

UNIONS HAVE WON NEW WORKPLACE PROTECTIONS FOR WORKING WOMEN



ENDING GENDER-BASED DISCRIMINATION AT WORK

ASU members believe that everyone has the right to a safe and welcoming workplace free of gender-based discrimination. After years of campaigning, we have won new laws that mean all employers must take action to stop discrimination.

Your employer must keep you safe from:

- » discrimination at work on the basis of sex
- » gender identity
- » sexual orientation
- » intersex status
- » relationship status
- » pregnancy
- » breast feeding, or
- » family responsibilities.

New laws mean all employers now have a positive duty to take 'reasonable and proportionate' measures to eliminate discrimination, sexual harassment and sex-based harassment, hostile workplace environments, and victimisation at work.

This means your employer needs to make plans to prevent discrimination and then implement them. **It is no longer acceptable for employers to deal with discrimination after it becomes an issue.**

Who is protected?

Everyone is protected by these laws, including labour hire, apprentices, trainees, casuals, contractors, and temporary employees. This also includes potential employees looking for work with your employer.

Your employer is also responsible for the behaviour of people who interact with the business. This includes customers, patrons, clients, participants, service users, patients, residents, visitors, suppliers, contractors, parents/guardians, students, and volunteers.

Ending Hostile Workplace Environments

A Hostile Workplace Environment is offensive, intimidating or humiliating to a person because of their sex (or characteristics that are generally associated with or ascribed to their sex). This covers anything which creates a sexually charged or hostile workplace but isn't necessarily directed towards a specific person.

You can now take action to stop discrimination at your workplace even if you haven't been personally offended, intimidated or humiliated.

Better protections for workers

From 13 December 2023, the Australian Human Rights Commission (AHRC) will have powers to ensure employers comply with their obligations under the Sex Discrimination Act by issuing compliance notices and requiring enforceable undertakings.

The AHRC won't need to wait for an individual to make a complaint before acting. It will now have the power to make enquiries, issue compliance notices and take employers to court if they fail in their duties.

We can take action in the Fair Work Commission to stop sexual harassment

Unions have won new laws and stronger rights to prohibit sexual harassment in the workplace.

Employers will need to take active steps to make sure sexual discrimination doesn't happen in the first place.

That means ensuring workers are safe from sexual harassment - not only from when they step foot into their workplace, but on their way to and from work, and in all communications regarding work.

The Fair Work Commission now has greater powers to deal with workplace sexual harassment, including allowing a worker who has been harassed at work by one or more individuals to apply for an order to stop this behaviour.

If you need support or information about how to stop discrimination at work contact us at:

ASU Victorian Private Sector Branch

Phone: (03) 9342 3300

E-mail: info@asupsvic.org

Website: asuvic.org

If you are experiencing sexual violence you can contact:

1800RESPECT (1800 737 732)

for help 24 hours a day, 7 days a week.

If you are in immediate danger – **call 000**