

Building eQuality in the workplace

Employment Activity - Employee Guidelines



Discrimination

Discrimination is treating someone unfairly because of a personal characteristic and, as a result, causing them disadvantage. In Victoria, the Equal Opportunity Act 1995 makes it against the law to discriminate against someone because of their actual or assumed personal characteristic, such as:

- Age
- Breastfeeding
- Carer status
- Disability/impairment
- Gender identity
- Industrial activity
- Lawful sexual activity
- Marital status
- Parental status
- Physical features
- Political belief/activity
- Pregnancy
- Race
- Religious belief/activity
- Sex
- Sexual orientation
- Personal association with someone who has, or is assumed to have, any of these characteristics

It is now against the law for employers to treat their employees or contractors unfairly because they make reasonable requests and/or communicate concerns about their employment entitlements. This is known as 'Employment Activity'.

If you make a reasonable request and/or communicate a concern about your entitlements to your employer and they react by:

- cutting your hours or regular overtime
- denying you annual leave
- transferring you to undesirable duties
- not granting you a promotion
- not providing you with access to services and training in the workplace
- terminating your employment

you can make a discrimination complaint to the Victorian Equal Opportunity & Human Rights Commission.

Case Study

Jill has been working as a hairdresser for six months and has not received a payslip. She raises the matter with her employer in person and is told to stop asking questions. Days later Jill was instructed to not attend to customers and given cleaning duties instead.

Jill believes she has been treated unfairly because she raised a concern about her entitlements and can make an employment activity discrimination complaint to the Victorian Equal Opportunity & Human Rights Commission.



Examples of requests for information about entitlements

- “What is my rate of pay?” or “How much leave have I accrued?”
- Can I vary my hours to pick up my child from school?
- “Do I have an entitlement to maternity leave?”

Making a request

1. Clarify the request and ensure it is ‘reasonable’
2. Check your contract, employment agreement or payslip for the information in case its already available
3. Consider putting your request in writing
4. Make the request to your employer - manager or designated HR/Payroll officer

Examples of communicating concern:

- “I’m worried that I’m not being paid overtime”
- “I’ve heard the company is going under and I will not be getting my redundancy pay out”

Unreasonable requests

An ‘unreasonable’ request may be one that is made at an impractical or inappropriate time, or which carries an unrealistic or excessive demand. Requests that are made in a violent or threatening manner may also be unreasonable.

Case Study

Cliff works as an auto electrician for Rodger, the owner of a medium-sized auto repair garage. Cliff wants to bring in a health and safety code of conduct at the workplace, so he calls Rodger at home on Sunday afternoon and asks him for a report of all the accidents that have taken place at the business in the last five years. This request does not relate to employment entitlements, and it may be unreasonable because it was made at an inappropriate time i.e. outside work hours.

About the Victorian Equal Opportunity & Human Rights Commission

The Victorian Equal Opportunity & Human Rights Commission helps people resolve complaints of discrimination, sexual harassment, and racial or religious vilification by offering a confidential, free and impartial complaint resolution service with the aim of achieving a mutual agreement.

Disclaimer This information is intended as a guide only. It is not a substitute for legal advice.

Additional information and resources

As an employee, you should be aware of what your entitlements are and ensure that you are receiving them correctly. If you are unsure about these or any related issues, contact any of the services below for information.

- Workplace Infoline - **1300 363 264**
- Workplace Rights Advocate - **1300 882 648**
- JobWatch - **(03) 9662 1933** (Metro) or **1800 331 617** (Regional)
- Australian Council of Trade Unions - **1300 362 223**



**Victorian Equal Opportunity
& Human Rights Commission**

3/380 Lonsdale Street Melbourne Victoria 3000

Advice Line: **(03) 9281 7100** • Phone: **(03) 9281 7111** • Fax: **(03) 9281 7171**

TTY: **(03) 9281 7110** • Toll Free: **1800 134 142** (country callers) • Interpreters: **(03) 9280 1995**

Email: **information@veohrc.vic.gov.au** • Website: **www.humanrightscormission.vic.gov.au**

Authorised by the Victorian Equal Opportunity & Human Rights Commission, 3/380 Lonsdale Street, Melbourne, Victoria 3000.

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