

## **FACT SHEET 1**

### **Legal protection for workers with family and carer responsibilities**

- Australia has a range of federal, state and territory legislation as well as international obligations, which prohibit discrimination on grounds including sex, parental status and family and carer responsibilities.
- These laws provide a legal avenue for redress for discriminatory acts and practices and promote principles of non-discrimination.
- Despite this, many men and women with family/carer responsibilities find themselves disadvantaged in the workplace when compared to workers without these responsibilities.
- This paper considers the existing legal protections for workers with family and carer responsibilities, the limitations of these laws and the need for law reform to extend greater protection to these workers.

### **Limitations**

- The family responsibilities provisions of the federal *Sex Discrimination Act 1984* (SDA) are more limited than the other grounds of discrimination.
- The provisions only apply to discrimination that results in dismissal from employment and are limited to "direct" discrimination.
- Provisions also only apply to employment, and may not protect all caring relationships.

### **Need for law reform**

- There is an immediate need for law reform to both increase the protections available to workers with family and carer responsibilities and to promote systemic change.
- The family responsibilities protections need to be extended to make unlawful both direct and indirect family responsibilities discrimination in all aspects of employment.
- Both men and women workers with family and carer responsibilities must have the right to request flexible work arrangements.
- Individuals with a diverse range of family and caring responsibilities, including parents, and carers or frail older people and people with disability need to be protected.
- HREOC recommends that these protections be included in a separate specialised piece of legislation that is accessible to both men and women.
- Extending the family responsibilities provisions within the SDA is not enough because it fails to confront the entrenched stereotype that caring is the responsibility of women.
- It is essential that extending protections for workers with family and carer responsibilities occur alongside measures that promote systemic change by ensuring men's access to, and use of, these protections.
- The paper recommends that these objectives would be best achieved by including the improved protections in a new *Family Responsibilities and Carers' Rights Act*.