



Australian Government

Fair Work

OMBUDSMAN

Workplace discrimination

Australia's new workplace relations system

From 1 July 2009, most Australian workplaces are governed by a new system created by the *Fair Work Act 2009*.

The Fair Work Ombudsman helps employees, employers, contractors and the community to understand and comply with the new system. We provide information and advice, investigate workplace complaints and enforce Commonwealth workplace laws.

The Fair Work Ombudsman can help people who believe they're being discriminated against at work. We investigate allegations of workplace discrimination and can start legal proceedings against an employer for contravening Commonwealth workplace laws.

We do this to protect employees and prospective employees against workplace discrimination and any other adverse actions of an employer.

What is unlawful workplace discrimination?

Unlawful workplace discrimination occurs when an employer takes adverse action against an employee or prospective employee because of a person's:

- race
- colour
- sex
- sexual preference
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction
- social origin

Unsure if you've been discriminated against? Call the Fair Work Infoline on 13 13 94.



About 'adverse action'

Adverse action is action that's unlawful if it is taken for particular reasons. Adverse actions include:

- dismissing an employee
- injuring an employee's employment (e.g. limiting access to training and development, or limiting promotion opportunities)
- altering an employee's position to their detriment (e.g. demotion, or rostering, i.e. changing access to overtime and shifts)
- discriminating between one employee and others (e.g. comparative workloads, or complexity of work)
- refusing to employ a prospective employee
- discriminating against a prospective employee on the terms and conditions in the offer of employment.

Need to know more?

Fair Work Online www.fairwork.gov.au has more information on:

- what you can do about workplace discrimination
- work practices to be wary of (including discrimination).

When to ask the Fair Work Ombudsman for help

Have you been refused a job, dismissed or unfairly treated at work because you're being discriminated against? If this discrimination happened after 1 July 2009, you can make a complaint to the Fair Work Ombudsman to have the matter investigated - go to:

www.fwo.gov.au/Make-a-complaint

The Australian Human Rights Commission also offers advice and help for people who've been discriminated against - go to:

www.hreoc.gov.au

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Monday to Friday, between 8.00am–6.00pm.

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**.

Hearing & speech impairment

Call through the National Relay Service (NRS):

- For TTY: **13 36 77**
Ask for the Fair Work Infoline 13 13 94.
- Speak & Listen: **1300 555 727**
Ask for the Fair Work Infoline 13 13 94.