



Information Sheet

Complaints under the Disability Discrimination Act

What is the Disability Discrimination Act?

The Disability Discrimination Act 1992 is a federal law which can be used to address discrimination in many areas of public life.

Who is this law for?

The Disability Discrimination Act makes it against the law to treat you unfairly because of your disability. The Disability Discrimination Act is for anyone with a disability, whatever the disability is. You are also covered if you had a disability, or people think you have a disability and discriminate against you because of it. People who are relatives, friends, and carers of people with a disability are also protected by this law.

When can this law be used?

You can use the Disability Discrimination Act to get fair treatment in:

- **Work** - getting a job, equal pay, training, promotion, being dismissed, getting 'reasonable adjustment' for your disability
- **Education** - at school or enrolling in a course at TAFE, university or other colleges
- **Where You Live** - renting or buying a house or flat
- **Getting or Using Services** - using shops, restaurants, banks, theatres, sports and social clubs, swimming pools, public transport, dentists and doctors, insurance and superannuation, government services, and getting access to these and other public places.
- You can also use the Disability Discrimination Act if you are harassed (like being called names or put down) because of your disability.

Direct disability discrimination happens when a person with a disability is treated less favourably than a person without the disability would be treated in the same or similar circumstances. It would be direct disability discrimination if you were refused entry to a nightclub because you have a disability and use a wheelchair but people who did not use a wheelchair were still being allowed into the club.

Discrimination also happens when there is a requirement or condition or practice that is the same for everyone but has an unfair effect on a particular group of people. This is known as indirect discrimination. For example, requiring a deaf employee to attend meetings where no Auslan interpreter is provided to enable them to understand what is being said could be indirect discrimination. Or requiring a person to be able to climb stairs to enter a theatre or

restaurant could be indirect discrimination as a person who uses a wheelchair can not climb stairs.

The Disability Discrimination Act states that in some circumstances it is not unlawful for a person to discriminate against a person with a disability. For example, where a person can not perform the inherent requirements of a job it is not unlawful for an employer to not employ the person or to dismiss the person. However, the employer has to have considered whether the person could perform the requirements of the job with 'reasonable adjustment' for the disability. For example could a person with a vision impairment perform a clerical job with voice activated software. If it would impose an 'unjustifiable hardship' on the employer to provide the reasonable adjustment, it may not be unlawful discrimination. For example if the employer was a small business and had to put a lift in to make the workplace accessible, it might impose an unjustifiable hardship on it.

'Reasonable adjustment' and 'unjustifiable hardship' also apply in other areas covered by the Disability Discrimination Act such as education, access to premises and the provision of goods, services and facilities.

What can I do if someone discriminates against me?

If you think you have been discriminated against because of your disability, you or someone else on your behalf (like a friend, an advocate or union) can complain to the Human Rights and Equal Opportunity Commission. It does not cost anything to make a complaint. Your complaint needs to be put in writing. If you cannot write your complaint down you can send it to us by email, you can get someone else to write down your complaint or you can ask us to help you write it down. You can also lodge a complaint electronically through the website.

The complaint should say what happened, when, where, who was involved, and give the names of anyone else who can say what happened.

What will happen with my complaint?

The Human Rights and Equal Opportunity Commission has to decide if your complaint comes under the Disability Discrimination Act. If it does, the Commission will investigate the complaint. If the Commission cannot deal with your complaint we will write to you and explain why.

Investigation may include writing to the other people involved to get their side of the story.

Then the Commission will work with both of you to try to find a solution which everyone can agree with. This is called conciliation. If conciliation does not work, you can decide whether to take it further by taking your complaint to the Federal Court or the Federal Magistrates Service.

Where can I find out more?

If you want more information about the Disability Discrimination Act or the complaint handling process you can contact the Commission.

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If you want more information about the *Disability Discrimination Act 1992* or the complaint handling process you can contact the Commission.

HREOC's Contact Details:

POST:

Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney NSW 2001

TELEPHONE:

Complaints Info line: 1300 656 419 (local call)
TTY: 1800 620 241 (toll free)
Fax: (02) 9284 9611

ONLINE:

E-mail: complaintsinfo@humanrights.gov.au
Web site: www.humanrights.gov.au

ACCESSIBILITY:

If you are deaf or hearing impaired, the Commission can arrange for an Auslan interpreter if this is needed. You can also communicate with us by TTY by calling 1800 620 241.

If you are blind or visually impaired the Commission can provide information in alternative formats on request.

Disability discrimination legal services

There are also legal services which provide free advice about discrimination to people with disabilities.

NSW Disability Discrimination Legal Centre

Ph: (02) 9310 7722
Fax: (02) 9310 7788
Toll free: 1800 800 708
TTY: 1800 644 419

Welfare Rights Legal Centre (ACT)

Ph: (02) 6257 2931
Fax: 02 6257 4801

Darwin Community Legal Service

Ph: 08 8982 1111
Fax: 08 8982 1112

Disability Discrimination Law Advocacy Service (VIC)

Phone: 03 9689 8011
Toll free 1300882872
TTY 03 9689 8066

Sussex St Legal Centre (WA)

Phone: 08 9470 2676
Fax: 08 9470 1805

Disability Discrimination Act Legal Service (SA)

Phone: 08 8342 1800
Fax: 08 8342 0899

Welfare Rights Legal Centre (Qld)

Phone: 07 3847 5532
Fax: 07 3847 5538
TTY: 07 3847 5533

Cairns Community Legal Centre

Phone: 07 4031 7688
Toll free: 1800 650 197
TTY: 07 4031 7179

Launceston Community Legal Centre

Ph: 03 6334 1577
Toll free: 1800 066 019
TTY: 03 6334 1949

Disclaimer: The information on this fact sheet is intended only as a guide. It is not a substitute for legal advice.