

What is Discrimination?

We discriminate every day when we make choices, so discrimination is not always wrong. However the *Northern Territory Anti-Discrimination Act 1992* (the Act), and various other laws across Australia make many forms of discrimination unlawful.

It is unlawful to discriminate against people for any of the reasons outlined in the Act. Discrimination can be direct or indirect. Sometimes it is deliberate. Sometimes it happens unintentionally.

Direct Discrimination

This is when people are treated unfairly, or receive less favourable treatment, just because they have (or are believed to have) an 'attribute' under the Act (see pages 9-19). Direct discrimination might also arise because of a person is treated unfairly because of their association with someone who has any of these attributes.

Eddie had excellent qualifications for an executive position but was unsuccessful because he was single. The company wanted its executives to have the “stability of being married as the clients preferred it”. Eddie was being discriminated against because of his marital status. He complained to the Commission, who consulted with the company. Eddie received an apology and compensation. The company also agreed to change its recruitment policy.

Indirect Discrimination

This is when everyone receives the same treatment but the unfortunate result is that people who have certain attributes – such as race, sex, or disability – end up (often unintentionally) being treated unfairly. Northern Territory discrimination law does not specifically deal with indirect discrimination but it is covered by Commonwealth law.

Deanna, who is partially blind, wants to pay for her groceries by cheque. She is told that anyone using a cheque has to show a driver's licence. Deanna doesn't have a licence due to her visual impairment and is told her other forms of I.D. are unacceptable. The store says it is not discriminating against Deanna because everyone is asked for the same I.D. However, as visually impaired people are unable to meet the store's requirements the store is *indirectly* discriminating against Deanna because of her impairment. The store would not be disadvantaged by agreeing to accept some other form of genuine photo I.D.

