

FAMILY RESPONSIBILITIES DISCRIMINATION

Family friendly –
it's about time.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

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Celebrating Difference
Embracing Equality

FAMILY RESPONSIBILITIES DISCRIMINATION

It is discrimination on the basis of family responsibilities when a person is treated unfairly, or is denied the same opportunities as others, because they are required (or it is believed that they might one day be required) to care for or support a family member.

'Family responsibilities' may include needing to care for dependent children, or any other immediate family member who needs care or support, such as a partner or parent who is unwell, or a sister or brother who is much younger or has a disability, or a grandparent who needs support from time to time.

In what situations is family responsibilities 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

Exceptions to the law

In certain circumstances discrimination on the basis of family responsibilities is permitted. This means that conduct may be discriminatory, but it is not unlawful. For example, in an industrial or factory setting

an employer may stop a parent bringing their child into the workplace because of the danger this may present to the child and other workers. (For 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 family responsibilities, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law – should you be exempt?*)

Take steps to avoid discrimination on the basis of family responsibilities

If you are responsible for managing an organisation or workplace, there are a range of things you can do to avoid discriminating on the basis of family responsibility. You should ensure you have in place policies that cater for situations where an employee may need some flexibility with their work hours to, for example, pick up their child after school or look after a sick child or family member.

While every business situation is unique, having flexible work attendance hours, allowing job sharing, or agreeing to a person working some of the time from home can help those with family responsibilities and avoid unlawful discrimination.

Do you feel you have been discriminated against on the basis of your family responsibilities?

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

Carlos asked to temporarily alter his roster so he could care for his young daughter, who was ill. This was refused even though it would not have affected his work. This may be discrimination on the grounds of family responsibilities.

Marlisa's father has a mental illness. During a particularly difficult time, she took time off school to help with her father's care, and missed an important exam. The school told her she would not be able to re-sit the exam because the school did not have a policy or process for considering this. The school's approach may be discrimination on the grounds of family responsibilities.

Dana works in a large company that operates a rotating roster. After her son was born, she asked to be rostered on fixed days to fit in with the limited availability of childcare in her area. Her request was denied. Dana felt she had no option but to resign from her job. She contacted our office and made a complaint.