

**FACT SHEET:**

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## Parental status discrimination

The *Anti-Discrimination Act 1991* makes it unlawful to discriminate against a person because of their parental status.

### What is parental status discrimination?

Parental status means whether or not a person is a parent. It includes the status of not having children.

Under the Act, the definition of parent (in addition to a mother and father) includes:

- step-parent; and
- adoptive parent; and
- foster parent; and
- guardian.

Discrimination on the basis of parental status happens where a person is treated less favourably because of their parental status than someone without the same parental status in similar circumstances.

*For example, a well-qualified woman not being considered for a promotion to manager because her employer thinks she will miss too much work caring for her kids.*

It doesn't matter if the person doesn't mean to discriminate, or whether they think they are being discriminatory or not. It also doesn't matter if their beliefs or assumptions about the person or people they are discriminating against are correct or not. Under the Act, someone's motive for discriminating is irrelevant.

If you have experienced any of these types of discrimination, you may be able to lodge a complaint with us at the Commission.

However, not all treatment that might seem unfair is discrimination under the Act (see the exemptions below).

### When and where is parental status discrimination unlawful?

Discrimination on the basis of parental status 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 parental status discrimination

*A woman who was not a parent applied for the position of Director of a childcare centre - a position for which she was well qualified. The childcare centre board advised her that she was unsuccessful because they believed that the Director needed to have first hand experience as a parent.*

*A dating site for people who have never had children.*

## When and where is different treatment okay?

Not all treatment that might seem unfair is against the law. The Act contains exemptions that allow conduct that would otherwise be discriminatory. Whether or not an exemption applies will depend on individual circumstances.

One that may apply to parental status is in relation to welfare measures, an exemption which allows conduct to benefit people with an attribute.

*For example, a training course or some other form of support for unemployed parents only, not all unemployed people.*