

YOUR RIGHTS : FAMILY AND MARITAL STATUS



Prince Edward Island
Human Rights Commission
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*Human Rights:
It's
Everyone's
Business...*

*Why Not Make It
Yours?*

Richard and Jennifer have reservations to stay at a bed and breakfast. When they arrive, the proprietor notices that they have different last names. He indicates that he has a policy that unmarried couples cannot share a room in his home.

Audrey has three children. A less experienced, less qualified woman in her company is promoted. She is single with no children. Audrey believes that she was overlooked for the promotion because company officials concluded that she would not be as dedicated to the job because she has children.

Richard and Jennifer may be experiencing discrimination on the basis of marital status. Audrey may be experiencing discrimination on the basis of family status.

THE LAW

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of family and marital status in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

However, there are some EXCEPTIONS:

1. Employment

The provisions of the Act that prohibit discrimination in employment on the basis of marital status do not apply to religious or ethnic non-profit organizations that are operated primarily to foster the welfare of a particular religious or ethnic group. For example, a non-profit religious organization that does not believe in divorce may not wish to employ a divorced individual. However, the organization must establish that being of a certain marital status is a reasonable occupational qualification.

Also, employers may not be discriminating if they refuse to hire a family member of an existing employee where the employee is in a position to influence the hiring or the working relationship would create a conflict of interest.

2. Special Programs

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of certain groups, such as, programs to assist families with children.