

RELATIONSHIP STATUS DISCRIMINATION

Your relationship
is your business.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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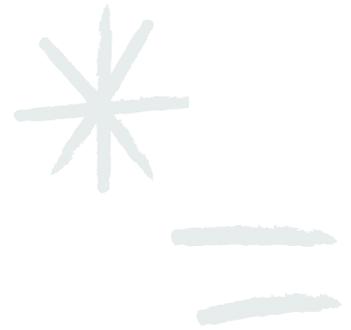
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Celebrating Difference
Embracing Equality

RELATIONSHIP STATUS DISCRIMINATION



It is relationship status discrimination when a person is treated unfairly, or is denied the same opportunities as others, because they are, or have been, in a particular type of personal relationship. The protection against discrimination in Tasmanian law uses the definition of 'personal relationship' found in the Tasmanian *Relationships Act 2003*. A personal relationship may be a 'significant' relationship, for example where two unmarried adults live as a couple, or a 'caring' relationship, where a person provides another with (unpaid) domestic support and personal care.

A personal relationship may be registered with the Registrar of Births, Deaths and Marriages. However, the protection against discrimination doesn't require the relationship to be registered.

If the personal relationship is not registered, the people in the relationship can prove its existence through, for example, detailing how long the relationship has been in place, whether they live together, their degree of financial interdependence and other related circumstances. Full details are available in the *Relationships Act*.

In what situations is relationship status discrimination against the law?

To be against the law, the discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises

- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Other unlawful behaviour

It is also against the law to offend, humiliate, intimidate, insult or ridicule someone because of their personal relationship. For example, it is not okay to ridicule a person by saying their relationship isn't 'real' or to disparage them because they are not married (see separate brochure: *Offensive behaviour*).

Exceptions to the law

In certain circumstances relationship status discrimination is permitted. For example, it is not against the law to provide special concessions or services for carers or those involved in a caring relationship. (For information on how exceptions work under the law, see separate brochure: *Discrimination – exceptions to the rules*).

Exemptions

If you think there is a valid reason for doing something that might be discriminatory on the basis of relationship status, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law – should you be exempt?*).

Do you feel you have been discriminated against because of your personal relationship?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

Marie has cerebral palsy and Stella has provided her with help and care for many years. Their relationship was formalised in a Deed of Relationship after Marie's parents passed away. Marie was booked to have a minor medical procedure at her local surgery and listed Stella as her next of kin. The surgery told Marie that Stella was not her real partner and refused to recognise their relationship. Marie and Stella made a complaint of relationship status discrimination in connection with the provision of services.

Adam and Steve are same-sex partners who have lived together for 18 years. Steve is a keen golfer and one day is knocked out by a stray golf ball. A doctor at the hospital knows Steve's parents and calls them to get consent for medical treatment even though Steve carries a card in his wallet saying Adam is to be called in case of emergency. This is discrimination based on relationship status in connection with the provision of services.