

# Discrimination based on marital status

THE EQUAL Opportunity Act prohibits discrimination based on a person's marital status (along with five other status grounds). According to the act, marital status means the status or condition of being: (a) single; (b) married; (c) married but living separately and apart from one's spouse; (d) divorced; or (e) widowed.

The act protects people who are discriminated against based on their marital status in the broad categories of employment, education, provision of goods and services and provision of accommodation.

## Employment

It is an unlawful practice for an employer to treat an employee or prospective employee differently based on the individual's marital status or assumed marital status. This may include refusing to hire or employ the person, refusing to select a person for a training programme or any other benefit associated with the position, terminating an employee and even discriminating against a person in remuneration for their services or in the terms and conditions of their employment.

However, the employer may ask questions about marital status based on company policy for related employees. For instance, the employer can ask a job applicant if they have a spouse working within the company if the company is attempting to prevent collusion or corruption or has a policy to refuse to place spouses in a position that:

- Places close relatives in a direct supervisor-employee relationship.
- The work involves a potential conflict of interest.
- It reduces workplace problems of morale.
- There are workplace hazards increased by employees in a close relationship.



## Education

Under the category of education, the act protects both students and applicants from discrimination based on their marital status. For instance, reserving spots in a part-time degree programme only for applicants who are married and enrolling applicants who are otherwise single, divorced or widowed in the full-time programme. For students who are currently enrolled, discrimination includes limiting the student's access to any benefits, facilities or services provided by the educational establishment.

## Provision of goods and services

This board category covers any person concerned with the provision of goods, facilities and services to the public. The act also states that this category applies "whether or not for payment," which means that the person does not have to pay for an item or service to qualify to lodge a complaint. It also means that even services that are done pro bono are covered by the act.

## Provision of accommodation

Under this category, a person should not discriminate against someone based on their marital status in the terms in which the accommodation is offered, refusing an application for accommodation or giving precedence to someone else based on

marital status. Also, the act is clear that a person should not be denied access or limited access to any benefit connected with the accommodation or evicting a person based on their marital status.

One example is a landlord who specifies "married couples only" when posting an advertisement to rent an apartment. The landlord can argue that they view a married couple as financially stable and would be more likely to pay their rent on time, compared to a person who is single, divorced or widowed.

Landlords should refrain from making determinations about a potential tenant's payment capabilities or any other pre-conceived biases based on status. This is discrimination on the grounds of a person's marital status under the category of "provision of accommodation".

The Equal Opportunity Commission (EOC) is aware that the act in its current format excludes cohabitational relationships in the definition of marital status. In an effort to broaden its protective authority, the EOC proactively submitted amendments to the Attorney General in 2011, one of which includes that the definition of marital status be amended to include common-law relationships.

The commission continues to promote equality of opportunity and inclusivity for all through its campaigns, programmes, public education and training sessions, and other free services.

**To lodge a complaint of discrimination on the grounds of marital status under one of the broad categories mentioned in this column, visit the EOC's website at [www.equalopportunity.gov.tt](http://www.equalopportunity.gov.tt). There are step-by-step instructions to lodge a complaint using three available options.**