An Act to promote equality of opportunity between the citizens of this State; to prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds; to facilitate the participation of citizens in the economic and social life of the community; and to deal with other related matters.

Part 3—Prohibition of discrimination on ground of sex, chosen gender or sexuality

Division 1—Discrimination to which Part 3 applies

29—Criteria for discrimination on ground of sex, chosen gender or sexuality
(2) For the purposes of this Act, a person discriminates on the ground of sex—
(a) if he or she treats another unfavourably because of the other’s sex; or
(b) if he or she treats another unfavourably because the other does not comply, or is not able to comply, with a particular requirement and—
   (i) the nature of the requirement is such that a substantially higher proportion of persons of the opposite sex complies, or is able to comply, with the requirement than of those of the other’s sex; and
   (ii) the requirement is not reasonable in the circumstances of the case; or
(c) if he or she treats another unfavourably on the basis of a characteristic that appertains generally to persons of the other’s sex, or on the basis of a presumed characteristic that is generally imputed to persons of that sex; or
(d) if he or she treats another unfavourably because of an attribute of or a circumstance affecting a relative or associate of the other, being an attribute or circumstance described in the preceding paragraphs.

(2a) For the purposes of this Act, a person discriminates on the ground of chosen gender—
(a) if he or she treats another unfavourably because the other is or has been a person of a chosen gender or because of the other’s past sex; or
(b) if he or she treats another unfavourably because the other does not comply, or is not able to comply, with a particular requirement and—
   (i) the nature of the requirement is such that a substantially higher proportion of persons who are not persons of a chosen gender comply, or are able to comply, with the requirement than of those of a chosen gender; and
   (ii) the requirement is not reasonable in the circumstances of the case; or
(c) if he or she treats another unfavourably on the basis of a characteristic that appertains generally to persons of a chosen gender, or on the basis of a presumed characteristic that is generally imputed to persons of a chosen gender; or
(d) if he or she requires a person of a chosen gender to assume characteristics of the sex with which the person does not identify; or
(e) if he or she treats another unfavourably because of an attribute of or a circumstance affecting a relative or associate of the other, being an attribute or circumstance described in the preceding paragraphs.

(3) For the purposes of this Act, a person discriminates on the ground of sexuality—
(a) if he or she treats another unfavourably because of the other’s sexuality or past sexuality; or
(b) if he or she treats another unfavourably because the other does not comply, or is not able to comply, with a particular requirement and—
   (i) the nature of the requirement is such that a substantially higher proportion of persons of a different sexuality complies, or is able to comply, with the requirement than of those of the other’s sexuality; and
   (ii) the requirement is not reasonable in the circumstances of the case; or
(c) if he or she treats another unfavourably on the basis of a characteristic that appertains generally to persons of the other’s sexuality, or presumed sexuality, or on the basis of a presumed characteristic that is generally imputed to persons of that sexuality; or
(d) if he or she treats another unfavourably because of an attribute of or a circumstance affecting a relative or associate of the other, being an attribute or circumstance described in the preceding paragraphs.”

Division 2—Discrimination against workers

30—Discrimination against applicants and employees
(1) It is unlawful for an employer to discriminate against a person on the ground of sex, chosen gender or sexuality—
   (a) in determining, or in the course of determining, who should be offered employment; or
   (b) in the terms or conditions on which employment is offered.
(2) It is unlawful for an employer to discriminate against an employee on the ground of sex, chosen gender or sexuality—
   (a) in the terms or conditions of employment; or
   (b) by denying or limiting access to opportunities for promotion, transfer or training, or to other benefits connected with employment; or
   (c) by dismissing the employee; or
   (d) by subjecting the employee to other detriment.

Part 6—Other unlawful acts

87—Sexual harassment:
(1) It is unlawful for a person to subject to sexual harassment—
   (a) a person with whom he or she works; or
   (b) a person who is seeking to become a fellow worker,
   while in attendance at a place that is a workplace of both the persons or in circumstances where the person was, or ought reasonably to have been, aware that the other person was a fellow worker or seeking to become a fellow worker.

(9) For the purposes of this section—
   (a) a person sexually harasses another (the person harassed) if—
      (i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
      (ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; and
   (b) conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing; and
   (c) a person works with another if both carry out duties or perform functions, in whatever capacity and whether for payment or not, in or in relation to the same business or organisation; and
   (d) a person works for an authority if he or she carries out duties or performs functions, in whatever capacity and whether for payment or not, in or in relation to that authority; and
   (e) workplace means a place (including a ship, aircraft or vehicle) at which a person works or attends in connection with the person’s work.