



Equal opportunity at work position statement

1. Purpose

This position statement sets out the key responsibilities the Australian Nursing and Midwifery Federation (ANMF) considers employers and employees should meet to advance equal opportunity in the workplace. It should be read with the ANMF position statements: *Workplace health and safety*; *Preventing workplace stress*; and *Preventing workplace sexual harassment*.

2. Definitions

Australia's **equal opportunity** laws aim to ensure everyone has an equal opportunity at work and in other areas of public life by eliminating sexual harassment, bullying and unlawful discrimination based on any personal attribute that is protected by law.

These **protected attributes** include age, breastfeeding, carer status, disability, employment activity, gender identity, industrial activity, lawful sexual activity, marital status, parental status, physical features, political belief or activity, pregnancy, race, religion, sex, sexual orientation, and personal association with a person who has or may have a protected attribute.

3. Context

Australia has national (Commonwealth) and state and territory laws to protect employees from discrimination and harassment.

The national laws include:

- the *Age Discrimination Act 2004* (Cth)
- the *Australian Human Rights Commission Act 1986* (Cth)
- the *Disability Discrimination Act 1992* (Cth)
- the *Racial Discrimination Act 1975* (Cth)
- the *Sex Discrimination Act 1984* (Cth).

The state and territory laws include:

- *Discrimination Act 1991* (ACT)
- *Anti-Discrimination Act 1977* (NSW)
- *Anti-Discrimination Act 1992* (NT)
- *Anti-Discrimination Act 1991* (Qld)
- *Equal Opportunity Act 1984* (SA)
- *Anti-Discrimination Act 1998* (Tas)
- *Equal Opportunity Act 2010* (Vic)
- *Equal Opportunity Act 1984* (WA).

All these laws apply to employment and all employers must comply with all the legislation – both Commonwealth and state or territory – that applies wherever they operate.



4. Position

The ANMF is committed to the principles of equal opportunity in the workplace and to ensuring:

- all employers meet their equal opportunity and anti-discrimination, bullying and harassment obligations
- all employees exercise their rights under equal opportunity and anti-discrimination laws.

Employer responsibilities

It is the position of the ANMF that:

1. Employers must know and comply with all the state, territory and Commonwealth equal opportunity and anti-discrimination laws that apply where they operate. To this end, employers must:
 - follow the Commonwealth legislation and the state or territory legislation that applies wherever they operate
 - know the exemptions and exceptions in all applicable legislation because an exemption or exception under one Act does not mean an exemption or exception under the other.
2. All employers must develop and implement appropriate policies and procedures to ensure they meet all their obligations under the applicable laws.
3. All employers have a positive duty to take all reasonable steps to identify and remove barriers to equal opportunity at work. This may include but is not limited to ensuring pay rates are free from any form of discrimination or gender-based assumptions about the value of work, equal access to professional development opportunities, career opportunities, and secure work.
4. All employers must institute grievance procedures that are fair, transparent and timely so that any worker can readily make a complaint when they consider their rights have been compromised in any way. Employers must also ensure their grievance procedures are included in all enterprise agreements.
5. All employers must provide all employees with training in their equal opportunity and anti-discrimination policies and procedures and regularly consult with staff to ensure these policies and procedures are being upheld.

Employee responsibilities

It is the position of the ANMF that all employees have the right to carry out their employment free of sexual harassment, bullying and any other form of discrimination or harassment. All employees must also have access to pay rates that are free from any form of discrimination, or gender-based assumptions about the value of work, equal access to professional development opportunities, career opportunities, and secure work.

To promote and protect this right, all employees should:

1. belong to their relevant union
2. use their workplace's grievance procedure to make a complaint whenever they consider their rights have been compromised in any way.
3. always uphold the rights of their colleagues.



5. Position statement management

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