



Workplace Environment Issues from the Employee's perspective

Some of the most commonly asked questions about Workplace Environment Issues are discussed on this page.

1. What is unlawful discrimination?

Under Federal and State legislation, unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin, sex, pregnancy or marital status, age, disability, religion, sexual preference, membership of a trade union activity or some other characteristics specified under anti-discrimination or human rights legislation.

2. When can workplace discrimination occur?

Workplace discrimination can occur in the following circumstances:

- Recruiting and selecting staff.
- Terms, conditions and benefits offered as part of employment.
- Who receives training and what sort of training is offered.
- Who is considered and selected for transfer, promotion, retrenchment or dismissal.

3. What is unlawful harassment?

Under Federal and State legislation, unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, sexual preference or some other characteristic specified under anti-discrimination or human rights legislation.

4. What behaviour is classified as harassment?

Harassment can include:

- Behaviour such as telling insulting jokes about particular racial groups.
- Sending explicit or sexually suggestive emails.
- Displaying offensive or pornographic posters or screen savers.
- Making derogatory comments or taunts about someone's race or religion.
- Asking intrusive questions about someone's personal life, including their sex life.



5. What harassment/discrimination is not?

Workplace harassment or discrimination must not be confused with a negative comment or advice including a relevant negative comment or feedback from managers or supervisors on the work performance or work related behaviour of an individual group.

6. What is workplace bullying?

Bullying can take many forms in the workplace including undermining an employee, physical assault, verbal intimidation or making it more difficult for the employee to carry out their tasks.

7. What is sexual harassment?

In terms of anti-discrimination law, sexual harassment is any form of sexually related behaviour that you do not want and in the circumstances, a reasonable person would have expected you to be offended, humiliated or intimidated.

8. What is victimisation?

It is against the law for anyone to hassle or victimise you or treat you unfairly because:

- You have complained to your employer or another person about harassment.
- You have complained to the Anti-Discrimination Board.
- You have supported someone with a harassment complaint or acted as a witness in a harassment case.

9. What should my employer do?

Your employer:

- Must not harass you or any other employees at work. They must also do their best to ensure that there is no harassment in the workplace.
- Must do their best to ensure that your supervisor doesn't harass you, that your workmates don't harass you, any customers, clients and any other people you have to deal with at work don't harass you. They must do this whether you are permanent, full time, part time or casual.

10. What can I do if I am experiencing discrimination and/or harassment?

You should seek legal advice.

If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.