



Transgender discrimination

What is transgender discrimination?

Transgender discrimination is when you have been:

- treated less favourably than somebody else because you are transgender, or people think you are transgender
- treated as your former sex when you are a recognised transgender person
- forced to follow a rule or requirement as your former sex
- treated less favourably than somebody else because you are the relative, friend or colleague of a person who is transgender or a person who is assumed to be transgender.

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

Indirect discrimination is also against the law. This is when there is a rule or requirement that

is the same for everyone but unfairly affects people who are transgender, and is not reasonable in the circumstances.

Act under review

The NSW Law Reform Commission has been asked to review 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**](http://lawreform.nsw.gov.au).



Where is transgender discrimination 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.

Useful contacts

Translating and Interpreting Service – 131 450

Law Access – 1300 888 529



What can I do if I 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.

Complaint case study

Jessie* works in the automotive industry. She had gender affirming surgery and felt harassed by her colleagues when they made comments about her. They misgendered her, using her previous name and pronouns to humiliate her.

Jessie made a complaint of transgender discrimination to ADNSW.

She arranged a meeting with the General Manager at her workplace and informed him of her formal complaint. They agreed he would speak to managers and staff about respectful workplace behaviour, reiterate workplace harassment policies and enrol staff in online training. Jessie was satisfied with the outcome and the matter was resolved.

*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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Postal address

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Website

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