



your work life

HOW TO HANDLE UNLAWFUL DISCRIMINATION IN THE WORKPLACE

This guide provides information about the nature of discrimination in employment and discusses what you can do if you believe you are suffering discrimination because of the actions of someone in your workplace. It also offers some advice about what to do if you are alleged to have discriminated against someone in your workplace.

Disclaimer

This information sheet is provided for the guidance of readers. It does not constitute, and should not be relied on as legal or professional advice about its application in specific instances. The author accepts no responsibility for loss or damage suffered as a consequence of this information.

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INTRODUCTION

Discrimination in the workplace is addressed in National, State and Territory Equal Employment Opportunity (EEO) and Anti-Discrimination legislation. In general this legislation prohibits any adverse action being taken against an employee on grounds which are laid down in the legislation. At the national level the Fair Work Act (2009.) also protects employees and prospective employees from workplace discrimination and provides “effective relief” for those who have been discriminated against in the workplace.

In all organisations¹ management has a legal responsibility to prevent and eliminate unlawful discrimination at work and to attend to the wellbeing of people who are shown to have suffered discrimination in the workplace. This responsibility covers all employees including managers. Many organisations have formal policies covering anti-discrimination and have introduced specific practices and training programs to enable them to meet their legislative obligations.

PURPOSE

This guide provides information about the nature of unlawful discrimination in employment (described from hereon as “discrimination”) and provides practical advice about what you can do if you believe you are experiencing discrimination because of the actions of someone in your workplace. It also offers some advice about what to do if you are alleged to have discriminated against someone in your workplace.

¹ Exemptions exist for certain institutions based on their creed or religious teachings