

I'm being discriminated against at work ... what can I do?



What is discrimination?

Under federal and South Australian laws, discrimination is when someone treats you unfairly or unfavourably because of your:

- Sex
- Sexual orientation
- Gender identity
- Race, colour, national or social origin
- Disability (physical and/or mental)
- Age
- Marital status
- Pregnancy
- Family or caring responsibilities
- Religious appearance or dress
- Experiencing family and domestic violence

If you suspect that you're being discriminated against at work, below is a guide to steps you can take.

Time limits to make legal claims vary from 21 days to 2 years. It is important to get legal advice as soon as possible.

#1: Look after yourself and get support

- Speak to and get support from your family and friends or a counsellor
- If the discrimination is affecting your physical or psychological health, go to your doctor
- Once you're able, organise your thoughts by journaling and putting together a timeline of events

#2: Know your legal rights

- It is unlawful to discriminate against someone at work
- You have a right to a safe workplace that is free from discrimination
- Depending on your situation, you may be entitled to legal outcomes, including compensation
- Get legal advice from your union or the Working Women's Centre SA

Potential legal pathways include the following

Equal Opportunity SA (EOSA)

- If the discrimination happened in the last 12 months (i.e. 1 year)
- Relevant law is *Equal Opportunity Act 1984* (SA)
- Timeframe for conciliation - 2 to 6 months

Fair Work Commission (FWC)

- If you have been discriminated against by being dismissed from your job, then you will only have 21 days to make a FWC dismissal claim
- Relevant law is *Fair Work Act 2009* (Cth)
- Timeframe for conciliation - 4 to 6 weeks

Australian Human Rights Commission (AHRC)

- If the discrimination happened in the last 24 months (i.e. 2 years), but can apply later in some circumstances
- Relevant laws include *Sex Discrimination Act 1984* (Cth), *Racial Discrimination Act 1975* (Cth), *Disability Discrimination Act 1992* (Cth), *Age Discrimination Act 2004* (Cth)
- Timeframe for conciliation - 6 to 12 months