Division 2—Meaning of discrimination

19 When a person *discriminates* against another person, and related concepts

Discrimination by unfavourable treatment

(1) A person (the ***first person***) ***discriminates*** against another person if the first person treats, or proposes to treat, the other person unfavourably because the other person has a particular protected attribute, or a particular combination of 2 or more protected attributes.

Note: This subsection has effect subject to section 21.

(2) To avoid doubt, ***unfavourable*** treatment of the other person includes (but is not limited to) the following:

(a) harassing the other person;

(b) other conduct that offends, insults or intimidates the other person.

Discrimination by imposition of policies

(3) A person (the ***first person***) ***discriminates*** against another person if:

(a) the first person imposes, or proposes to impose, a policy; and

(b) the policy has, or is likely to have, the effect of disadvantaging people who have a particular protected attribute, or a particular combination of 2 or more protected attributes; and

(c) the other person has that attribute or combination of attributes.

Note: This subsection has effect subject to section 21.

Extended meaning of having a protected attribute

(4) A reference in subsection (1) or (3) to a person having a particular protected attribute (whether alone, or as part of a combination of 2 or more protected attributes) is taken also to include a reference to each of the following:

(a) an associate of the person having the protected attribute;