

Family Status

Discrimination

It is unlawful under the *Equal Opportunity Act 1984* (the Act) to discriminate against a person because of their family status.



Equal Opportunity Commission



The Act defines family status as being a relative of a particular person. Being a relative can mean by blood, marriage, affinity or adoption and includes someone wholly or mainly dependent on a particular person, or a member of that person's household.

Direct family status discrimination occurs when a person is treated less favourably because of their family status, compared to another person without that family status, in the same or similar circumstances.

Indirect family responsibility discrimination is when an apparently neutral rule has a negative effect on considerably more people with a particular attribute or characteristic compared to people without that attribute and the rule is unreasonable in the circumstances.

Where does the protection apply?

Under the Act it is unlawful to discriminate against a person because of their family status in certain areas of public life, including:

- Work - in some instances
- Education
- Application forms
- Advertisements.

Responsibilities

Organisations must ensure they provide a working environment and services that are free from family status discrimination and they must take all reasonable steps to prevent it from happening or they may be held responsible for their employees' actions.

A person causing, instructing, inducing, helping or permitting another person to do something unlawful is the same as doing it, for the purpose of the Act.

Making a complaint

A person who believes they have been discriminated against because of their family status can lodge a complaint with the Commissioner. The onus of proof lies with the person making the complaint.

The incident or incidents in the complaint must have occurred within the 12 months previous to the date you lodge your complaint.

In some circumstances the Commissioner may decide there is good reason, or good cause, to include incidents that occurred more than 12 months before the complaint is lodged.

The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programs to promote equal opportunity.

Examples of family status discrimination

A woman was refused employment because she was married to a man with a criminal conviction.

oOo

A man was refused employment because a family member was already employed by the same organisation.

oOo

New directors took over a company that had been established by a husband and wife team, then sacked the wife after she separated from her husband.

Disclaimer

The material in this brochure is not intended to be legal advice. The Commissioner expressly disclaims any liability in respect to anything done or not done to any person in reliance upon any of the contents of this publication.

The Government of Western Australia
www.wa.gov.au

March 2022

Exceptions

There are some instances where it is not unlawful to discriminate against a person because of their family status, and these exceptions include:

- Domestic workers within private households
- Bona fide educational benefits, including concessions
- Rights or privileges granted to a person with a particular family status
- Measures intended to meet special needs
- Accommodation provided for employees
- Identity of a relative - where collusion would result in business disadvantage
- Orders of courts and tribunals
- The provision of charitable benefits
- Voluntary bodies - admissions and benefits
- The ordination of priests or ministers of religion.

If an individual or organisation relies upon an exception under the Act when a complaint is made against them, they must justify the use of that exception to the Commissioner for Equal Opportunity.

How to contact the Commission

Telephone

General enquiries: 9216 3900
Training courses: 9216 3927
Country callers: 1800 198 149

Email

eoc@eoc.wa.gov.au

Website

www.eoc.wa.gov.au



 Interpreter service: 13 14 50

© Commissioner for Equal Opportunity