a personal characteristic |  |  |

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| Using a different measure during performance appraisal than for other people |  |  |
| Information about my condition was not kept confidential |  |  |
| I have a disability and was not provided with reasonable accommodation |  |  |
| Ridiculing, teasing, insulting, putting down, snubbing, sneering, belittling and humiliating a person, or degrading a person |  |  |
| Setting people up for failure |  |  |
| Raising issues around lack of competencies in front of other staff, instead of dealing with it in private and thus spreading beliefs about a person |  |  |
| Dealing out discipline inconsistently |  |  |
| Withholding information or deliberately giving wrong information |  |  |
| Blame, scold, criticize work ability and belittle opinions, often in front of other people, thus degrading the respect others will have for him |  |  |
| Discrediting your work and personality |  |  |
| Spreading malicious rumours about a person, or insulting someone particularly on gender, race or disability grounds, thus not allowing you friendships or breaking down your good character |  |  |
| Constantly hammering on issues of disability or a criminal record, instead of abilities |  |  |
| Use of offensive language to you |  |  |
| Overbearing supervision, such as nit-picking, excessive monitoring, snooping on e-mails, telephone calls and micro-management, or other abuses of power or position |  |  |
| Subjecting a person to written complaints. Subjecting a person to unwarranted and unjustified verbal and written warnings |  |  |
| Unwelcome sexual advances, such as touching, standing too close and displaying offensive material |  |  |
| Making threats around job security without foundation |  |  |
| Forced to work long hours without remuneration |  |  |
| Encouraged to feel guilty, or to believe they are at fault |  |  |
| Starving of resources to do your work, whilst others get more than they need |  |  |
| Having their work stolen and presented as the supervisor’s/person discriminating |  |  |
| Excluding a person from circles of staff or work, through not inviting them to meetings or gossiping behind his back  |  |  |

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| --- | --- | --- |
| Patronizing behaviour (treating you as if you should be told how to do the simplest tasks or do not know anything or as if you are functioning on a low level.) |  |  |
| Being coerced into reluctant resignation, enforced redundancy, early or ill-health retirement |  |  |
| Scape-goating a person constantly in order to vent frustrations or demean and belittle him |  |  |

If you have ticked some of these boxes, it is possible that you experience discrimination in the work-place, or have experienced it before. For those of you wanting to enter a job or skills opportunity, the discrimination may come to the fore as repeated turned down applications.

What characteristics do I have that people may discriminate against?

Perhaps you have experienced already that people tease/attack/jibe you because of an outstanding personal characteristic you have. Think about these personal characteristics and then write them down below. These can be special characteristics with regard to your physical appearance (your body), your age, your past behaviour, your personality or your beliefs. Be completely honest, only you will see your work.

**Characteristics about my body (eg disability, red hair, big nose, I am a woman, I am HIV positive, I am pregnant):**

**Characteristics about my personality (I do not stand up for myself, I am withdrawn and depressed, etc):**

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**Characteristics about my age and marital status (eg I am too old for the work-place, a youth with no work experience, etc):**

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**Characteristics about my past behaviour (I took drugs, I am an ex-offender, my work record has gaps in it, etc):**

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**Characteristics about my beliefs (I belong to a church of which people normally do not agree, I have seen an alien and people do not believe me):**

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**The devastating effects of discrimination on people and the work-place**

Discrimination has negative effects on people subjected to it and to the work-place itself. Chances are that if you experience discrimination, you will recognise many of the effects below:

**Your Thoughts:**

* “This is unfair”
* “I am useless”
* “They are against me”
* “They want me out of my job”
* “They do not care”
* “I hate those people for doing this to me”
* “I can just as well give up”
* “This is getting me down”
* “This is so terrible”
* “These people just want to hurt me”
* “Maybe I am imagining things”
* “How can people be like this?”
* “I will never forgive them”
* “Where is this going to end?”
* “If things are carrying on like this, I might lose my job”
* “Why me?”

**Your feelings:**

* Worry, stress and fear
* Feeling shocked, angry, helpless and vulnerable
* Feelings of people are “out-to-get-you”, indeed indicating to people “something is wrong with the person” and making the situation worse
* Feeling unlovable
* Frustration at not being able to reach your potential
* Anger
* Depression (or feeling down) and in the worst form, suicide

**Your body:**

* Symptoms such as stomach and chest pains, nausea, vomiting
* More illnesses, because the stress of the situation breaks down your immunity
* Lack of concentration and tiredness, resulting in more mistakes made, which can increase the discrimination

**Your actions:**

* You become wary about other people’s behaviour towards you and see something wrong in all they do
* Storming out of meetings
* Crying
* You might become more aggressive towards others because you are feeling down
* You might want to please others with your behaviour
* Constant thinking about your problems, since you try to understand what went wrong
* Eating too much or too little
* Sleeping too much
* Watching TV or sitting in front of the computer as way of escaping
* Possible abuse of alcohol and drugs
* You give up looking for work, or trying to perform well at work
* Sitting moping about your circumstances
* Less self-confidence and becoming totally unable to speak up for yourself for fear of reaction
* Poor relationships with others-very often everything a person does is seen as wrong and he withdraws, to prevent conflict
* Less motivation and late coming at work
* Sleeping more, because you feel tired and down all the time
* Not doing your hobbies anymore, because you lose interest

**The work-place:**

* More sick leave and absenteeism from work
* More conflict at work, resulting in more problems
* Competent people often resigns
* More grievances, disciplinary hearings, dismissals, early retirements, ill-health retirements, suspensions, etc

**Why do people discriminate against others?**

People have different reasons for discriminating against others**.** Write down the reasons you think people have to discriminate against you underneath, before you check what research shows reasons to be for discrimination:

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**Reasons for discrimination**

* It is a carry-over from a situation where other people taught us certain ideas about

groups of people, for example an influential person said nasty things about a person. In South Africa, many people were brought up to hate people from another race, for example.

* Having the “better safe than sorry” approach or taking out an “insurance policy” against a person or group.
* Fear of people and consequences (eg “people from outside South Africa may take our jobs.”)
* Lack of information about that person’s abilities or what type of reasonable accommodation is available
* Fear of the unknown-“I do not know whether this person will commit a crime again, or maybe this person will not be productive at all or take too many sick leave days.”
* Feeling unable to deal with a situation as a whole
* There may be pay-offs in discriminating against others, such as upcoming

promotion opportunities or to curry favour with bosses

* Feeling inferior and thus having to break others down in an effort to make yourself look better

 • Envy of abilities and jealousy of relationships

* A strong need for attention and approval and having the ultimate say, thus the person is trying to be in charge, to be seen as knowledgeable and in control and cannot allow others space to participate on equal basis.
* Hoping to feel part of a group who is doing the discrimination.
* Having some “innocent fun” at the cost of others, out of boredom, to try and tempt you to react/complain and thus make themselves feel good about being one of the accepted inner circle of people
* In a sick work environment, people often try to place attention way from their own

 inability and aggression, by discriminating against others.

* Many people who discriminate, have a lot of anger, resentment, bitterness and hatred bottled up in them and if one can understand this, it will go a long way of looking at them with a softer judgement

**How can I overcome discrimination?**

Fortunately, there are a number of strategies that we can use to overcome discrimination. These include:

* Some “first aid” tactics-changing your attitude and thoughts
* More advanced skills to cope with discrimination
* Learning legal points to help you

**First aid for discrimination**

Here are some ideas that can provide immediate help to you:

* Accept that you have unique qualities and that everybody does not have to like you, but they should respect you and work with you. Accept upfront that it is not necessary to be accepted and liked by everyone. You need to build up your own independent opinion of yourself and not care what others’ opinion of you are. Learn to like yourself enough so as not to worry about others’ opinion of you.
* Try and accept that it takes all sorts of people to make the world and that you will always get people who display strange behaviour, for their own warped reasons. Once you fight your situation and the existence of these people, you will give them a right to exist in your life and you actually acknowledge defeat and that they are important factors in your life. Let them go.
* Acknowledge that people are on different levels of development and do not always have the personal make-up to deal graciously with others or with situations they come across. These differences in fact make life interesting.
* Keep your sense of humour and joke back if you can, this will disarm the situation
* Remain positive-try and find something positive in the situation, even if it is that you are learning to deal with discrimination. Focus on other positive aspects in your work as well, such as how you enjoy your work, completing a task really well and positive aspects in your life outside work. Create pleasant activities for yourself to tip the balance between bad and good-go for a picnic, watch soccer, do art work, watch a comic movie, anything you enjoy.
* Maintain your focus-do not let you be distracted from your focus such as doing your best. People will sooner than later see what is the truth about you.
* Remind yourself that the stereotypes people have, are usually not true.
* Don’t become aggressive and attack other people, whatever you do. Aggression gets aggression back, which makes the situation worse.
* Remain true to yourself-the values you stand for should always be transparent, such as honesty, friendliness to others, etc.
* Do not become so despondent, that you become defiant and do not care anymore what happens and whether they fire you. Check yourself and get help when you reach this stage.
* Try and change your attitude towards the person doing the discrimination, eg really making an effort at being friendly to the person, interested in them, showing respect, genuineness, even buying a chocolate if you must. Trying to fit in from your side is not sucking up, or acknowledging you are at fault, it is adapting to difficult situations and employers like that!
* If your situation really affects you negatively, contact the Employee Health and Wellness section at your work place, see a Psychologist, see your home doctor who can help with medicine or other advice, phone Lifeline or another organization specializing in harassment/abuse, so you can get support.

**Changing attitude and thoughts**

The way we think about things has an impact on our mood and an effect on the way others see us and react towards us. Sometimes people, through their thinking, adopt an “attitude” and employers then do not employ them due to the attitude and not the characteristic. Think of Thabo, 25 years old, who have several degrees, but no work experience, and accepts that he “knows all” and must immediately be placed as a Director. Or Sue, 30 years old, who has a criminal record, and thinks that no employer will take her on. She then does not even prepare for an interview.

If we change our thoughts, we can change the way we feel and how we act and others will begin to see us in a different light. There are many people with disabilities who have become motivational speakers, or who have decided that they will not let a disability or another characteristic stand between them and a fulfilling life and who have excelled in their careers and/or sport.

Thoughts Feelings Behaviour

You have noticed the examples of thoughts that people may have about their situation. In the space below, write your unhelpful thoughts about finding work/keeping work, given the characteristic that causes problems for you, on the left hand side and then come up with a positive thought about it:

(Example: “This is unfair”, becomes: “Some people are unfair to me, but others are not and I know that I am strong enough to overcome that.” OR

“I will never find work”, becomes “There are many things that I can do that will help me on my way to a job.” OR

“I am suffering so much with this disability, I can rather give up,” becomes “I am going to list what barriers I have to the work-place and solve them one by one.”

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| --- | --- |
| **My unhelpful thoughts** | **A more positive thought** |
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Make it your mission to turn negative thoughts into positive ones, because this will help you feel more positive and act more positive.

**My positive qualities**

Accept that you have unique qualities and that everybody does not have to like you, but they should respect you and work with you. Accept upfront that it is not necessary to be accepted and liked by everyone. You need to build up your own independent opinion of yourself and not care what others’ opinion of you are. Learn to like yourself enough so as not to worry about others’ opinion of you. Write at least fifteen positive points about yourself in the space below (You can also use a separate piece of paper):

Remind yourself many times during the day that you are a unique person with unique qualities and that you are worthy of respect and to be treated with dignity**.**

**Dealing with stress**

* Get enough sleep, eat healthy food and have sufficient rest periods to help you cope with the stress.
* Avoid alcohol, drugs, cigarettes, coffee and sugar
* Avoid people and situations that stress you out.
* Become assertive and speak up for yourself
* Look at the big picture-will it matter in the long run?
* Don’t try to control the uncontrollable
* Look for the upside
* Make time for fun and relaxation-do activities you enjoy every day, such as reading, spending time in nature, watching soccer

Anger management

* Take time out-count to 10 and breathe in deeply
* Express you anger in an assertive, but non-confrontational way.
* Get exercise
* Think before you speak
* Imagine yourself in a calm scene
* Distract yourself from the situation-listen to music or go for a walk
* Keep a journal of your anger (write down how you feel about what happened)

**Forgiving others**

Your opinion of yourself is the most important. The opinions of others may be important, but if these opinions prevent you from reaching your full potential, it is not worth the while. Let them go. Write down the names of the persons discriminating against you in the space below and then write a sentence in which you say that you forgive them and let them go:

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Good relationships with others

* Make sure you are not overly sensitive about what people say to you. Remember, you have become more wary due to the discrimination
* Maintain your interest in people
* Listen to others
* Try seeing other people’s situation from their perspective and be sympathetic, genuine and honest
* See what good you can do for others, instead of expecting them to be good to you

**Building a support network**

Having friends or family outside the work-place that you can trust and with whom you can discuss your feelings is one of the most important pieces of advice. They can act as a sounding block to help you relieve your tension and also to indicate to you that your conclusions are not necessarily correct. Write down the names of at least five people with whom you have a very good relationship and who will be willing to support you.

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**My plan of action**

Develop a plan of action on how you are going to overcome discrimination. Write down some actions that you will take in future. These can be among the following:

* Writing a journal about your feelings
* Keeping record of the date, time and what happened, who was present-this is a very powerful method, since it gives you control and also you can see that you indeed did not dream up happenings, there is a pattern
* Setting up a support group
* Joining a gym
* Visit a doctor to check out your body symptoms
* Replacing your unhelpful thoughts with positive ones
* Go for a course on dealing with discrimination (ask the Career Counsellor of Department of Labour at your nearest Labour Centre)
* Further my studies
* Approach the Career Counsellor at the Department of Labour to help you apply for a job/skills development opportunity that are sensitive to your condition
* Applying to remove your criminal record

*Write down your own planned actions below. You will be able to think of many more:*

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| **Actions** | **Due date** |
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How to lay a complaint

The three Acts that prevent discrimination against any person in South Africa are:

* Constitution of South Africa
* Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
* The Employment Equity Act

Consider the following if you decide to lay a complaint about being discriminated against:

* Make sure you record date, time, place, witnesses and exactly what happened for a period to pick up trends
* Keep record of all written messages, performance appraisals, offensive material
* Keep your side clean and adhere to company rules at all times
* If you are working, contact a senior person or your Human Resources Management Department and inform them about the situation
* You can also contact your union, shop steward or the Council for Conciliation, Mediation and Arbitration (CCMA) at their Call Centre 0861 16 16 16 or write an e-mail to info@ccma.org.za, stating why you think you have been discriminated against. CCMA assists unemployed and employed people.

**SOURCES**

*Resources from which information has been quoted liberally and which are given full recognition to with thanks, are the following:*

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6. Council for Conciliation, Mediation and Arbitration: Various articles such as Misconduct, Maternity benefits, Unfair Dismissal and Unfair Labour Practice Disputes, Conciliation Hearings, Constructive Dismissal, Harassment. [www.ccma.org.za](http://www.ccma.org.za)
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