

EMPLOYMENT DISCRIMINATION

LGBTIQ+ people are **protected from discrimination** at work

Your employer cannot fire or treat you unfairly because of your gender or sexuality

Your employer has a duty to **protect you** from sexual harassment and bullying

2 in 5 LGBTIQ+ are not out to anyone in their workplace

7 in 10 LGBTIQ+ people have experienced discrimination or sexual harassment in the workplace

Most LGBTIQ+ people experiencing discrimination and harassment choose not to make a formal report and often chose instead to leave their jobs

If you have experienced any discrimination at work, you should get **legal advice immediately** as there are **time limits** applying to when you can take legal action

CONTACT US

If you've been impacted by any of these issues, contact the LGBTI Legal Service for free legal help and connections to other supports

The LGBTI Legal Service provides free legal advice, resources and reform for the LGBTIQ+SB community

This factsheet is intended to give general advice only and should not be used as a substitute for legal advice



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IN OUR ONLINE INTAKE FORM**

LGBTI Legal Service

OUT AT WORK



**LGBTIQ+ rights in
employment**

When applying for a job, prospective employers are not allowed to ask about your sexuality or gender identity. Employers cannot refuse to hire you because of your sexuality or gender

People who are transgender, nonbinary, or gender nonconforming should be allowed to **freely express their gender** at work - wearing clothing, hairstyles, makeup, and accessories that are workplace appropriate

Employees in LGBTIQ+ relationships should be allowed to **bring their partners** to work events, and **talk about their relationship** at work- if other heterosexual and cisgender employees can

If your employer treats you unfairly because of your LGBTIQ+ identity, in some circumstance this could be considered **adverse action**

Possible situations include:

- treating employees differently
- cutting shifts and hours or demoting to a lower job
- ending a contract
- offer unfair conditions
- not giving rights such as lunch break
- allowing sexual harassment and bullying

If you believe you have been fired or made redundant unfairly, you should **urgently get advice**. You only have 21 days to apply for an unfair dismissal claim

SEXUAL HARASSMENT AND BULLYING

Workplaces have a duty to **prevent** sexual harassment - from employers, coworkers and customers. This includes unwanted sexual advances, comments or touching and more

Examples include:

- unwelcome questions about a transgender or intersex person's body or medical history
- some comments about a person's sexuality
- queerphobic slurs, put downs, jokes, and innuendo



Workplace **bullying** is repeated behaviour that is victimising, humiliating, intimidating or threatening.

Some forms of bullying, based on **sexuality or gender**, may also be discrimination

Examples include:

- not using a transgender person's correct name and pronouns
- outing or threatening to out someone

