

WORKPLACE REVIEW

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The unlawful termination provisions in the <i>Fair Work Act 2009</i> (Cth) are central to employee protection under federal law. Section 772(1)(f) prohibits termination of employment for one or more of the following reasons, or for reasons including one or more of the following reasons: race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction or social origin. This prohibition is subject to the exemption (or exception) in s 772(2), which applies where the reason for terminating the employment “is based on the inherent requirements of the particular position concerned”. There is a delicate balance between the remedial nature of s 772(1)(f) and the requirements of the position which may be reflected in the terms of the employment contract. This article considers the principles which have developed in the case law and their practical application.	55
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