



Tracking Your Rights: Health

The *Universal Declaration of Human Rights* states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including ...medical care.... (Article 23)

What does the *Anti-Discrimination Act 1991* say about health and medical services?

The purpose of the Act is to protect people from unfair discrimination in certain areas of their public life. Discrimination in the provision of health care may be covered if you received goods or services from a hospital, health clinic, medical centre, chemist, a doctor or specialist, a dentist, nursing staff or other health service or worker.

Health service providers must not discriminate:

- in failing to provide the goods or services
- in the terms on which the goods or services are supplied
- by treating you unfavourably in any way, in connection with the supply of goods and services.

What is discrimination?

Direct discrimination happens when you are treated worse than someone else because of your: race, age, family responsibilities, parental status, relationship status, pregnancy, breast-feeding, impairment (a disability), religious belief or activity, sex (male/female), gender identity, sexuality, lawful sexual activity (as a sex worker), trade union activity, political belief or activity, or association with, or relation to, a person identified on the basis of any of the above attributes.

Race discrimination

Jean, a mature age Aboriginal woman, had a fall in the street after feeling dizzy. A kind stranger helped her to a nearby medical centre. He took her into the waiting area and explained the situation to the person at the desk. Jean later heard the receptionist talking on the phone to the doctor saying 'There's an old Aboriginal woman been brought in. But don't hurry. She's probably drunk.' She was not seen for over two hours, even though the waiting area was not busy.

Breastfeeding discrimination

Katelyn went to the chemist to fill a prescription and took her young baby with her. The shop was full and there was a long wait. The baby started crying and Katelyn, who was sitting on a chair near the counter, lifted up her top and started to discreetly breastfeed. The chemist assistant raced over and told her that she could not do that in the shop, and would have to leave.

Relationship status discrimination

Tina is a young single woman. She went to see a doctor to arrange to go on the 'pill' (the contraceptive pill). When she saw the doctor, he lectured her and said that 'unmarried women shouldn't be on the pill.' He refused to prescribe it for her.

Impairment discrimination

Jarryd made an appointment for a dental check up. He advised the clinic that he has Hepatitis C and asked if that would be a problem. He was told that it was; and that they could not take him as a patient because of the disease.

Race discrimination

Tui and her husband Kupe are of South Sea Island background. When they attended an appointment at a pathology clinic, Tui heard one of the staff announce 'The coconut vendors are here.'

What is indirect discrimination?

Sometimes a requirement or practice seems to be the same for all people. However if it disadvantages a particular group of people more than others, in a way that is not reasonable, it may be indirect discrimination.

Impairment discrimination

Declan is deaf and communicates by Auslan. He has been diagnosed with a serious medical condition and referred to a specialist. Declan's friend Amy rang the specialist's office to organise for an interpreter to attend the first consultation. The office person refused to make the arrangements, stating that it would waste too much of the doctor's time to bother with an interpreter. She suggested that Amy attend with Declan. Declan is worried that he won't be able to communicate properly with the specialist or understand what he is saying. He is also worried about privacy, and prefers that Amy not attend.

Sexuality discrimination

Les and Ronald are older men who have lived together as a couple for many years. Les recently had a serious stroke and Ronald can no longer care for him at home. Ronald has been looking for a place for Les in a nursing home and found one that was suitable. However, the nursing home refused to deal with Ronald because they don't accept him as Les' next of kin.



Impairment discrimination

Alan is legally blind and has just been put on a new medication. However, no one has talked to him about how to take it. All the information has been given to him in print format and he can't read it.

What is vilification?

Vilification is publicly inciting others to hate, have serious contempt for, or severely ridicule people because of their race, religion, sexuality or gender identity. Vilification is unlawful.

Racial vilification

Mona took her three children to the outpatient clinic for their vaccination. While in the busy waiting room, a non-Aboriginal patient said loudly to the other patients: 'Look at this bunch of rock apes! Haven't they got their own special Abo clinics to take their snotty little delinquents to? Why should we have to put up with them here?'

If the incitement involves threats of physical harm to people or their property, it is a criminal offence.

Sexual Harassment

Sexual harassment is unwelcome sexual behaviour directed at you, which makes you feel offended, humiliated or intimidated, and in the circumstances, it is reasonable to feel that way. Both men and women can sexually harass and be harassed. It has nothing to do with mutual attraction and friendship between people.

Katie often takes her grandmother to the Dialysis Clinic. She knows one of the male nurses through her frequent visits. He asked her out a few times. She said no, and that she has a boyfriend. Every time she goes to the clinic he asks her out and lately has been sending text messages with sexual overtones. She doesn't want to go to the clinic with her grandmother anymore as she doesn't want to run into him.

Other important/useful information

Health insurance

Health insurance is a form of insurance that pays for medical expenses. You pay premiums (a fee) to help protect yourself from high or unexpected healthcare expenses. The premium is based on factors including your medical history, and pre-existing conditions. It is not discrimination to charge someone who is more likely to make high use of medical services because of a medical condition (eg heart disease) or lifestyle (eg smoking) a higher premium than someone who is less likely to use medical services so heavily.

Other health complaints

Not all health complaints relate to discrimination. The Health Quality and Complaints Commission deals with complaints such as incorrect diagnosis, poor quality treatment, inability to access records, or alleged unprofessional conduct. Complaints about these matters must be directed to the HQCC.

Contact the ADCQ for more information

- phone on 1300 130 670 (or TTY 1300 130 680) from anywhere in Queensland and your call will be taken by the closest office
- ADCQ has Aboriginal and Torres Strait Islander staff and you can ask to speak with one of these officers.
- send an email to info@adcq.qld.gov.au
- visit the website www.adcq.qld.gov.au

ADCQ offices are located at:

Brisbane – level 17, 53 Albert Street, Brisbane City.
Rockhampton – level 1 James Larcombe Place, 209 Bolsover Street
Townsville – 155 to 157 Denham Street
Cairns – McLeod Chambers, 78 Spence Street

Other agencies

Health Quality and Complaints Commission
www.hqcc.qld.gov.au
3234 0272 or 1800 077308

Queensland Health
13 43 25 84
<http://www.health.qld.gov.au/consumers.asp>

For more information about Aboriginal and Torres Strait Islander health issues
Australian Indigenous Health InfoNet
www.healthinfonet.ecu.edu.au