

Family status and marital status

INFORMATION SHEET

The *Alberta Human Rights Act* (the *Act*) prohibits discrimination based on the grounds of family and marital status.

What is family status?

Family status is defined in the *Act* as the status of being related to another person by blood, marriage or adoption.

The *Act* prohibits discrimination or negative treatment towards an individual based on their relationship to a family member. For example, it is contrary to the *Act* to fire a person because their spouse, who worked for the same employer, was fired. It is also contrary to the *Act* to discriminate against someone based on their family status, for example, to refuse to rent to someone because they are a single parent.

In addition, persons who are required to provide care to family members (for example, parents caring for children) may require accommodation in some circumstances. For information about the duty to accommodate, please see the Commission information sheet *Employment: Duty to accommodate* and the interpretive bulletin *Duty to accommodate*.

What is marital status?

Marital status is defined in the *Act* as being married, single, widowed, divorced, separated or living with a person in a conjugal relationship outside marriage. This definition includes both same-sex and heterosexual relationships.

Employers and service providers should not treat someone negatively either because of their marital status (for example, widowed or divorced) or because of their spousal relationship to another person. For example, it is contrary to the *Act* for an employer to refuse to hire someone just because their spouse works for the same company, or for a landlord to refuse to rent to a couple who are in a common-law relationship.

In which areas are family and marital status protected?

Family and marital status are protected in all the areas protected under the *Act*, which are:

- statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public
- goods, services, accommodation or facilities customarily available to the public
- tenancy
- employment practices
- employment applications or advertisements
- membership in trade unions, employers' organizations or occupational associations

What is discrimination based on family or marital status?

Discrimination because of marital or family status includes negative treatment linked to family or marital status that results in a negative (or adverse) impact on an individual or group.

For example, it would be discriminatory for an employer, landlord or service provider to treat a person negatively because of that person's family or marital status, or because of their relationship to their spouse or another family member.

A person seeking accommodation because of their family or marital status is generally expected to try to access resources available to them before requesting accommodation from an employer, landlord or service provider. However, once a person has requested accommodation to meet their family or marital status needs, the employer, landlord or service provider must reasonably accommodate that person to the point of undue hardship. For information about undue hardship, see the Commission interpretive bulletin *Duty to accommodate*.

Accommodation often relates to caregiving responsibilities and legal obligations towards others, for example, parents caring for children, as opposed to something that is a preference or choice.

Employment applications or advertisements

When recruiting for or interviewing potential employees, employers should not use job application forms that suggest a preference on the basis of an applicant's family or marital status. Employers should avoid asking applicants for information that would reveal their family or marital status. There are exceptions to these rules where family or marital status relates to a *bona fide occupational requirement* (the legitimate requirements of the job).

Employment practices

Employers are required to reasonably accommodate the needs of employees based on their family status and/or marital status. The duty to accommodate often arises out of caregiving responsibilities and legal obligations towards others, for example, parents caring for children.

An employer is required to provide reasonable accommodation in situations where an employee's family or marital status interferes with their ability to perform their duties in the workplace.

However, if an employee cannot perform their duties because of family or marital status and the requirements of the job are *bona fide occupational requirements* (the legitimate requirements of the job), or if providing accommodation to the employee would cause the employer undue hardship, the employer may not be able to accommodate the employee.

For example, an employer might have to be flexible with an employee's hours if they have to drop off a child at daycare, particularly where they have been unable to make alternative arrangements or are the primary caregiver.

Tenancy

Human rights law recognizes the rights and importance of families and their need for housing. The law prohibits discrimination based on family and marital status in the area of tenancy. Examples of discrimination include landlords denying housing to families with children or treating single-parent families in a negative manner.

A landlord may, however, be able to refuse to rent to a family where it can be shown that it is reasonable and justifiable, such as when a residence is specifically set up to meet the needs of seniors.

Goods, services, accommodation or facilities customarily available to the public (includes condominiums)

Courts and human rights tribunals have found discrimination in cases where a condominium corporation has denied access or residency to families with children and the corporation could not prove the discrimination was reasonable and justifiable in the circumstances. For information about reasonable and justifiable discrimination under the *Alberta Human Rights Act*, see the Commission interpretive bulletin *When is discrimination not a contravention of the law?*

Other service providers also have an obligation to accommodate the needs of service users based on the grounds of family and marital status. For example, an educational institution may be required to be flexible in class or exam scheduling for a student with caregiving responsibilities for a family member.

For more information

For more information, please see the publications listed below, which are available on the Commission website at albertahumanrights.ab.ca or by calling the Commission and requesting printed copies.

1. *Pre-employment inquiries* information sheet
2. *A recommended guide for pre-employment inquiries* information sheet
3. *Employment: Duty to accommodate* information sheet
4. *Duty to accommodate* interpretive bulletin
5. *When is discrimination not a contravention of the law?* interpretive bulletin 

Contact us

The Alberta Human Rights Commission is an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

**Hours of operation: 8:15 a.m. to 4:30 p.m.
Monday to Friday (holidays excluded)**

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To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

TTY service for persons who are deaf or hard of hearing
1-800-232-7215 Toll-free within Alberta

Email: humanrights@gov.ab.ca
Website: albertahumanrights.ab.ca

Please note: The Commission must receive your completed complaint form or letter within one year after the alleged contravention of the *Alberta Human Rights Act*. The one-year period starts the day after the date on which the alleged contravention of the Act occurred. For help calculating the one-year period, contact the Commission.

The Commission will make this publication available in accessible formats upon request for people with disabilities who do not read conventional print.