

PARENTAL STATUS DISCRIMINATION

Don't let kids slow you
down – and don't let
attitudes stop you either.

Equal Opportunity Tasmania

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Celebrating Difference
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PARENTAL STATUS DISCRIMINATION

It is parental status discrimination when a person is treated unfairly, or is denied the same opportunities as others, because they do or don't have children.

Denying a parent time off work to look after a sick child or refusing to allow them to leave work early to get to a parent-teacher meeting may be discrimination on the basis of their parental status. Asking a person at a job interview if they have children is also likely to be against the law if that information is used to inform the decision about whether they are suitable for the job. Refusing to employ a person without children in a specialist children's service if they are the best candidate would also be discrimination on the basis of their parental status.

A 'parent' includes a step-parent, adoptive parent and foster parent.

In what situations is parental 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 parental status. For example, it is against the law to make fun of a person because they don't or can't have children, or to make nasty remarks about a public figure adopting children when there are people at work who have also adopted (see separate brochure: *Offensive behaviour*).

Exceptions to the law

In certain circumstances discrimination on the basis of parental status is permitted. For example, if a parent wishes to work from home to care for a family member, but their normal working conditions require the continuing use of specialist technology or machinery installed in their workplace, their employer may argue it cannot agree to the request if it would cause unjustifiable hardship to make the technology available in the employee's home. (For more information about 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 parental 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 on the basis of your parental status?

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

Joseph works part time and applies for a promotion. He is told by management he did not get the promotion because he is 'not career-minded enough'. Joseph thinks this view is based on the fact that he has children and often leaves work to pick them up at the end of the work day. Joseph may make a complaint of parental status discrimination.

Louise is denied work entitlements relating to parental leave because her manager considers the fact that her children are adopted means she is 'not a real parent'. Louise could complain of parental status discrimination.

A workplace schedules its staff meetings at times that are not family friendly, for example, coinciding with the end of the school day. This may disadvantage parents needing to collect children from school as they will miss the staff meeting. If there is not a sound and valid reason for this scheduling, it is likely to be parental status discrimination.