



RELATIONSHIP STATUS, PARENTAL STATUS AND FAMILY RESPONSIBILITIES DISCRIMINATION

What is discrimination based on relationship status, parental status or family responsibilities?

It is treating you unfairly or badly because of your:

- relationship status (whether you are single, married, married but separated, divorced, widowed, or a de facto partner – including same sex)
- parental status (whether or not you're a parent), or
- family responsibilities which includes the need to care for your dependant child or immediate family. This means:
 - spouse, ex-spouse or de facto partner including a same sex de facto partner;
 - child, spouse's child, stepchild, adopted child, past or present foster child, spouse's past or present foster child; and
 - parent, spouse's parent, grandparent, spouse's grandparent, grandchild, spouse's grandchild, sibling and spouse's sibling.

Examples:

Relationship status *A de facto couple is refused rental of a flat because they are not married.*

Parental status *A woman with children is not considered for a promotion to manager because the employer thinks she will miss too much work caring for her kids.*

Family responsibilities *A worker is counselled and is not provided with further training in his job because he takes carer's leave to look after his elderly parent.*

The law that prohibits discrimination on the basis of relationship status, parental status and family responsibilities is the Queensland *Anti-Discrimination Act 1991*.

Where and when can discrimination occur?

Unlawful discrimination on the basis of relationship status, parental status and family responsibilities can happen at work, school or college, in a shop or a restaurant, looking for accommodation, buying property, applying for credit, insurance or a loan, or dealing with tradespeople, business or state or local government.

Are there different kinds of discrimination?

Yes, there are two types of unfair treatment - direct and indirect discrimination. Direct discrimination is more obvious, such as in the examples above.

Indirect discrimination can happen when a rule or policy seems fair because it applies to everyone equally, but is unfair to some people because they're less able to comply with it and it's not reasonable.

Example: *A company pays a bonus to staff who had worked for them for a year without taking any carer's leave.*

This would be unfair to employees with family responsibilities because they are more likely to take carer's leave to look after sick children and other family members.

Is discrimination ever considered lawful?

Yes. Not all treatment that might seem unfair is against the law. There are exemptions based on common sense or special measures to help certain groups.

*Examples: A training course is offered to unemployed parents only.
An employer advertises for a married or de facto couple to manage a country hotel that has accommodation supplied with the job.*

What can I do about discrimination?

You could talk to the person or people involved. Tell them you object to what they are doing, and ask them to stop. Often, this is enough.

If the behaviour happened at work, ask your manager, union representative or contact officer what you might do. If your workplace has a process for dealing with complaints, you could lodge a complaint with your employer.

You could also phone or visit one of our offices. Our staff can give you information about the law and explain how complaints are handled.

How do I make a complaint?

Write down the details of what happened to you in a letter, get a complaint form from our website (www.adcq.qld.gov.au) or call one of our offices for a form.

Include:

- your name, address for service and phone number
- a description of what happened, when and where
- who your complaint is about and their contact details and
- any other useful information.

Your complaint must be lodged with the Commission within twelve months of the discrimination happening.

The Commission's service is free. However, you may have to pay for any legal or other advice you decide to get.

Your complaint can be in any language.

What happens to my complaint?

Your complaint will be assessed to see if the conduct you describe may be illegal. If so, we may arrange a meeting with both you and the person or people you have complained about to discuss the issues and try to come to some agreement. The Commission will not take sides or represent anyone.

If you can't agree, the complaint may be referred to the Anti-Discrimination Tribunal, which will hold a public hearing and make a decision based on the evidence.

What else do I need to know?

The Commission runs information sessions and training courses about anti-discrimination law. We also have brochures on a range of discrimination issues.

There is a federal *Sex Discrimination Act 1984*, which is administered by the Human Rights and Equal Opportunity Commission, phone 1300 656 419.