

## Were you sacked because of discrimination?

Regardless of the size of your employer, the legal status of your employer, or how long you have been employed, you can still exercise your rights under the Northern Territory *Anti-Discrimination Act* if you are dismissed as a result of unlawful discrimination.



You should not be dismissed or otherwise treated unfairly or disadvantaged in your employment because of your:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Race  | <input checked="" type="checkbox"/> Sex                          |
| <input checked="" type="checkbox"/> Sexuality   | <input checked="" type="checkbox"/> Age                          |
| <input checked="" type="checkbox"/> Pregnancy   | <input checked="" type="checkbox"/> Parenthood                   |
| <input checked="" type="checkbox"/> Breast feeding  | <input checked="" type="checkbox"/> Impairment – (disability)    |
| <input checked="" type="checkbox"/> Trade union or employer association activity                                      | <input checked="" type="checkbox"/> Religious belief or activity |
| <input checked="" type="checkbox"/> Political opinion, affiliation or activity  | <input checked="" type="checkbox"/> Irrelevant medical record    |
| <input checked="" type="checkbox"/> Irrelevant criminal record  | <input checked="" type="checkbox"/> Marital status               |
| <input checked="" type="checkbox"/> Association with a person who has, or is believed to have one of these attributes | (Some exemptions apply)  |

or because you have made a complaint about being treated unfairly because of one of these characteristics.

If this applies to you, consider making a complaint to the Anti-Discrimination Commission.

### Making a complaint to the Commission



The Anti-Discrimination Commission handles all complaints confidentially and fairly. It does not take sides. In most cases the Commission resolves complaints through conciliation by assisting the complainant (the person making the complaint) and the respondent (the person or organisation alleged to have caused the problem) to discuss the issues and reach an agreement.

If agreement is not reached, the matter may be referred to the Anti-Discrimination Commissioner for a public hearing. Conciliation services offered by the Commission are free.

For more information about making a complaint of discrimination contact the Anti-Discrimination Commission:



LMB 22 GPO, Darwin NT 0801  
Level 7, 9-11 Cavenagh Street, Darwin NT 0800  
E-mail: [administrationadc@nt.gov.au](mailto:administrationadc@nt.gov.au)  
Web: [www.adc.nt.gov.au](http://www.adc.nt.gov.au)

Telephone: 08 89991444  
Freecall: 1800 813846  
TTY: 08 89991466  
Fax: 08 89813812

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# I've been sacked. What are my rights?



## Was your dismissal unlawful or unfair?

You may be able to make a claim for wrongful dismissal.

### UNLAWFUL

A dismissal is unlawful if:

- it involves unlawful discrimination
- you are dismissed because of injury
- you are dismissed while absent from work on prescribed leave
- you are dismissed for being a member of a union, or for not joining a union
- you are dismissed for filing a complaint against your employer about violating laws
- you refuse to sign an AWA or
- you are dismissed without notice (or pay in lieu of notice).

### UNFAIR

Your dismissal may be considered unfair if:

- no valid reason is given
- no opportunity is provided to respond to allegations against you
- no notice of termination given or
- there are harsh, unjust or unreasonable circumstances surrounding your termination

#### NOTE:

A dismissal can be lawful and still be unfair.

### My dismissal is unlawful or unfair. Now what?

If your dismissal was unlawful you may lodge a claim in the **Australian Industrial Relations Commission**. If the dismissal is related to discrimination, the **Anti-Discrimination Commission** may be able to assist (see over page).

### Unfair Dismissal

The unfair dismissal procedures in the Northern Territory are subject to the Commonwealth industrial relations law, the Workplace Relations Act 1996.

Under the Commonwealth system, you are EXCLUDED from making an unfair dismissal claim if:

- the employer has 100 or fewer employees (excluding short term casuals); OR you were
- employed for less than 6 months
- dismissed for "operational grounds"
- award-free and over salary cap
- employed for fixed term/task
- a trainee/apprentice
- a short term casual
- a probationary employee
- a seasonal employee

If the above conditions for the Commonwealth system don't apply, you may be able to make a claim of unfair dismissal to the Australian Industrial Relations Commission. Be aware that new Unfair Dismissal Laws are to be introduced some time during 2008.

Still not sure? Contact the NT Workplace Advocate:

**Telephone: 1300 852 899**

**Email: [workplace.advocate@nt.gov.au](mailto:workplace.advocate@nt.gov.au)**

**Website: [www.workplaceadvocate.nt.gov.au](http://www.workplaceadvocate.nt.gov.au)**

