

Workplace Discrimination – the who, the what and the how of legal advocacy – Sofie Georgalis, Solicitor, Top End Women’s Legal Service Inc

Women continue to experience discrimination and harassment in the workplace. I will provide a brief overview of the types of complaints made by women based on data provided by various complaint handling bodies and other research/surveys.

Avenues open to women to pursue, address and resolve workplace discrimination and harassment

If a woman is aggrieved by the way she has been treated in the workplace, she can make a complaint to an independent administrative complaint handling body. In some cases she may have rights to pursue a common law breach of contract, workers compensation claim, unfair dismissal. However, I will be focusing on State and Commonwealth anti-discrimination laws and the administrative complaint handling agencies covered by these legislative frameworks.

It is important to keep in mind that not all forms of bullying, harassment and discrimination are covered by the law. Unlawful discrimination under State and Commonwealth law is defined in a specific way.

I will briefly outline the different grounds of discrimination covered by Australian anti-discrimination laws and the different aspects of employment covered by these laws including pre-employment, terms and conditions of employment, promotions and dismissal.

I will refer to some cases where women have experienced discrimination and discuss how the courts have looked at these matters.

Role of advocates

TEWLS and other legal services play an important role to empower women from commonly disempowered groups to assert their legal rights. This will be the main focus of the session. The session will consider how advocates can advise and assist women to resolve their workplace grievances. Specifically it will address the following:

- the needs of CALD and Indigenous women and how advocates can support them to assert their rights.
- how to approach employers directly to resolve workplace grievances.
- when is it appropriate to make formal complaints to an administrative complaint handling body, such as the Australian Human Rights Commission or the Northern Territory Anti-Discrimination Commission.
- the effectiveness of anti-discrimination law and conciliation processes.
- the role of advocates in educating employers to provide a workplace free from discrimination and harassment.

Conclusion

I will then provide an overview of the type of outcomes women can achieve to resolve workplace grievances.

The session will conclude by discussing what further changes are required to change workplace culture.