



# Disability Discrimination Act 1992

a fact sheet for supported employees

In Australia it is against the law to treat people unfairly just because they have a disability. This applies to the way people are treated at work, in the community, when they want to join a club, when they want to rent a house, or in lots of other ways.

## What is discrimination?

Discrimination happens when someone with a disability is treated less fairly than another person who does not have a disability. This can happen at work, in training or study, when using a shop, playing a sport or trying to join a club.

Here is an example of discrimination at work.

Cheryl has vision impairment. She works in the kitchen in Terry's restaurant. When Cheryl started work a month ago Terry told her that he would give her a casual job until she showed she could do the job. He told Cheryl that everyone started out as a casual employee when they first came to the restaurant.

Three weeks later Cheryl's co-worker, Alison, mentioned that she was going to go on holiday, and that she would be paid for it. Cheryl was surprised, and asked how Alison would be paid for her holiday when she only worked as a casual. Alison said that she had been put on as a permanent worker from the first day. She went on to say that Terry always put people with disability on as casuals so that he could get rid of them if they didn't work out well.



## Why is this discrimination?

Cheryl has different conditions of work to Alison because she has a disability. She is not being treated fairly.

## What are reasonable changes?

All bosses must try to make reasonable changes to the workplace so that people with disability can do their job. If it is clear that a person with disability will still be unable to do the job, even with the change, then it would not be discrimination for an employer to say the job is not for them. Examples of 'reasonable changes' include a different type of chair to sit in, special lighting over a work station, or some special tools to do the job.

## What is the Disability Discrimination Act 1992?

The Disability Discrimination Act 1992 is an Australian law.

It is about two things:

- ▶ making sure people with disability are treated as fairly as other people in everyday life and by the law
- ▶ helping people in the community understand that people with disability have the same rights to be treated fairly as those without disability.

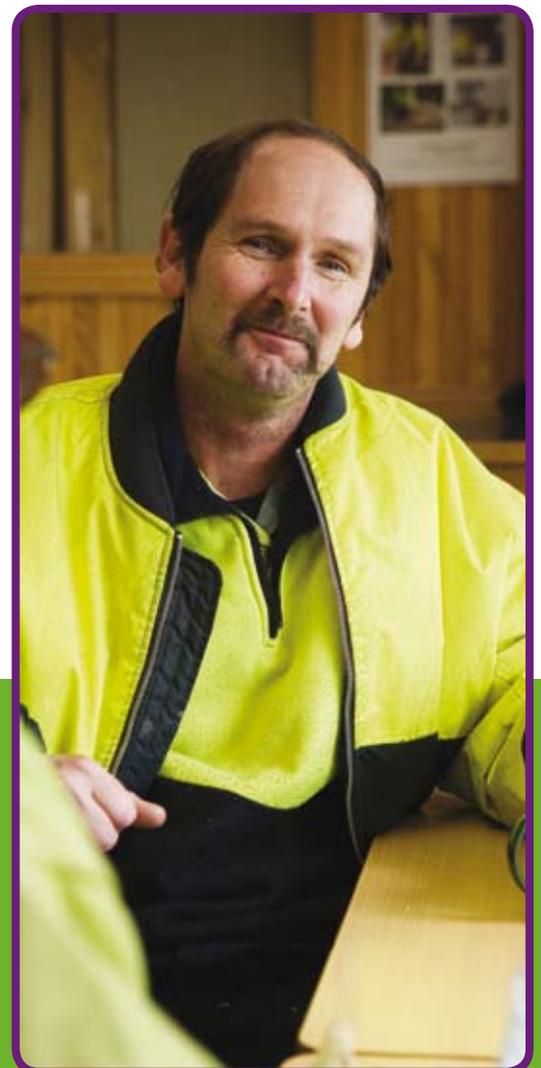
The Disability Discrimination Act 1992 makes it clear that it is against the law for people to discriminate against you in:

- ▶ work
- ▶ education
- ▶ access to shops, libraries, hospitals or other public places
- ▶ taxis, banks or other services you need to have
- ▶ clubs or other community activities that you want to join.

In Australia it is against the law to treat people unfairly just because they have a disability.

This applies to the way people are treated:

- ▶ at work
- ▶ in the community
- ▶ when they want to join a club
- ▶ when they want to rent a house.



## Is discrimination happening to you?

Sometimes people get the chance to do a job on a trial, but at the end of it, they are told they can't continue. Look at this example:

Carise has been working for four weeks as a telephone operator in the complaints department of Aussie Chocs. She has a disability that makes it hard for her to remember things. When she first started she told her supervisor, Karen, that she sometimes got words and numbers in the wrong order when she wrote them down. Karen said it was important to get phone numbers right for this job, but they would offer her some training. In a few weeks they would decide if this was the right job for her.

Just after she started work with Aussie Chocs, Carise went to two three-day training courses on telephone operation and reception. Karen also arranged to sit with Carise for two hours a day to help her with her job.

Yesterday Karen had a review meeting with Carise and told her that she was not suited to her job because of the mistakes she kept making with phone numbers. Karen said that Carise could not do the job to the standard the company wanted. She offered to help Carise find another job, and said she would write a reference for her.

Carise talked to her friends at the pub that night and Colin said that he thought this might be discrimination. He said that it sounded like Carise had lost her job because of her disability. He told her to go and see her advocate.

This is not discrimination. Karen has not treated Carise unfairly.

Carise had a job that meant she had to be able to remember phone numbers and write them down correctly. But the disability she has makes that hard for her. In other words she could not do what the job required. So it was not discrimination for Karen to ask her to leave.

But Colin has given Carise good advice. It is a good idea to make sure you are being treated fairly. Always ask someone if you are not sure.



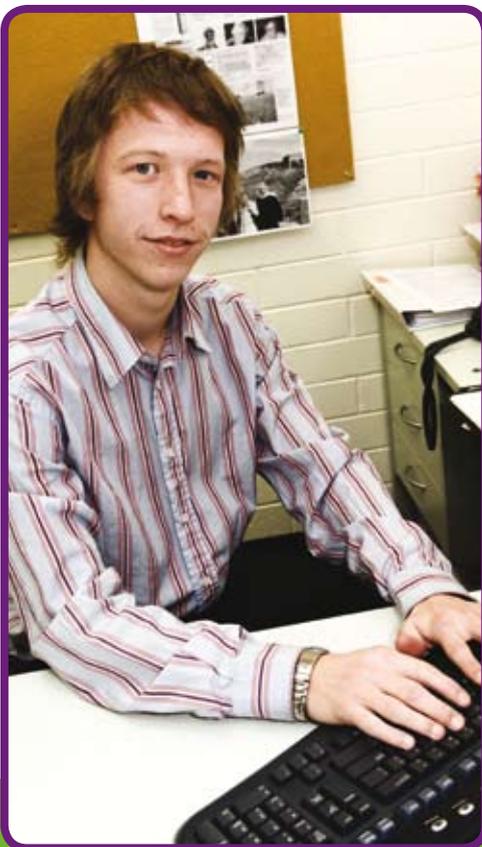
Now look at this example:

Gideon is a fully qualified graphic artist. He has an acquired brain injury that makes it difficult for him to concentrate when other people are talking. So he works better if he is on his own or if he can wear earplugs to block out noise.

When he went to XYZ Employment and asked them to help him find a job they said they could not help him because he could not work in the same way as other people.

It is against the law for an employment agency to say they won't help someone find a job just because they have a disability. The agency has disobeyed the law. They refused to help Gideon because of the way he deals with his disability. Gideon can complain about how the agency has treated him.

If you think discrimination is happening to you, you need to tell someone.



## What can you do when discrimination happens to you?

If you feel that you have been discriminated against you need to do something about it. You should talk to the people or company that has discriminated against you. It is a good idea to try to work things out with them before taking things further.

If you don't get the result you want you can contact HREOC – the Human Rights and Equal Opportunity Commission. They are the government agency set up to stop discrimination from happening. It is their job to follow up on complaints so that you can get a fair go.

If you need help to sort out your complaint you can get your supervisor at work, family member, employment agency case manager, or an advocate to assist you. An advocate is someone who can speak on your behalf.

### Further information

**Human Rights and Equal Opportunity Commission**  
Phone 1300 656 419 (local call) or 02 9284 9888  
Email [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)  
TTY 1800 620 241 (toll free)  
Fax 02 9284 9611

**Contact your local advocacy service**