



Discrimination has a wide reaching definition and is certainly an aspect of new and/or amended legislation that we are seeing in 2010.

A workplace free from discriminatory behaviour gives all employees a 'fair go' at all levels of the organisation. Training is of high importance, all employees need to know where they stand in relation to their own behaviours and that of their colleagues, supported by clearly defined and effective grievance procedures.

What do employers need to be aware of in regard to legislative changes?

Fair Work Australia

The *Fair Work Act 2009* includes general protection provisions that aim to protect freedom of association and to protect workplace rights in terms of discrimination and also in terms of 'adverse actions'.

For more information general protection provisions also the powers of the Fair Work Ombudsman visit the Fair Work website at [Fair Work Australia](#)

Victorian Equal Opportunity Act 2010

The provisions of this legislation are effective from April 2011, giving employers the opportunity to appraise themselves and their organisation of the new obligations to take measures to prevent discrimination in the workplace, where failure to comply may result in investigation by the Victorian Equal Opportunity and Human Rights Commission.

As of 1 July 2012 the legislation will also be applicable to unpaid and volunteer workers.

Workers' Compensation

The *Accident Compensation Amendment Act* includes new provisions for penalties (from 5 April 2010) on employers who are found to have discriminated against an employee where the dominant reason is the worker has reported injury, or has taken steps to pursue a claim for compensation, or has given or attempted to give a claim for compensation, or has complied with a request under s239 ('Power to obtain information') or s240 ('Power of inspection'). Additionally, a prospective employer may not discriminate against a prospective employee by failing to offer employment or by treating less favourable than another applicant. The onus is on the employer to satisfy the court that the reasons for the conduct complained of were not due to the compensation claim, but were for other operational reasons.

Further information on the changes to the Accident Compensation Act can be found on the website of the Victorian Workcover Authority [WorkSafe Victoria](#)

The contents of this document are for information purposes only. It is not intended to be advice and you should not act specifically on the basis of this information alone. If expert assistance is required, professional advice should be obtained