



MARITAL STATUS DISCRIMINATION

Single. Married.
Divorced. De facto.
It. Does. Not. Matter.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

Phone: 1300 305 062 (in Tasmania) or (03) 6165 7515

E-mail: office@equalopportunity.tas.gov.au

Web SMS: 0409 401 083

Translating and Interpreting Service: 131 450

National Relay Service

TTY Users: Phone 133 677 then ask for 1300 305 062

Speak and Listen: 1300 555 727 then ask for 1300 305 062

Office: Level 1, 54 Victoria St, Hobart TAS 7000

Post: GPO Box 197, Hobart TAS 7001

www.equalopportunity.tas.gov.au

Celebrating Difference
Embracing Equality



MARITAL STATUS DISCRIMINATION

It is marital status discrimination when a person is treated unfairly, or is denied the same opportunities as others, because of their marital status. Overlooking someone for employment because they are single or divorced, for example, is marital status discrimination. Denying a person access to a service or opportunity because of who they are married to is also discriminatory, as is refusing to rent a flat to a *de facto* couple because they are not married.

'Marital status' refers to being single, married, divorced, widowed, unmarried and living with someone, or married but separated. It also includes being married to a particular person. The sex, gender or sexual orientation of the person or couple is irrelevant.

In what situations is marital 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 marital status (see separate brochure: *Offensive behaviour*).

Exceptions to the law

In certain circumstances discrimination on the basis of marital status is permitted. The law provides a defence to marital status discrimination if, because of a person's marital status, they require services or facilities not required by other people or they require them to be provided in a different way, where doing this would cause an unjustifiable hardship. (To understand 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 marital 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 marital 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

A workplace offers a one-off bonus to recently married employees. No gift or bonus is given to single employees. Mary is single and has been working for the organisation for five years. She thinks the bonus is discriminatory because single employees are treated less favourably than married employees. Mary decides to make a complaint of discrimination on the basis of marital status. A person who has recently begun a *de facto* relationship may also be able to make a complaint.

Bruce and Matilda are married and apply to enrol in the same TAFE course. Caroline, the course co-ordinator, tells them they cannot enrol in the same course because they may disrupt the class by talking about personal matters. Bruce and Matilda are disappointed by this assumption and decide to make a complaint of discrimination on the ground of marital status.

Gay is married to Rob. Rob used to work at their local services club, at which they were both members. Rob's employment was terminated following a disagreement with the club president. Gay was then refused entry to the club and both her and Rob's memberships were cancelled. When asked why her membership was cancelled, a club representative told Gay it was because she is Rob's wife. Gay could make a complaint of marital status discrimination because she has been treated less favourably because of who she is married to.