



Disability discrimination

What is disability discrimination?

Disability discrimination is when you have been treated less favourably because:

- you have a disability
- people think you have a disability
- you used to have a disability
- you may acquire a disability in the future
- you are the friend, relative or colleague of a person with disability.

The law protects a wide range of disabilities and illnesses, including:

- physical disabilities
- diseases that make a part of the body or brain work differently
- mental illnesses or psychiatric disabilities
- behavioural disorders
- intellectual disabilities
- learning or cognitive disabilities
- speech or language disorders

- adverse changes to the body or brain following an accident or surgery
- a different formation of a body part
- diseases or illnesses caused by a virus or bacteria.

Indirect discrimination is also against the law. This is when a rule or requirement is the same for everyone but unfairly affects people with disability and is not reasonable in the circumstances.

Equipment and assistance

It is against the law for someone to treat you unfairly because you have an assistance dog, or because you require specific equipment or assistance because of your disability.



Where is disability discrimination against the law?

Disability discrimination is against the law in certain public places, including:

- **workplaces**, such as when you apply for a job or while you are at work
- **employment agencies**, such as when you use recruitment companies
- **when you access goods and services**, such as when you go shopping, do your banking or access medical services
- **state education**, such as when you apply for study and during your studies
- **accommodation**, such as when you rent accommodation
- **industrial organisations**, such as membership of a union
- **qualifying bodies**, such as an institute which issues qualifications
- **at registered clubs**, such as when you try to enter or join a club that sells alcohol or has gambling machines.

Services or facilities to help you do your job

If you can do the essential parts of your job, your employer must treat you fairly like any other employee. Employers must also provide any services or facilities you need to do your job – unless it would cause them unjustifiable hardship to do so. For example, you might need to use adaptive equipment or have your breaks at particular times to take medication.

An employer must consider all the circumstances, including how the proposed changes might benefit other staff members and clients, when deciding whether or not it would cause them unjustifiable hardship to meet your needs.



What can I do if I experience disability discrimination?

If you think that you have experienced disability discrimination, you can first try speaking to the person or organisation responsible to let them know you have been treated unfairly. If you don't feel comfortable doing this, or if it isn't appropriate, you can contact us to make a complaint of discrimination.

You can write your complaint in your language, and we will have it translated for free into English. If writing your complaint is difficult, you can contact us to discuss other ways to submit your complaint.

You can contact our enquiry service if you need more information or are unsure if you have experienced disability discrimination.

Useful contacts

Translating and Interpreting Service – 131 450

Law Access – 1300 888 529

Disability Gateway – 1800 643 787

National Relay Service (Voice Relay) – 1300 555 727

TTY (Speak and Read, Type and Read and Type and Listen) – 133 677



Complaint case study

Margarette* has a significant hearing impairment and wears hearing aids. She felt that her employer had discriminated against her when it failed to provide equipment and training she had identified to help her better perform her role, and when negative comments were made at work about her hearing loss.

Margarette lodged a complaint with ADNSW.

The complaint was resolved following two conciliation conferences held via telephone. The agreed outcomes included a private written apology, purchase and installation of equipment to assist Margarette to perform her role, Margarette's return to her substantive role along with refresher training, and mandatory training for staff on disability inclusion.

*Name has been changed to protect the privacy of the individual.



This fact sheet has general information about discrimination and there are exceptions to the law. Please contact us if you have questions about disability discrimination or you would like information about how to make a complaint.

Anti-Discrimination NSW**Enquiries**

Phone: 02 9268 5544

Free call: 1800 670 812

Email:
complaintsadb@justice.nsw.gov.au

Postal address

Locked Bag 5000
Parramatta NSW 2124

Website

antidiscrimination.nsw.gov.au