

16 December 2013

Discrimination Broadened

Employers are obligated to ensure that their workplace is free from discrimination and any policies (including those which allocate benefits) comply with state and federal legislation. Recent amendments to the Sex Discrimination Act 1984 (Cth) broadened the definition of sex discrimination to include discrimination based on a persons sexual orientation, gender identity and intersex status.

As of 1 August 2013, Employers (along with the Commonwealth Government, state and local governments, private companies, small businesses, incorporated and unincorporated bodies, educational authorities, partnerships, recruitment and employment agencies) have obligations to ensure compliance with these laws. As such, it is important that Employers consider their existing employment policies (such as those which provide benefits such as accommodation, special leave etc) reflect these changes.

Instances of discrimination may result in an Employer (and any other entity) having to respond to an investigation by the Australian Human Rights Commission for breaches of this legislation. Employers must also carefully consider that any unlawful discrimination impacting on a person's employment can result in dual actions against them in **both** the Fair Work Commission and the AHRC.

Should you, or your company, be interested in reviewing your employment policies, please contact one of our Employment Law team:

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