



Definition of Discrimination

What is Discrimination?

The Equal Opportunity Commission, a division of the Government of Western Australia, describes discrimination as either direct or indirect.

Direct Discrimination

Direct discrimination occurs when an individual is treated less favourably than another, in the same or similar circumstances, on one or more of the *grounds* and in one of the *areas* of public life covered by the Equal Opportunity Act 1984. The *grounds* and *areas* are as listed below.

Indirect Discrimination

Indirect discrimination occurs when an apparently neutral rule has a negative effect on a substantially higher proportion of people with a particular *ground* or protected attribute or characteristic for example race, compared to people without this characteristic, and the rule is unreasonable in the circumstances.

It is important to note victimisation is also considered against the law. This includes harassing, punishing or threatening a person in any way due to the fact they have objected about the discriminatory matter in which they have been treated. Under the Act it also applies to anyone that has made a complaint or intends to make a complaint.

Grounds (or types of discrimination):

- *Age* – being regarded as too young or too old
- *Breastfeeding* – being asked not to feed, or to use other facilities to breast or bottle feed
- *Family responsibility* – having a caring role
- *Family status* – being a relative of a particular person or having the status of being a particular relative
- *Fines enforcement registrar's website* – publication of relevant details
- *Gender history* – having reassigned gender as certified under the Gender Reassignment Act 2000
- *Impairment* – having a physical, intellectual or mental disability that is current, past or imputed
- *Marital status* – being single, married, a de facto partner, separated, divorced or widowed
- *Political conviction* – including a lack of conviction
- *Pregnancy* – being pregnant, having a characteristic associated with pregnancy or generally imputed to persons who are pregnant
- *Race* – including colour, ethnicity or national origin or descent
- *Racial harassment* – including offensive or insulting comments or other behaviour about a person's colour, ethnic background or origin
- *Religious conviction* – including a lack of conviction
- *Sex* – being a man or woman
- *Sexual harassment* – including unwelcome requests for sexual favours, touching and comments about a person's private relationships



- *Sexual orientation* – including heterosexuality, homosexuality, lesbianism, bisexuality or assumed sexual orientation
- *Spent conviction* – the Commission can investigate discrimination on the ground of spent convictions under the *Spent Convictions Act 1988*

Areas:

- *Employment*
- *Accommodation*
- *Education*
- *Provision of goods, services and facilities*
- *Access to places and vehicles*
- *Disposal of land*
- *Clubs*
- *Application forms*
- *Advertisers*
- *Superannuation and insurance*
- *Sport*