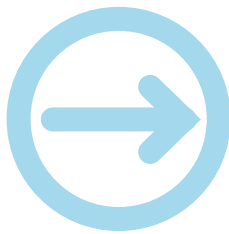




prohibited Conduct



What is prohibited conduct?

There are a number of forms of prohibited conduct under the Tasmanian *Anti-Discrimination Act 1998* (“the Act”). This brochure will focus on prohibited conduct contained in section 17(1) of the Act.

Section 17(1) of the Act prohibits a person from engaging in any conduct, which offends, humiliates, intimidates, insults or ridicules another person on the basis of seven specified attributes:

- gender
- marital status - includes the status of being married or single
- relationship status - includes de facto couples (including same-sex relationships) and couples in a caring relationship
- pregnancy
- breastfeeding
- parental status - includes the status of being a parent or childless
- family responsibilities - includes responsibilities to care for a dependent child or an immediate family member in the need of care or support

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

There are two requirements to show prohibited conduct:

1. A person offends, humiliates, intimidates, insults or ridicules another person because of one of the seven attributes above; and
2. A reasonable person would anticipate the other person would feel offended, humiliated, intimidated, insulted or ridiculed in the circumstances.

Examples

A landlord tells a single parent with a young child that they did not qualify for rental accommodation, because “they do not want a single mother with a grubby child in the house that will run amok and damage every fixture and fitting in the house”. The landlord made the comment during a property inspection before considering applications or checking references. This may be prohibited conduct on the grounds of parental status, gender, marital status and family responsibilities.

Comments to an adoptive parent or foster parent that they are not the child’s “real parent/guardian”. This may be prohibited conduct on the ground of parental status.



Example

A manager gives free movie tickets to the partners of all employees as a bonus and excludes same sex partners. A person in a same sex relationship queries it and the manager responds “they are not real partners”. This may be prohibited conduct on the ground of relationship 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.

Where is it unlawful to discriminate?

Prohibited conduct is unlawful 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 to 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

It is important to note that certain conduct may be both discrimination and prohibited conduct and people may complain about both.

Examples

Offensive or insulting comments in relation to a pregnant woman’s appearance or abilities.

This may be prohibited conduct on the ground of pregnancy.

Offensive or humiliating jokes to a breastfeeding woman. This may be prohibited conduct on the ground of breastfeeding.

Insulting comments to a male that it is inappropriate to take parental leave or care for an infant as a male. This may be prohibited conduct on the ground of gender, parental status and family responsibilities.

Ridiculing or humiliating a person without children in a workplace where the majority of workers have children. This may be prohibited conduct on the ground 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.