



Infectious diseases discrimination

What is infectious diseases discrimination?

Infectious diseases discrimination is when you have been treated less favourably because:

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

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

Where is infectious diseases discrimination against the law?

Infectious diseases 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 infectious diseases discrimination?

If you think that you have experienced infectious diseases 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 infectious diseases discrimination.

Useful contacts

Translating and Interpreting Service – 131 450

Law Access – 1300 888 529

Complaint case study

Simon* is HIV positive and worked in a book publishing company.

He disclosed to his employer that he was HIV positive and that he occasionally needed to take sick leave for treatment.

Simon's employer began to ask questions about his health that Simon felt were overly intrusive. HIV/AIDS is defined as a disability under discrimination law.

Eventually Simon was made redundant. He lodged a complaint of HIV/AIDS discrimination with ADNSW when he found an ad for a job with his previous employer which was almost identical to the job he had been doing.

At conciliation, the employer said they had not offered the new job to Simon because the salary was lower than Simon's previous salary, and they did not think he would have wanted it, so they offered him the redundancy instead.

*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 infectious diseases discrimination or you would like information about how to make a complaint.

Anti-Discrimination NSW

Enquiries

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