

Discrimination in the Workplace Factsheet

Discrimination is treating one person because of an attribute, characteristic or circumstance they have, less favourably than another person because that person does not have the same characteristic or circumstance.

What are attributes of discrimination in the workplace?

Types of attributes can include, but are not limited to, a person's:

- Race
- Age
- Colour
- Sex
- Gender
- Sexual orientation
- Religion
- Marital status
- Pregnancy
- Disability status
- Ethnicity
- Political opinions

What is discrimination in the workplace?

Discrimination in the workplace occurs when your employer or employee takes **adverse action** against you due to one of the above attributes. Taking adverse action for a discriminatory reason is **unlawful**.

Examples of **adverse action** are:

- Firing an employee
- Refusing to hire or promote an employee
- Injuring employees
- Altering a job description at the expense of the employee

Discrimination also occurs when:

- Employees and employers make offensive comments about other workers attributes.
- Employees are made uncomfortable in the workplace due to one of their attributes or circumstance.

What actions do NOT count as discrimination?

There are some circumstances in a workplace that aren't counted as discrimination. For example, if someone in their job position were making several mistakes at work and had their duties changed. This is not unlawful or discrimination, because the decision was based on their work performance, not personal characteristics.

Am I protected from discrimination at work?

All employees are protected from being discriminated against at work. This includes if your employment is:

- Full-time
- Part-time
- Casual
- Only for a specific task
- An apprentice/trainee
- Probationary

What can I do if I have been discriminated against at work?

There are multiple courses of action you can take depending on your circumstances.

1. If possible, the first course of action is to notify your employer or HR manager of the discrimination and what actions you would like them to take.
2. You may also submit an online enquiry to the Fair Work Ombudsman.
3. Contact your Community Legal Centre to seek advice with an employment solicitor regarding what you should do in the circumstances.
4. Contact the Australian Human Rights Commission on 1300 369 711.
5. If you have been dismissed due to discriminatory reasons, you may lodge an application in the Fair Work Commission. You have **21 days** from the date of dismissal to lodge your application. It is always best to get legal advice to confirm if you have been discriminated against.

If you feel you are experiencing concerns regarding discrimination in the workplace, solicitors at Marrickville Legal Centre can help you identify what you should do after being dismissed and help you to ascertain your desired outcome.

[Submit an enquiry online](#) or call us on 02 9559 2899.