



Quiz

Common Issues Faced by the LGBTI Community in the Workplace

1. How is a complaint made under the *Sex Discrimination Act 1984* (Cth)?
 - a. It is initially made to the Federal Court
 - b. It is initially made to the Fair Work Commission
 - c. It is initially made to the Australian Human Rights Commission, which then decides whether or not the complaint will be resolved by way of a conciliation conference
 - d. A complaint cannot be made under this Act because the Act permits discrimination on the basis of sex, marital or relationship status, actual or potential pregnancy, sexual orientation, gender identity, and intersex status
2. Is a court limited in its ability to make orders in relation to sexual harassment and sex discrimination complaints?
 - a. Yes – it can only order damages - general and compensatory - for hurt, humiliation, distress
 - b. Yes – it can only order damages - general and compensatory (for hurt, humiliation, distress) – and declaratory relief (for a declaration that the defendant has engaged in unlawful conduct)
 - c. No – disputes can be resolved by the court in a number of varied and creative ways
 - d. No – it can order an employer to perform certain things, such as re-recording a dismissal as a resignation, changing/implementing

better policies and procedures in the workplace, investing in training at the workplace, etc.

3. When will the Australian Human Rights Commission terminate a complaint?
 - a. When a matter does not resolve at conciliation
 - b. When conciliation is unsuccessful
 - c. If it sees no merit in the complaint
 - d. All of the above
4. Which is the most appropriate avenue for a complainant to pursue if it intends to continue employment at the workplace in which they allege the discrimination to have taken place?
 - a. Action under the *Sex Discrimination Act 1984* (Cth)
 - b. Action under the anti-bullying jurisdiction of the *Fair Work Act 2009* (Cth)
 - c. Action under the general protections provisions of the *Fair Work Act 2009* (Cth)
 - d. Action under the *Anti-Discrimination Act 1977* (NSW)
5. Which is a consideration that an employee should have regard to in deciding how to make its complaint?
 - a. When the conduct occurred (in order to know whether any time limits apply)
 - b. What result the employee seeks (monetary or non-monetary)
 - c. The complexity of the claim
 - d. All of the above

Answers:

1. c 2. b 3. d 4. c 5. d