



Office of the **Anti-Discrimination Commissioner**

Discrimination and prohibited conduct

What is discrimination?

There are two types of discrimination under the *Anti-Discrimination Act 1998* (Tas): direct and indirect discrimination.

Direct discrimination: when someone is treated less favourably because of a personal characteristic (called an 'attribute') than a person who does not have that characteristic.

Example: A person isn't allowed into a shop because of their race.

Indirect discrimination: when a condition, requirement or practice applies to everyone but disadvantages someone because of an attribute. It must also be unreasonable in the circumstances.

Example: An employer says all workers must work full time. This disadvantages people who need to work part time because of their family responsibilities.

What attributes are covered?

Attributes are personal characteristics that we have. The *Anti-Discrimination Act* says that a person must not discriminate against another person because of their:

- Race
- Age
- Sexual orientation
- Lawful sexual activity
- Gender
- Gender identity
- Sex characteristics
- Marital status
- Relationship status
- Pregnancy
- Breastfeeding
- Parental status
- Family responsibilities
- Disability
- Industrial activity
- Political belief or affiliation
- Political activity
- Religious belief or affiliation
- Religious activity
- Irrelevant criminal record
- Irrelevant medical record
- Association with a person who has any of these attributes

What is prohibited conduct?

Prohibited conduct is other conduct that is unlawful under the *Anti-Discrimination Act*:

Sexual harassment: may include unwanted sexual comments or actions, including advances, touching, jokes and pictures.

Conduct that offends, humiliates, ridicules, intimidates or insults another person because of:

- Race
- Age
- Sexual orientation
- Lawful sexual activity
- Gender
- Gender identity
- Sex characteristics
- Marital status
- Relationship status
- Pregnancy
- Breastfeeding
- Parental status
- Family responsibilities
- Disability

Victimisation: treating a person badly or threatening them for making a complaint or being involved in a complaint.

Inciting hatred, serious contempt or severe ridicule by a public act because of:

- Race
- Sexual orientation
- Lawful sexual activity
- Gender identity
- Sex characteristics
- Disability
- Religious belief or affiliation or activity

Promoting discrimination or prohibited conduct: by publishing or displaying signs, notices or advertisements showing discrimination.

Aiding, causing or inducing a breach of the Act: by knowingly making or helping a person do something unlawful under the Act.

Where is it unlawful to discriminate?

Discrimination and prohibited conduct is unlawful in any of these places or activities:

- Work (paid or voluntary)
- Education and training
- Providing facilities, goods or services
- Accommodation (short or long-term)
- Club membership or activities
- Administration of State laws or programs
- Awards, enterprise agreements or industrial agreements

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