



Your rights during COVID-19

Your rights and responsibilities during the pandemic

Discrimination is against the law in certain areas, including:

- employment
- education
- providing goods and services
- accommodation
- registered clubs

Even during the COVID-19 pandemic and the restrictions, you have the right to live in an environment free of discrimination.

You have the right not to be discriminated against because of your race, your pregnancy, your illness or your responsibilities as a carer. There are a number of other protected characteristics under NSW anti-discrimination law.

You have a responsibility to follow the laws and restrictions that are in place during the COVID-19 pandemic. The latest COVID-19 information, including rules and restrictions, can be found on the NSW Government website.

Face masks and anti-discrimination law

If you are a person with disability and believe you have been treated unfairly because you can't wear a mask, you may be able to make a complaint of disability discrimination. The law is complex and there are public health exceptions in the *Anti-Discrimination Act 1977* (NSW) that may apply.

As part of the complaints process, we will ask for the details of your disability and for information on how your disability prevents you from wearing a mask.

Vaccinations and anti-discrimination law

Although most premises in NSW are now open to everyone, some premises may make it a condition of entry that you are fully vaccinated.

The *Anti-Discrimination Act 1977* (NSW) does not cover discrimination based on vaccination status unless this is linked to a genuine disability. The Act does not have any general human rights protections in relation to freedom of thought or expression, or religious or ethical beliefs against vaccinations. It does not cover refusal of service or employment issues if you are unvaccinated because of these reasons.

If you are a person with disability and believe you have been treated unfairly because you can't get vaccinated and have a genuine medical exemption, you may be able to make a complaint of disability discrimination. If you make a complaint on this basis, you will need to advise us of your disability and how it prevents you from getting vaccinated.



What can I do if I experience discrimination?

If you think that you have experienced 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 discrimination.

Useful contacts

Translating and Interpreting Service - 131 450

Law Access - 1300 888 529

Complaint case study

Wendy* has multiple disabilities and can't wear a face mask. She has a medical exemption for her disabilities which include asthma and sinus problems. Wendy carries her medical exemption with her when she leaves her home.

Wendy was refused service at her local petrol station because she was not wearing a mask. She offered to show to the staff member her medical exemption, however she was asked to leave the petrol station.

Wendy made a complaint of disability discrimination with ADNSW. When ADNSW notified the manager, he contacted Wendy and apologised to her for her experience. The manager informed Wendy that he would educate the staff member. He welcomed Wendy back to the petrol station which Wendy accepted and resolved the complaint.

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

This factsheet has general information about discrimination and there may be some exceptions to the law. Please contact us if you have questions or you would like information about how to make a complaint.

Anti-Discrimination NSW

Enquiries

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