

## 56. Discrimination

- (1) If an employer or prospective employer in any way treats an employee or prospective employee less favourably than would otherwise be the case for the dominant or substantial reason that the employee or prospective employee —
- (a) is or has been a member of a safety and health committee;
  - (b) performs or has performed any function as a member of a safety and health committee;
  - (c) gives or has given assistance or information to an inspector, safety and health representative or any member of a safety and health committee; or
  - (d) makes or has made a complaint in relation to safety or health to —
    - (i) the Commissioner;
    - (ii) an inspector;
    - (iii) a person who is or was his or her employer or fellow employee;
    - (iv) a safety and health representative; or
    - (v) a member of a safety and health committee,
- the employer or prospective employer commits an offence.
- (2) A trade union that in any way treats a person less favourably than it otherwise would for the dominant or substantial reason of the manner in which he or she performs or has performed any function as a safety and health representative or a member of a safety and health committee commits an offence.

*[Section 56 inserted by No. 43 of 1987 s. 13; amended by No. 30 of 1995 s. 43 and 47; No. 51 of 2004 s. 56, 99, 102(1) and 112.]*