

Hepatitis C factsheet: Discrimination



For more information about anything in this factsheet, phone the Hepatitis Infoline on 1800 803 990 or go to www.hep.org.au

Introduction

Discrimination occurs when someone is treated less favourably than other people in the same or similar circumstances because of a particular characteristic they have, such as having hep C.

The basis for hep C related discrimination is usually peoples' fear of contracting the virus, or their attitude towards injecting drug use (the primary transmission risk behaviour in Australia).

As an example, "Joan" attends a dentist surgery and while waiting fills out a form and mentions that she has hep C. The dentist then tells Joan that she will have to wait until the day's last appointment. That dentist could be discriminating against Joan if he/she supposes that Joan is a drug user and adopts non-standard practices for fear that his/her workspace might become contaminated and that hep C might be passed on to other patients or himself/herself.

NB: "Standard infection control procedures" are practiced in all medical settings. These procedures ensure that workspaces do not become contaminated with blood or other body fluids.

Anti-Discrimination Act

People with hep C are considered to have a disability under the NSW Anti-Discrimination Act (1977). The Act says that it is against the law to harass or treat someone with hep C unfairly because:

- A person has hep C or someone thinks they have it.
- A person had hep C in the past, or someone thinks they had it in the past.
- Someone thinks a person might get hep C in the future.
- A person has a relative, friend or work colleague who has or is thought to have hep C.

Hep C discrimination

In general, discrimination against someone because they have hep C is against the law. This includes:

- In most types of employment, for example when someone is applying for a job, when they are in a job or when they are leaving a job.
- When someone is prevented from getting a promotion or dismissed because they have hep C. (Employers also have a legal duty to provide employees with any special facilities or

services they need to help them do the job, as long as it won't cause the employer 'unjustifiable hardship').

- When someone tries to get most types of goods or services, such as from banks, shops, pubs and government departments.
- When a person with hep C is seeking health care services, they are entitled to proper medical treatment from doctors, hospitals and dentists. (In some cases, the Board will not be able to intervene, for example anything to do with court decisions, such as child custody or divorce settlements).
- When someone rents or try to rent accommodation, for example, a unit, a house, commercial premises, hotel or motel room or a caravan.
- When someone applies to get into a course or are studying in any state educational institution, in a government school, college, TAFE or university.
- When someone with hep C tries to enter, join or get services from a registered club.

Other legislation

The Disability Discrimination Act 1992, a federal law administered by the Human Rights and Equal Opportunity Commission also covers discrimination against people with hep C.

It may also be against the law if an employer, workmate or service provider tells anyone else that someone has hep C when the person hasn't given consent. This may also be against state and federal privacy laws.

For more information on privacy laws contact Privacy NSW on 9228 8585 or the Federal office of the Privacy Commissioner on 1300 363 992.

For more information about discrimination and the law, contact the Anti-Discrimination Board (ADB) enquiry service on 9268 5544 (Sydney) or 1800 670 812 (toll free NSW).

Legal advice

The Halc legal centre is an accredited community legal centre that provides free advocacy and advice on a range of issues including hep C related discrimination, privacy and health care complaints.

For more information, visit www.halc.org.au or call 9206 2060 (Sydney & NSW).

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This factsheet was developed by Hepatitis NSW, assisted by the Anti-Discrimination Board of NSW and Privacy NSW.

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