

DISCRIMINATION

We are not all the same,
but we are all equal.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

Phone: 1300 305 062 (in Tasmania) or (03) 6165 7515

E-mail: office@equalopportunity.tas.gov.au

Web SMS: 0409 401 083

Translating and Interpreting Service: 131 450

National Relay Service

TTY Users: Phone 133 677 then ask for 1300 305 062

Speak and Listen: 1300 555 727 then ask for 1300 305 062

Office: Level 1, 54 Victoria St, Hobart TAS 7000

Post: GPO Box 197, Hobart TAS 7001

www.equalopportunity.tas.gov.au

Celebrating Difference
Embracing Equality



DISCRIMINATION

Discrimination occurs when a person is treated unfairly because they have a particular personal characteristic or are associated with a person with that characteristic. It doesn't matter if there are other reasons for how the person is treated.

It is also discrimination when a person or organisation has a particular requirement or practice that seems to treat everyone equally, but has the effect of disadvantaging people who have a particular personal characteristic.

It doesn't matter that the person or organisation that discriminates didn't mean to cause harm or disadvantage.

The Tasmanian law about discrimination is the *Anti-Discrimination Act 1998*. There are similar laws across Australia. There is a link to the Act at www.equalopportunity.tas.gov.au

The personal characteristics relevant to discrimination are:

- age
- race
- gender
- disability
- sexual orientation
- pregnancy
- breastfeeding
- intersex
- gender identity
- relationship status
- lawful sexual activity
- marital status
- family responsibilities
- parental status
- irrelevant criminal record
- religious belief, affiliation or activity
- political belief, affiliation or activity
- industrial activity
- irrelevant medical record

It is also unlawful to discriminate against a person because they are associated with a person who has, or is believed to have, any of these personal characteristics.

In what situations is discrimination against the law?

To be against the law, 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

Want more information or to make a complaint?

If you think you have been affected by discrimination you can contact our office to get more information or to make a complaint. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can talk to you about the training we can provide. We can also help with writing down a complaint.

Direct and indirect discrimination are both against the law

Direct discrimination is where a person is treated unfairly because of a particular personal characteristic. For example:

- A person is denied a job because of their age or ethnic background
- Rental accommodation is denied to a family with children
- Preference is given to a married couple, or to someone who does not have children

Indirect discrimination is where treatment of everyone appears to be the same but actually has the effect of disadvantaging some people because they have a particular personal characteristic. For example:

- Minimum height requirements for jobs may exclude more women than men, because women on average are shorter than men
- Bonus payments limited to employees who have worked for five continuous years may exclude women who have had parental leave and also people who have had significant time off work due to illness, disability or family responsibilities
- Steps at the main entrance of a building exclude people who use a wheelchair
- A company policy requiring all workers to be full time may exclude those who, because of family responsibilities, need to work part time