

## **Unlawful Discrimination Overview**

Tom: “There are laws to protect employees and prospective employees from job-related discrimination”

Sarah: “Unlawful workplace discrimination occurs when someone is treated differently because of their race, colour, sex, age, or a number of other attributes. It’s when an employer takes adverse action against an employee or prospective employee based on one of these reasons.”

Tom: “Adverse action could be: dismissing someone, changing someone’s job to their disadvantage; or even refusing to employ someone.”

Tom: “For example, my friend Sally is employed at an advertising firm. She recently applied for a promotion as an account manager. During the interview she mentioned that she’s pregnant and plans to take parental leave. Although she’s highly qualified for the job, the manager told her she’d missed out because she’d be away on parental leave for so long. This is an example of unlawful discrimination.”

Sarah: “It’s also important to understand what *isn’t* unlawful workplace discrimination, such as performance management. Let’s say I have an employee whose made a few errors on a recent project, I might put him on a performance management program to develop his skills. If he continues to make mistakes, I could change his daily duties while he does further training. This is an example of where it is not unlawful to alter a person’s employment.”

Tom: “And there are exemptions. For example, an action is not discrimination if it is based on the inherent requirements of the job. Say you’re going for a job as a courier, and having a drivers licence is a requirement of the job; it’s not unlawful workplace discrimination if you don’t get the job because you haven’t got your licence.

Sarah: “It is very important for all employers to be aware of what unlawful workplace discrimination is, and to make sure it doesn’t happen in our workplaces. The information on this website will help you understand your obligations, and the kind of best-practice approach you can take.”

Tom: “If you believe you have been discriminated against in your employment, the Fair Work Ombudsman can help you. If you can’t find what you’re looking for online, call the Fair Work Infoline on 13 13 94.”