



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.

Infectious diseases and privacy laws

If an employer, colleague or service provider tells someone about your infectious disease without your consent, this could lead to discrimination that is against the law. It may also be against privacy laws.

However, some infectious diseases must be notified to authorities because of the possible impact on the community. This means that a healthcare practitioner may have to notify a Public Health Unit about your infectious disease.

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

Hok* has Hepatitis C.

He told his supervisor confidentially of his Hepatitis C status.

Hok's supervisor told all the other employees of Hok's medical condition and that he needed to have a blood test.

Feeling hurt and humiliated, Hok resigned from his job and lodged a complaint of discrimination with ADNSW.

At conciliation, the complaint was resolved when the organisation agreed to change their workplace policies and practices. Hok also received financial compensation for lost wages and his suffering.

*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

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