



# DISCRIMINATION

## Discrimination and the Law

Discrimination means being treated less favourably because of a characteristic like age, gender, race or religion.



### Is discrimination against the law?

Not all adverse treatment will be unlawful discrimination. Someone can do something that feels very unfair without it necessarily being against the law. Discrimination is against the law when it occurs in specific areas of life for specific reasons.

The law says that discrimination is generally against the law in these situations:

- at work
- at school
- in shops or places that provide a service (e.g. a café, hotel or taxi)
- in accommodation (e.g. renting a house)
- in membership of clubs

In South Australia, it is usually against the law for someone to discriminate against you in the circumstances above based on things like your:

- sex, gender identity or sexuality
- nationality or the colour of your skin
- age or relationship status
- disabilities
- pregnancy or breastfeeding
- family or carer responsibilities
- religion
- political opinion
- trade union activity

## Discrimination at School

Not all anti-discrimination laws apply to all schools or places of education. It depends whether you go to a public school or a private religious school.

Public schools and teachers within public schools must not discriminate against a student or potential student based on a personal characteristic.

This could be in an obvious way, like refusing to let you do a certain activity because of your sexuality. It could also be in indirect ways, like making a rule that every student must not wear anything that covers hair in class when that would unfairly impact students who wear a head covering for religious reasons.

Private religious schools may be exempt from some discrimination laws.



## Discrimination at Work

Everyone has the right to a workplace that is free from unlawful discrimination. If you are being discriminated against or harassed because of a personal characteristic (like your race, age, gender or sexual orientation), you should get legal advice. You may be able to get help to make it stop through mediation or a court order. Sometimes the court will order an employer to pay monetary compensation to the person who was being discriminated against.



Discrimination in the workplace happens when you are treated less favourably than others because of some characteristic about you (race, religion, gender, disability, etc.) and not because of your ability to do the job.

Discrimination can occur in the job application process, the conditions of employment (pay, hours, etc.), benefits and training opportunities, promotions, transfers and dismissals.



## Places to get help and advice

If you're being discriminated against, bullied or harassed you can get help and support. If you talk to your school or employer and they don't do anything to improve the situation, you can contact the services below for assistance:

Legal Help Line: 1300 366 424

Australian Human Rights Commission:  
[humanrights.gov.au](http://humanrights.gov.au)

SA Equal Opportunity Commission:  
[www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)

Fair Work Ombudsman: [fairwork.gov.au](http://fairwork.gov.au)

**If you want to make a complaint about a school or employer discriminating against you, there are time limits about when you can do this. Get legal advice as soon as possible!**

### Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?

Email: [cle@lsc.sa.gov.au](mailto:cle@lsc.sa.gov.au)

To apply for legal aid online, visit: [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

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**Legal Services**  
Commission South Australia

Call our free Legal Help Line:

**1300 366 424**

*Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. For legal advice about your own particular situation we encourage you to call the Free Legal Helpline on 1300 366 424. The legal information was correct at the time of publishing, however may change without notice.*