

MOVING ON

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Discrimination

Discrimination is a word that all people with a disability fear. It can happen anywhere - at work, at school, at university and even on a plane.

Lots of stories go around about airlines not letting people on a plane unless they have someone to look after them. Sometimes our world is not fair but thankfully it doesn't happen all the time and often it happens simply because people do not know what they must do or what discrimination actually is.

Discrimination is simply treating someone differently than you would another - in an unfair way.

For example an employer might say that he will only employ people who have white skin because they think that black people and white people cannot work together. This is called racial discrimination. Or a university might say that they will not accept people who are blind because it's too expensive to support them. This is unfair and is called disability discrimination.

There are laws that help to prevent discrimination.

For people with a disability this law is called the **Disability Discrimination Act**. It is a very complicated law and it says that it is illegal to discriminate against people with a disability. **It is a good idea to be aware of this law** because if a person thinks they are being discriminated against they can use this law to protect them.

Sometimes people discriminate because they have a lack of experience in working with or dealing with people with a disability.



Because of this it is always a good idea for a person to know their rights. For example a vision impaired person with a guide dog is allowed, under the law, to take their dog into shops, hotels and other public places.

Some people believe dogs, even guide dogs, are not allowed in many public places like shops. If a person is aware of the law they can inform these people of their rights. Often, simply explaining to a person what disability rights are under the *Disability Discrimination Act* will be all that is needed to fix the problem.

Sadly this is not always the case. **Sometimes, even after a person has explained their rights, many people still will not accept that they have broken disability discrimination laws.** If this happens, the person with a disability should file a complaint.

For example, a person with a disability might **meet a Disability Liaison Officer** at a TAFE. The person with a disability might have a learning disability like dyslexia. A person with Dyslexia can request access to certain technology to help them read. The Disability Liaison Officer might refuse to give them access to the technology because they think that it is too expensive. This could be classified as discrimination. If this was to happen, the person can complain to the boss of the TAFE and explain that they think they have been discriminated against.

The Disability Discrimination Act states that the TAFE **must respond to the person's complaint** and explain why they cannot provide what has been requested and they must offer alternative support. The TAFE has to show they have made an effort to offer **'Reasonable Accommodations'**. Reasonable Accommodations can be things like note takers, technology, sign language interpreters or more time to complete work. If the person is not happy with the response or the alternative support that is offered, they can complain to the Australian Human Rights Commission.

The Australian Human Rights Commission has a website –
<https://www.humanrights.gov.au>

The website explains how you can make a complaint. A person can phone the Australian Human Rights Commission and **the AHRC will help them to make the complaint.** If the person is confident, they can make their complaint online. If they need help, they can nominate a family person or friend to help them make a complaint.

There are also organisations that can help people to make a complaint **called Disability Discrimination Legal Services.** In Victoria the legal service has a website this is – www.communitylaw.org.au/clc_ddls/cb_pages/about_us.php

If a person makes a complaint to the AHRC, the AHRC will try to resolve the complaint with the organisation that the person complained about. This is called conciliation. Often, conciliation will help the organisation to understand what they must do under the Disability Discrimination Act.

Unfortunately, this is not always the case. Sometimes a complaint may have to go to court to be resolved.

It might sound confusing but **sometimes it is actually legal to discriminate.** Sometimes an organisation can say that they cannot afford to provide support. They can say that if they did it would mean that they would suffer financial hardship. Under the law this is called **'Unjustifiable Hardship'.**

If an organisation does plead Unjustifiable Hardship the person with a disability can still complain to the AHRC. **The organisation will have to prove to the AHRC why they cannot afford to offer support.**



It can be very complicated, but if a person with a disability finds understanding the Disability Discrimination Act is hard, the AHRC will help them or they can contact a Disability Discrimination Legal Service.

Remember, discrimination usually is illegal and a person with a disability has the right to complain if they feel they are discriminated against.

Do not be frightened to seek help or complain. People with a disability have rights and the Disability Discrimination Act is there to protect them.

Useful Links

Your Right to an Education – Plain English and accessible formats for the DDA Education Standards: www.ddaeducationstandards.info

Australian Human Rights Commission:
<https://www.humanrights.gov.au/our-work/disability-rights>

Disability Discrimination Legal Service:
<http://www.ddls.org.au/>

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**Do you want to keep receiving this information?
What sort of information would you like to receive
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Email your responses to gary.kerridge@deakin.edu.au
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This document should be used for information and reference only. If in doubt always seek expert advice.



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