



Transgender discrimination

What it is

Transgender discrimination is when you have been treated less favourably because you are transgender, or people think you are transgender, or because you are a relative, friend or colleague of a person who is transgender or thought to be transgender. It can include being treated as your former gender when you are a recognised transgender person.

The law protects all transgender people, no matter how they affirm their gender.

Indirect discrimination is also against the law. This is when a rule or requirement is the same for everyone but unfairly affects people who are transgender, and is not reasonable in the circumstances. For recognised transgender people, this includes a rule or requirement that more people of the person's former gender are able to comply with.

Act under review

The NSW Law Reform Commission has been asked to review and report on the *Anti-Discrimination Act 1977* (NSW).

Anti-Discrimination NSW supports amending the grounds in the Act to include protection based on:

- sexual orientation
- gender identity
- intersex (or sex characteristics).

Learn more about the Law Reform Commission's process at lawreform.nsw.gov.au.

Where it is against the law

Transgender 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.



What to do if you experience transgender discrimination

If you think that you have experienced transgender 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 transgender discrimination.

Useful contacts

Translating and Interpreting Service – 131 450

Law Access – 1300 888 529

Complaint case study

Kim* is a transgender woman studying at university. She applied to rent a room in a share house for female students. Her application was denied when the owner of the house found out she was transgender.

The owner said the property was leased to female students from diverse ethnic backgrounds who might object to sharing the accommodation with a transgender woman. Kim lodged a complaint of transgender discrimination with ADNSW.

The owner of the property did not have an exemption under the Anti-Discrimination Act to offer accommodation only to women. Even if the owner had such an exemption, the exemption might not have allowed the owner to exclude transgender women.

The complaint was resolved following a conciliation conference. Kim received a verbal apology from the owner and a monetary payment.

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

Anti-Discrimination NSW

Enquiries

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