

FACT SHEET:

Queensland's *Anti-Discrimination Act* 1991

Unfair discrimination, sexual harassment, vilification, and victimisation are unlawful in Queensland, under the *Anti-Discrimination Act 1991*. Complaints about this conduct may be lodged with us here at the Commission.

The Act outlines:

- 16 attributes, or characteristics, that are protected from discrimination;
- the areas in which discrimination is unlawful; and
- the other types of behaviours made unlawful by the Act.

There are also anti-discrimination laws at the federal level in Australia, with specific Acts prohibiting discrimination on the basis of sex, race, disability and age. Federal and state laws sometimes overlap.

Complaints about any of the conduct covered by the Act can be lodged with us here at the Commission. Our process aims to try and resolve complaints through conciliation. This is a 'civil' claim, and the Commission is an impartial body in this process. If the complaint is unable to be resolved, it may progress to a tribunal.

What is discrimination according to the Act?

Not all treatment that seems unfair is unlawful discrimination under the Act.

For conduct to be unlawful discrimination under the Act, it must:

1. Be based on an attribute listed in the Act;
2. Take place in an area of activity listed in the Act; and
3. Result in you being treated less favourably than someone without that attribute.

The *Anti-Discrimination Act* prohibits discrimination on the basis of the following attributes:

- sex;
- relationship status;
- pregnancy;
- parental status;
- breastfeeding;
- age;
- race;
- impairment;
- religious belief or activity;

- political belief or activity;
- trade union activity;
- lawful sexual activity;
- gender identity;
- sexuality;
- family responsibilities;
- association with, or relation to, a person identified on the basis of any of these attributes.

When and where is discrimination unlawful?

The Act defines certain areas where discrimination on any of the attributes above is unlawful. These are:

- work (including applying for a job, or doing work experience);
- education;
- the provision of goods and services, superannuation or insurance;
- disposition of land;
- accommodation;
- club memberships and affairs;
- administration of state laws and programs; and
- local government, between members.

Are there any exceptions?

The Act contains some exemptions that are specific to an area of activity, as well as some general exemptions. These are situations where the conduct is not unlawful. It is also possible for businesses, organisations and individuals to be granted an exemption to the Act by a tribunal.

What else does the Act prohibit?

Sexual harassment

Sexual harassment is any unwelcome conduct of a sexual nature that is done either to offend, humiliate or intimidate another person, or where it is reasonable to expect the person might feel that way. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations.

Victimisation

Victimisation happens when someone is treated badly because they:

- refused to do something that would contravene the Anti-Discrimination Act;
- complained about something that is unlawful under the Act; or
- were involved in another person's complaint under the Act.

Vilification

Vilification is a public act or statement that incites hatred towards, severe ridicule of, or serious contempt for a person or a group of people because of their race, religion, sexuality or gender identity. There are two tiers of vilification under the Act: unlawful vilification, which is a civil matter, and serious vilification, which is a criminal offence.

Other contraventions

The Act also makes the following conduct unlawful:

- requesting or encouraging a contravention of the Act;
- requesting unnecessary information;
- discriminatory advertising.

Discrimination against residents of regional communities

The Act also protects residents of regional towns near large resource projects from being excluded from working on the projects. There are three different types of discrimination that are prohibited:

- disadvantaging a local resident in a recruitment process
- not offering work during recruitment to a person because they are a local resident
- dismissing a worker because they are, or become, a local resident and they choose to travel to the project other than as a fly-in fly-out worker.