



# SEXUAL ORIENTATION DISCRIMINATION

Gay or lesbian, straight  
or bisexual ... it is your  
right to be free from  
discrimination.

**Equal Opportunity Tasmania**

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference  
Embracing Equality

# SEXUAL ORIENTATION DISCRIMINATION

It is discrimination on the basis of sexual orientation to treat a person unfairly, or for them to be denied the same opportunities as others, because of their choice of sexual partners or sexual orientation. Sexual orientation includes heterosexuality, homosexuality and bisexuality.

Relatives, friends and co-workers sometimes experience discrimination because of their relationship with a person who is (or is thought to be) gay, lesbian, straight or bisexual. The law protects them too.

## In what situations is discrimination on the basis of sexual orientation against the law?

To be against the law, sexual orientation discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

## Other unlawful behaviour

It is also against the law to offend, humiliate, intimidate, insult or ridicule a person because of their sexual orientation, or to publicly incite hatred, serious contempt or severe ridicule on the basis of sexual orientation (see separate brochures: *Offensive behaviour* and *Inciting others*).

## Exceptions to the law

In certain circumstances discrimination on the basis of sexual orientation is allowed. For example, it would not be against the law for a service to provide support and counselling services only for people who are homosexual or bisexual.

## Exemptions

If you think there is a valid reason for doing something that might be considered discriminatory on the basis of sexual orientation, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination Law - should you be exempt?*).

## Do you feel you have been discriminated against on the basis of sexual orientation?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

## The law in action

Rajiv applied for a job and did very well at the interview. During the interview he mentioned he is gay. Later, the manager told Rajiv he missed out on the job because he 'would not fit in' with the other employees. Rajiv took this to be a reference to his homosexuality. Rajiv could complain of discrimination on the basis of his sexual orientation.

Alejandra is bisexual. She has happily been working in her job for five years. At the end-of-year dinner she decides to bring her partner Alinta along. After the dinner, Alejandra began to feel uncomfortable when staff made jokes and rude remarks about her 'swinging both ways'. She could make a complaint on the basis of sexual orientation.

During a protest held in Hobart various signs are displayed linking homosexuality to paedophilia. Images of the protest, including the signs, are published in the media and on Facebook. Leaflets and bumper stickers with similar themes are later distributed. The behaviour was clearly intended to portray homosexuals as deviants and a threat. A complaint of incitement on the basis of sexual orientation and lawful sexual activity is made against the organiser of the rally and various individuals involved in the production and distribution of the material. The media outlets that report on the rally are not subject to a complaint because they are providing fair and accurate reporting of a public event.