

Fact Sheet 2: Meeting your Legal Responsibilities

Becoming more welcoming will also assist your business to meet your legal responsibilities.

In Australia, the Federal Parliament has passed a number of laws which aim to protect people from certain kinds of discrimination in public life and breaches of their human rights.

There is no exception for businesses to discriminate against people on the basis of age, disability, race or sex. These include the following Acts;

- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

The law says that all customers of all diverse backgrounds or abilities should be able to access your goods or services just like any other customer. If a customer is prevented from entering your building or cannot access your goods or services they could make a complaint of discrimination under either State or Federal law.

Under the various laws it is illegal to discriminate against a person with a disability or any individual on the basis of age, race or sex by:

- Refusing access to or use of the premises or facilities, or setting special conditions of use;
- Failing to provide a means of entry to the premises;
- Requiring a person to leave a premises or stop using facilities without reason;
- Refusing to provide goods and services or setting special conditions on provision to a person with a disability;
- Providing goods and services in a way that is not accessible to a person.

Also, it is important to remember that as an employer you can also have legal action taken against you if refuse to employ someone based on their disability, age, race or sex.

Making your business more accessible and welcoming is also likely to make it safer for both customers and staff and could have an effect on your public liability and workplace safety responsibilities. In terms of making your business physically accessible you are not expected to make alterations that will cause you unjustifiable hardship – that is if you will not be able to cover the expense – however you are expected to seek alternative options.

For more information on legal issues and responsibilities:

Australian Human Rights Commission

Phone: 1300 369 711

www.hreoc.gov.au

Victorian Equal Opportunity and Human Rights Commission

Phone: 1300 891 848

www.humanrightscommission.vic.gov.au

Assistance Animals: Guide Dogs, Seeing Eye Dogs and Lions Hearing Dogs

Are you aware that people with a vision or hearing impairment who are accompanied by an assistance animal can go into restaurants, retail outlets, hotels motels, supermarkets, hospitals, taxis, buses, trams, trains and all other public areas?

Although many Victorians are generous in providing open access to people accompanied by their assistance animal, not everyone is aware of their legal obligations.

The rights of a person accompanied by an assistance animal are covered under the Domestic Animals Act 1994 and the Disability Discrimination Act 1992. Both these acts override the Food Act 1984 which prohibits dogs from entering food premises.

These Acts cover assistance animals, which have been trained by accredited organisations, or are in the process of being trained. Guide Dogs, Seeing Eye Dogs and Hearing Dogs are all assistance accredited working dogs. The dogs should be wearing a harness identification lead or a coat identifying them as working dogs.

Being aware and complying with the laws will ensure that owners and managers of public facilities will avoid prosecution and/or embarrassment resulting from refusing access to assistance animals.

Remember: Never pat or distract a Guide Dog, Seeing Eye Dog or Hearing Dog or offer it food while it is in harness. It is a working animal under the control of its owner.

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Go to www.dss.gov.au or www.dhhs.vic.gov.au for more information.

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The welcoming business program has been developed and endorsed by these organisations:



Community Living
& Respite Services Inc.