

Perth hair salon's treatment of female employee breached discrimination laws

15 July 2012

A Perth hairdressing salon discriminated against a female employee because of her physical disability and pregnancy, the Fair Work Ombudsman has found.

Sebastion Pty Ltd, trading as Hair Liaison in suburban Leeming, has agreed to apologise to its former employee and pay her \$2000 compensation following an investigation by the Fair Work Ombudsman.

The company's secretary and director, Julia Turner, has also agreed to seek specialist workplace relations advice at her own expense each year for the next three years to ensure future compliance with workplace laws.

Ms Turner has signed an Enforceable Undertaking with the Fair Work Ombudsman as an alternative to litigation, in which she admits that her company:

- Changed the woman's employment status from full-time to casual because of her physical disability and pregnancy,
- Reduced the woman's hours of work because of her physical disability and pregnancy, and
- Discriminated between the woman and other employees because of her physical disability.

In a letter of apology to the former employee and a notice to be given to all its staff, Hair Liaison expresses its "sincere regret" for its behaviour and gives a commitment that it will not happen again.

The former employee, now aged 26, commenced work with the business in September, 2007. She was diagnosed with Multiple Sclerosis (MS) in late 2009.

After suffering two MS-related episodes at work and taking a number of sick days, Ms Turner spoke to the woman - who was assistant manager and senior hair stylist - about changing her employment status from full-time to casual.

The change did not eventuate, but in April, 2011, after the woman advised Ms Turner that she was pregnant, was told words to the effect: "well, I was thinking about putting you casual".

Later that day Ms Turner gave the woman a letter advising that her employment status would change from full-time to casual (three days per week) at a reduced hourly rate (down from \$25 to \$23.66) and that she would no longer be the assistant manager.

At the end of May, 2011, after taking further time off work, during which time Hair Liaison employed another casual hairdresser, Ms Turner informed the woman there was "no work available and it was time to look for work elsewhere".

Fair Work Ombudsman Nicholas Wilson says it is important for employers to treat workers fairly and be aware of their obligations under workplace laws.

Under the Fair Work Act, it is unlawful to discriminate against employees and prospective employees on the grounds of pregnancy, race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer responsibilities, religion, political opinion, national extraction or social origin.

Discriminatory behaviour can include refusing to employ, promote or train a worker, dismissing an employee, threatening to dismiss an employee or denying training and promotion opportunities.

Mr Wilson says every employee has the right to work without fear of discrimination and information about what sort of behaviour constitutes unlawful discrimination is available on the Agency's website.

"Employers who have fair and transparent selection processes for recruitment, promotion, training and other business systems will be well placed to cultivate fair workplaces free of discrimination," he said.

In June, the Fair Work Ombudsman revealed that building materials company James Hardie Australia Pty Ltd had discriminated against a prospective male employee in Perth by refusing to employ him because of a physical disability.

James Hardie also signed an Enforceable Undertaking and agreed to pay the man \$30,000 compensation and revamp its workplace policies to ensure future compliance with workplace laws.

James Hardie also agreed to donate \$10,000 to the AED Legal Centre, established by the Association of Employees with Disability to supports workers with disabilities.

[Sebastion Pty Ltd Enforceable Undertaking \(PDF 770.8KB\) \(www.fairwork.gov.au/ArticleDocuments/720/Sebastion-Pty-Ltd-Undertaking.pdf.aspx\)](#)

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