

FACT SHEET:

Discrimination on the basis of association or relation

The *Anti-Discrimination Act 1991* makes it unlawful to discriminate against a person because of their association with, or relation to, a person identified on the basis of a protected attribute.

What is discrimination on the basis of association or relation?

The *Anti-Discrimination Act 1991* recognises that a person may be discriminated against not because of an attribute (or a characteristic) that they themselves have, but because of their connection with or relation to a person who does have an attribute.

The protected attributes are:

- sex;
- relationship status ;
- pregnancy;
- breastfeeding;
- age ;
- race;
- impairment;
- religious belief or activity;
- political belief or activity;
- trade union activity;
- parental status;
- lawful sexual activity;
- gender identity;
- sexuality; and
- family responsibilities.

Discrimination on the basis of association or relation is treating a person less favourably because of their connection with or relation to someone with one of those attributes.

It doesn't matter if the person doesn't mean to discriminate, or whether they think they are being discriminatory or not. Under the Act, someone's motive for discriminating is irrelevant.

When and where is discrimination on the basis of association or relation unlawful?

Discrimination because of association with or relation to a person with an attribute is unlawful in all aspects of work, including recruitment, terms and conditions on which a job is offered, employment benefits, training, transfers, promotion and dismissal.

It is also unlawful when a person is:

- a customer in a shop or restaurant,
- a student at school or university (if it is by the educator),
- looking for accommodation,
- applying for credit, insurance or a loan, or
- when dealing with tradespeople, businesses or State or local government.

Examples of discrimination on the basis of association or relation

A man of African descent and his non-African girlfriend went to a night club. The attendant at the door said that they don't allow African people in the club, and that includes anyone accompanying them. While he has been discriminated against on the basis of his race, his girlfriend has also been discriminated against because of her association with him.

A woman and her friend who relies on a guide dog went to a café for a meal. Instead of being shown to a table, the head waiter said that he was very sorry but he could not have them in the dining room, because dogs were not allowed.

A man and his partner worked at the same restaurant. When the restaurant became aware that the man was HIV positive, the man and his partner were both sacked.

A woman who works as a lawful sex worker went to enrol her child at a daycare centre. The centre manager refused to enrol the child because of the mother's lawful work.