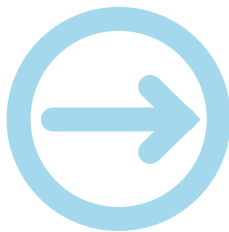




parental status discrimination



What is parental status discrimination?

The Tasmanian *Anti-Discrimination Act* 1998 (“the Act”) prohibits discrimination on the basis of parental status. Parental status means the status of being a parent or childless. A ‘parent’ includes a step-parent, adoptive parent and foster parent.

Example

Ridiculing or humiliating a person without children in a workplace where the majority of workers have children.

Where is it unlawful to discriminate?

The Act prohibits parental 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.

Direct discrimination

Direct discrimination takes place if a person treats another person on the basis of their parental status, or imputed parental status, less favourably than a person without that attribute or characteristic (who has a different parental status).

Examples of direct discrimination

Refusing to promote a person with children, or a parent working part-time, because of a discriminatory assumption that he or she is not career minded and will not take the role seriously.

Not offering the same services or work entitlements to adoptive or foster parents as biological parents, or questioning whether they are 'real parents'.

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.

Indirect discrimination

Indirect parental status discrimination takes place if a person imposes a condition, requirement or practice, which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who share a particular attribute (parental 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 parental status is permitted.

A person may discriminate against another person on the ground of parental 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.

Example of lawful discrimination

A parent working for a small 'not for profit' community organisation wishes to take her two children to a work conference in the Northern Territory, which runs for a week, and would like her employer to cover the costs. The provision of such services and facilities (i.e. accommodation, airfares and other expenses) may impose unjustifiable hardship on the organisation.

Example of indirect discrimination

A workplace schedules staff meetings at times that are not family friendly, for example coinciding with the collection of children from school. This may disadvantage parents needing to collect children from school, as they will miss out on the staff meeting. Such a policy may also be unreasonable in the circumstances.

If you are unsure whether your complaint involves parental 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 parental 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.