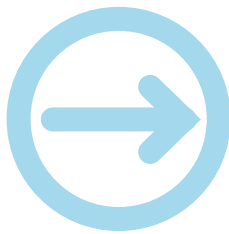




marital status discrimination



What is marital status discrimination?

The *Tasmanian Anti Discrimination Act 1998* (“the Act”) prohibits discrimination on the basis of marital status. Discrimination on the basis of marital status occurs when someone is treated less favourably than another person because of his or her marital status.

Marital status means the status of being –

- single; or
- married; or
- married but living separately and apart from one’s spouse; or
- married to a particular person; or
- divorced; or
- widowed.

Example

A workplace offers a one-off bonus to recently married employees. No gift or bonus is given to single employees. Mary, who is single and has been working for the organisation for five years, thinks this is discriminatory because single employees are treated less favourably than married employees. Mary decides to lodge a complaint of discrimination on the basis of marital status.

Where is it unlawful to discriminate?

The Act prohibits marital status discrimination in the following areas:

Employment - this includes paid or unpaid, casual, permanent or temporary employment.

Education and Training - at schools, colleges, universities or other educational institutions where education and training is provided.

Provision of facilities, goods and services – this includes access and use of public places, transportation and travel and private or government service providers.

Accommodation – this includes residential housing and business accommodation i.e. rental property, hotel, motel, boarding house or caravan.

Membership and activities of clubs – being a member of a club and participating in activities associated with the club.

Administration of any law of the State or any State program.

Awards, enterprise agreements or industrial agreements.

Example

Alan and Matilda are married and both enrol in the same course of study. Caroline, the Course Coordinator, tells them that they can not enrol in the same course because they may disrupt the class talking about personal matters. Alan and Matilda are disappointed by this assumption and decide to lodge a complaint of discrimination on the ground of marital status.



Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841
Facsimile **(03) 6233 5333**
TTY **(03) 6233 3122**
Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998. To maintain confidentiality case examples are not based on actual complaints lodged with this office.

Direct discrimination

Direct discrimination takes place if a person treats another person on the basis of their marital status, or imputed marital status, less favourably than a person without that attribute or characteristic.

For direct discrimination to take place it is not necessary that:

- Marital status be the sole or dominant ground for the unfavourable treatment; or
- The person who discriminates regards the treatment as unfavourable; or
- The person who discriminates has any particular motive in discriminating.

Indirect discrimination

Indirect discrimination takes place if a person imposes a condition, requirement of practice, which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who share the attribute of marital status more than a person who is not a member of that group.

When is it lawful to discriminate?

In certain circumstances discrimination on the basis of marital status is permitted.

A person may discriminate against another person on the ground of marital status if that other person requires special services and facilities the supply of which would impose unjustifiable hardship.

Where a person/organisation argues that it should be exempt from the requirements of the Act because an exception applies, it is up to the person/organisation to prove that the exception applies.

If you are unsure whether your complaint involves marital status discrimination, you can contact the Office of the Anti-Discrimination Commissioner and/or arrange an appointment with an Investigation Officer.

Please note that additional information is available on prohibited conduct on the basis of marital status.

Education and Training

The Office of the Anti-Discrimination Commissioner provides training and education on discrimination and prohibited conduct covered by the Act.

Free Community Education sessions are available for not-for-profit organisations, schools and community groups.

Corporate Training can be tailored to suit any organisation to meet the needs of its employees including Managers and Supervisors to create a discrimination and harassment free workplace environment.

For more information on training see our Education and Training brochure or contact our training staff to discuss your training and education needs.



Please advise the office prior to an appointment if you require special assistance or the services of an Interpreter/Auslan.