

Legislative reform to eliminate discrimination against people who use drugs

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Introduction:

Discrimination law reform offers an opportunity to progress human rights protections for people who use drugs through potential employer exceptions for peer workers.

Abstract body text:

In 2021, the ACT Government consulted on potential amendments to the Discrimination Act 1991. While these amendments were primarily focussed on issues of current public debate (e.g. religious exemptions), ATODA made a submission that recommended that the use or perceived use of drugs be identified as a protected attribute under the Act, and also recommended the expansion the employer exceptions to include peer workers for people who use or have used drugs.

These suggestions were noted in the Listening Report released by the ACT Government in April 2022. Even if protected attributes are not explicitly amended, a change to peer worker exceptions will help evolve understanding of protected attributes as they relate to a wide array of health concerns, including alcohol and other drug use.

Discussion and Conclusions:

Advocating for peer workers exceptions has the potential to be replicated in other jurisdictions and provides a potentially useful mechanism for strengthening human rights protections for people who use drugs. It avoids perpetuating the potentially problematic understanding of drug use as a disability in terms of discrimination protections and sidesteps the stigmatising public debate that would likely result from an upfront amendment to protected attributes. Furthermore, it presents an opportunity to highlight and strengthen the vital role peer workers play in reaching priority populations to achieve a range of health and social goals.

Disclosure of Interest Statement:

There are no potential conflicts of interest.