



DISABILITY DISCRIMINATION

Disability doesn't hold
people back.
Discrimination does.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference
Embracing Equality

DISABILITY DISCRIMINATION

It is disability discrimination to treat a person unfairly, or for them to be denied the same opportunities as others, because of disability.

Disability includes physical limitations and disfigurement, sensory impairments such as sight or hearing loss, neurological conditions such as multiple sclerosis and motor neurone disease, psychological and psychiatric illnesses, learning and intellectual impairments, injury and illness.

People who have a guide dog, or use a wheelchair, walking frame or oxygen bottle are also protected under the law.

It doesn't matter how severe the disability is or for how long it lasts.

Relatives, friends and co-workers sometimes experience discrimination because of their relationship with a person with disability (or who is thought to have disability). The law protects them too.

In what situations is disability discrimination against the law?

To be against the law, disability discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Other unlawful behaviour

It is also against the law to offend, humiliate, intimidate, insult or ridicule a person because of disability, or to publicly incite hatred, serious contempt or severe ridicule of a person or people with disability (see separate brochures: *Offensive behaviour* and *Inciting others*).

Exceptions to the law

In certain circumstances, disability discrimination is allowed. For example:

- A person with disability may not be able to participate in some sporting activities because of that disability
- A person with disability may need some changes to be made for them to do a particular task at work. If the changes would be unjustifiably expensive, the employer may not have to make them

Exemptions

If you think there is a valid reason for doing something that might be considered to be disability discrimination, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law - should you be exempt?*).

If you are an employer

Employers must consider whether or not the core or essential parts of the job could be performed by a person with disability, even if some changes or adjustments need to be made. Many people with disability are able to do a job but might take a different approach, or need minor modifications.

Do you feel you have been discriminated against on the basis of disability?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

Making jokes about a person's disability, displaying negative or humiliating images of people with disability, or excluding a person from an activity because they have disability could all be unlawful discrimination.

Juliana has bi-polar disorder that she manages through medication. She is a qualified lawyer and has worked as a lawyer for eight years. She recently applied for a job but was not successful. During the interview she was asked about a gap in her university study. She told the panel she had taken time off from her study due to illness. The person who was successful in getting the job has less experience as a lawyer than Juliana and, unlike Juliana, has no experience in the particular area of law required. When Juliana asked for feedback on her application, she was told the job was quite stressful and would not be suitable for her. Juliana made a complaint of disability discrimination.

Requiring all workers to have a driver's licence irrespective of the work they do, or having a set of steps as the only or main entrance into a building, are examples of disability discrimination.