

# EQUAL OPPORTUNITY EMPLOYMENT AND AFFIRMATIVE ACTION IN AUSTRALIA

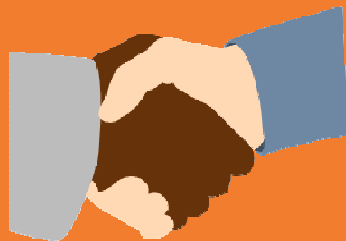
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## Introduction

Under federal and state laws, **employers (including managers and supervisors)** must not discriminate against employees or harass them because of their:

- Sex (including pregnancy and breastfeeding);
- Race, colour, ethnic or ethno religious background, descent or nationality;
- Marital or domestic status;
- Disability (including physical, intellectual, psychiatric, learning or cognitive disabilities and any virus or bacteria that can cause disease, such as HIV);
- Homosexuality (male or female, actual or presumed);
- Age;
- Transgender (transsexual) status; and
- Carer's responsibilities.

All employers, managers and supervisors must treat all their employees, and anyone who applies for a job with them, fairly. All jobs must be open to all people on the basis of **individual merit rather than irrelevant personal characteristics**. Once employees are on the job, they should be treated fairly in relation to salaries, wages, employment packages, training and promotion, whether they are permanent, casual, full-time or part-time.



*This information is provided as a guideline only and should not be relied on as a substitute for legal advice.*

## Equal Employment Opportunity

The purpose of equal employment opportunity (EEO) is to make sure that everyone has equal access to available employment. Employers are likely to mean one of two things when they call themselves EEO employers:

1. The employer follows anti-discrimination laws and tries to ensure that everyone in their workplace understands these laws and follows them too; or
2. As well as following anti-discrimination laws, the employer implements specific EEO management plans or programs designed to ensure that everyone really does have equal opportunity in their workplace.

In NSW, only public sector agencies are required to report on their EEO achievements as part of their annual reports. **While private sector businesses are legally required to comply with anti-discrimination legislation there is currently no legal requirement for these businesses to implement EEO programs.**

## Affirmative Action

EEO programs often include affirmative action strategies. The term affirmative action generally has three different uses:

1. To cover everything to do with EEO programs; or
2. To describe specific affirmative action strategies to help groups that have been disadvantaged in the past, such as special training or recruitment programs for women or Aboriginal and Torres Strait Island people. **In NSW, employers generally need to have their affirmative action program certified;** or
3. To cover programs and strategies aimed at women only. The Commonwealth *Equal Opportunity for Women in the Workplace Act* 1999 states that **all employers with 100 or more employees** and all higher education institutions **must implement an affirmative action program to promote equal opportunity for woman**. They must **report on the program annually** to the Equal Opportunity for Women in the Workplace Agency.



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