



Sex and Age Discrimination Updates

In a joint media release on 24 May 2011, the Attorney-General, Hon Robert McClelland MP and the Minister for the Status of Women, Hon Kate Ellis MP announced the passage through Parliament of the Sex and Age Discrimination Legislation Amendment Bill 2010. The Bill has now been passed and has come into effect as the *Sex and Age Discrimination Amendment Act 2010* (the "**Act**").

With the passage of the Act, we will see greater protections given to employees and students across Australia.

The Act:

- Prohibits discrimination on the basis of family responsibilities for both men and women in all areas of employment;
- Establishes breastfeeding as a separate ground of discrimination, and provides for measures to be taken to accommodate the needs of breastfeeding mothers; and
- Brings in new protections for students from sexual harassment, including harassment via the internet or by texting.

Sex Discrimination

The sex discrimination portion provides for "stronger protections for employees and students from sexual harassment...workplaces and schools should be places where people feel respected, valued and safe – they are not places for intimidation or sexual harassment," said Mr McClelland.

Further, the Attorney-General stated that these changes acknowledge that sexual harassment occurs in different ways across workplaces. With these changes, the Act will expand protection from sexual harassment, whether it be from co-workers, management, work colleagues or even customers and clients.

"The [Act] also ensures that all students will be better protected from sexual harassment, whether it's in the schoolyard, online or through more subtle forms of bullying, such as through text messages," explains Mr McClelland.

"By explicitly extending harassment and discrimination protections to include family responsibilities and the right of women to breastfeed, these amendments will make a positive difference for employees around the country," stated Ms Ellis.

Ms Ellis adds that by recognising family responsibilities and women's right to breastfeed in the Sex Discrimination Act, we are working to ensure that parents are also protected when making equitable choices for their work and caring responsibilities.

Age Discrimination

With the passage of the Act, the creation of a position of Age Discrimination Commissioner with the Australian Human Rights Commission has occurred. The Age Discrimination Commissioner is expected to commence employment with the Commission shortly and his or her role will be to address the attitudes and stereotypes that surround age discrimination across Australia. Mr McClelland indicated that the Age Discrimination Commissioner will work towards raising awareness across Australia about

the positive impact and positive contribution that both senior Australians and young Australians can make in the workforce.

What This Means for You and Your Business

It will be imperative that all employers and schools across Queensland and Australia ensure that their procedures and policies protect themselves under the new laws. This means that all employers will need to ensure that their employees, at all levels, are made aware of and are provided with the necessary information to ensure that they do not breach the new laws, leaving themselves and their employer open to liability for a breach. Given the recent changes, it may be an ideal opportunity to ensure that your workplace policies and procedures are up to speed and reflect the new amendments.

Given these amendments, this is an opportune time to contact **Michael Sing Lawyers Pty Ltd** to seek advice about how this will affect your obligations to employees and/or review your policies and procedures. If you would like employment law advice, please contact our Gold Coast team on (07) 5597 8888 or our Brisbane team on (07) 3229 6099.



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