

Human Rights Act Exemptions Regarding Safety in the Workplace

Who is the key contact for this motion?*	Sarah Hunter, Manager Strategy & Improvement
Do you have a contact at the LGAQ for this motion?	
Submitting council*	Gladstone Regional Council
Supporting organisation (if applicable)	
Council resolution # *	[Insert resolution number]
Date of council resolution*	19/07/2022
✓ Does this motion have state-wide relevance? *	
Title of motion*	Human Rights Act Exemptions Regarding Safety in the Workplace
Motion*	<ol style="list-style-type: none"> 1. The LGAQ calls on the Queensland Government to: <ol style="list-style-type: none"> a. amend section 13 of <i>Human Rights Act 2019</i> to allow the application of the exemptions in <i>Anti-Discrimination Act 1991</i>, including allowing acts that are reasonably necessary to protect the health and safety of people at a place of work (s108), acts done in compliance with legislation (s106) and genuine occupational requirements.
What is the desired outcome sought?* 200-word limit	<p>Section 13 of the <i>Human Rights Act 2019</i> allows the application of the exemptions in <i>Anti-Discrimination Act 1991</i>.</p> <p>Consistency and clarity in the legislation would allow confidence for employers to be able to adequately protect the safety of their workforce without risk of being held liable for contravening a person's human right.</p>
Background* 350-word limit	<p>The <i>Human Rights Act 2019</i> ("HRA") took effect from 1 January 2020. The <i>Anti-Discrimination Act 1991</i> ("ADA") contains a number of exemptions from discrimination including allowing acts that are reasonably necessary to protect the health and safety of people at a place of work (s108), acts done in compliance with legislation (s106) and genuine occupational requirements. These exemptions are not reflected in the HRA. This creates a potential anomaly that, while not deemed discrimination, an act could be found as contravening a person's human right. S13 of HRA has a general clause about how a human right may be limited without offending HRA, however, it is not known how the Human Rights Commission will apply, and for certainty,</p>

it would be preferable if the exemptions allowed in the ADA could be reflected/referenced in section 13 of HRA.