



Conditions and protections

Strengthening protections against discrimination

These amendments implement an Australian Government commitment to strengthen the Fair Work Act's anti-discrimination protections.

What has changed?

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* amends the *Fair Work Act 2009* (the Act) to include gender identity, intersex status and breastfeeding in its list of protected attributes. This flows through to several parts of the Act, including provisions dealing with discriminatory terms in agreements and awards and the general protections.

What do these changes mean?

The Act previously provided protection against workplace discrimination on the basis of a person's:

- race
- colour
- sex
- sexual orientation
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion, and
- national extraction or social origin.

This list was no longer up-to-date due to the evolution of other Commonwealth anti-discrimination laws.

The changes bring the Act into alignment with these other laws. Individuals who experience discrimination in the workplace because of gender identity, intersex status or breastfeeding will now be able to pursue complaints through the Fair Work Commission. The amendments do not affect existing avenues for complaints through the Australian Human Rights Commission or applicable state and territory anti-discrimination processes.

When will these changes come into effect?

These changes came into effect on 7 December 2022.

For more information on the Secure Jobs, Better pay package visit:

www.dewr.gov.au/workplace-relations.