



# Workplace

# discrimination

## What is discrimination?

Discrimination is treating a person unfairly because of particular personal characteristics or because they belong to a certain group.

It is unlawful to discriminate against people on these grounds:

- age
- sex
- gender identity
- sexual orientation
- intersex status
- race
- disability
- marital or domestic partnership status
- identity of spouse or domestic partner
- pregnancy
- association with child
- caring responsibilities
- religious appearance or dress.

## When is discrimination against the law?

It is unlawful to discriminate against people in eight areas:

- work
- education
- providing goods and services
- accommodation
- clubs and associations
- granting qualifications
- advertising
- selling land.

It is unlawful to discriminate against people because of their religious dress in the areas of employment or education.

It is unlawful to discriminate against people because of their association with a child in customer service or in accommodation. It is also unlawful to discriminate in education because a student is breast feeding.

Discrimination can be direct or indirect.

## Examples of workplace discrimination

Gerry applied for a hotel management course. He was refused enrolment because at 46 he was considered “too old”.

**The course organisers have directly discriminated against Gerry because of his age.**

Ellen, an Aboriginal office worker, was often commented on by her colleagues. They kept remarking on her colour even after she asked them to stop.

**Ellen’s colleagues and employer have directly discriminated against her because of her race.**

## Examples of employers taking positive action

### Prompt solution

Susan, who worked at a bank, suffered from a physical disability which made standing for lengthy periods of time difficult. She discussed this with her

manager, Ian, who organised for a workplace assessment to be conducted. As a result there was a recommendation that a counter stool be supplied for Susan. Ian made sure a suitable ergonomic stool was provided for Susan to use. She then found that the problems she experienced from standing had been greatly reduced by being allowed to sit.

### Taking Responsibility

John, an office worker, overheard Jason on several occasions talking to Kathy about her breasts. Kathy looked uncomfortable and always tried to change the conversation.

John decided to tell the manager, David, what he had heard. David was concerned so he spoke to all his employees at a staff meeting about what is appropriate and inappropriate behaviour in the workplace. He also decided to provide Equal Opportunity training for his staff.

There are also Federal laws that cover different types of discrimination. If you are unsure, contact us for more information.

Our service is free, confidential and impartial.

Need more information?  
Want to make a complaint?

**Contact the Equal Opportunity  
Commission of South Australia**



**Government of South Australia**  
Equal Opportunity Commission

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