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New laws will make it easier for ordinary workers to defend themselves against discrimination

Legislation to be introduced to parliament next week which will streamline anti-discrimination law and make it easier for workers to challenge discriminatory treatment, has been welcomed by the ACTU.

ACTU President Ged Kearney said the new laws would offer better protection against discrimination in the workplace and give ordinary workers a better chance of redress.

“Discrimination on the grounds of sex, race, religion, age, disability or sexual orientation is a breach of an individual’s human rights as well as their rights at work,” Ms Kearney said.

“Discriminatory attitudes and practices are unfair and stop us making the most of the talents of Australia’s diverse population.

“In particular, protection against discrimination on the grounds of sexual orientation is long overdue.

The new legislation introduces a single, simple definition of discrimination as ‘unfavourable treatment’ and makes it a cost-free jurisdiction.

“Reducing cost barriers is very important to provide access to justice, particularly in cases where workers are taking action against big organisations,” Ms Kearney said.

“We do not want workers to have to mortgage their houses just to fight for their rights at work.”

Under the changes, once complainants have established a prima facie case, the burden of proof shifts to the respondent.

“This means that employers will not be able to simply use smokescreens such as ‘restructuring’ to cover what was actually discrimination,” Ms Kearney said.

Ms Kearney said the Bill also contained provisions to reduce the incidence of discrimination in the workplace.

“The new power for the Human Rights Commission to develop codes of practice will assist in preventing discrimination, rather than simply waiting until discrimination has occurred.”

“We would like to have seen this bill contain a general positive duty on employers to reduce discrimination.”

“However these bills will provide greater access to justice for ordinary workers and reduce discrimination in the workplace.”

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