



Disability discrimination

What is 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.

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.

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.

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.

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.

Where is disability discrimination against the law?

To be against the law, disability discrimination must be related to a certain area, such as employment, housing, education, accessing facilities, goods or services, and other areas.

Case examples

Complaint against a taxi company alleging discrimination

A complaint was made under the *Anti-Discrimination Act* by a young woman who uses a motorised wheelchair. She alleged that on a number of occasions when she had booked a wheelchair accessible taxi, it either failed to arrive or was significantly late in arriving. She alleged discrimination on the basis of disability and offensive, humiliating, intimidating, insulting or ridiculing conduct.

The Commissioner accepted her complaint and the matter went to a conciliation conference. The complaint was resolved with the taxi company putting in place a number of measures that would ensure that taxis would arrive on time and ensure better communication with her in the future.

Complaint of disability discrimination in the provision of facilities, goods and services

The Complainant is hearing impaired, but is able to lipread. He wanted to upgrade his mobile phone and after entering the store advised the customer service employee of his hearing impairment and would they remove their mask so he could read their lips.

The employee walked away from him and another employee approached him and after also refusing to remove his mask, yelled at the Complainant and told him to leave.

The parties attended conciliation, with the Complainant explaining that it was important he had the opportunity to talk about the impact the treatment had had on him. The complaint resolved with the Respondent agreeing to provide a detailed apology from the individual employees and compensation.

Making a complaint

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.

Office of the Anti-Discrimination Commissioner

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