



INDUSTRIAL ACTIVITY DISCRIMINATION

What do we want?
Fair treatment at work!
When do we want it?
Now!

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference
Embracing Equality

INDUSTRIAL ACTIVITY DISCRIMINATION

It is discrimination on the basis of industrial activity when a person is treated unfairly, or is denied the same opportunities as others, because they engage in industrial activity or are a member of an industrial organisation. Refusing to be involved or not joining an organisation is also covered.

'Industrial activity' includes:

- being a member of an industrial organisation or proposing to become one
- taking part in a lawful activity organised or promoted by an industrial organisation
- asserting industrial rights that would generally be supported by an industrial organisation.

Industrial organisations include: trade unions; organisations of employees; organisations of employers; and organisations created for the purposes of people engaged in a particular industry, trade or profession.

In what situations is industrial activity discrimination against the law?

To be against the law, the discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Exceptions to the law

In certain circumstances discrimination on the basis of industrial activity is allowed.

A requirement that a person seeking election as a union organiser is a member of that union, for example, is likely to fall within the exception. (For information on how exceptions work under the law, see separate brochure: *Discrimination – exceptions to the rules*).

Exemptions

If you think there is a valid reason for doing something that might be discriminatory on the basis of industrial activity, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law – should you be exempt?*).

Who can complain?

Individuals may complain if they believe they have been discriminated against because of their industrial activity. Trade unions are also permitted to complain on behalf of a union member or group of union members provided the Anti-Discrimination Commissioner is satisfied the majority of those members would consent to the complaint being made on their behalf.

Do you feel you have been discriminated against on the basis of industrial activity?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

Sophia is a union delegate at her work. She applied for a promotion and thinks she was by far the best applicant for the job. Sophia was not successful and believes that the person who got the job has less relevant experience in the type of work she does. Sophia felt she was unsuccessful because of her union activity. She made a complaint of industrial activity discrimination.

Petros runs a small business specialising in workplace training. He has lots of experience and many satisfied customers. He was a member of his local chamber of commerce, but when it joined with a bigger organisation he decided not to continue his membership. He has approached a number of local businesses to offer his training services and has been fobbed off by them. One day a friend asks to have a quiet chat to him and says the word is out that he refuses to support the new chamber of commerce and so members have decided to not engage him for training. Petros could make a complaint of industrial activity discrimination.