

Bias against domestic partners

My company recognizes domestic partnerships, but when we had a formal division dinner that included spouses, I was specifically told my partner was not to come because we are an unmarried heterosexual couple and this offends some people. Is this legal?

Amy Lieberman

Insight Employment Media-tion

The inclusion of domestic partners is a matter of policy, rather than law, because Arizona law does not require that domestic partners be given all the same legal rights as a spouse.

Many employers will acknowledge domestic partners by extending them benefits, such as insurance, otherwise available only to spouses.

When you say that your employer "recognizes" domestic partnerships, how does it do so? Look to see if there is an express



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statement in a policy or a handbook that refers to this and if it has a definition of the criteria for a domestic partner.

Typically, that would include a committed couple in a relationship sharing a common residence and financial responsibility. If the policy provides that, for all employer-sponsored benefits, domestic partners should be treated the same as a spouse, it would be inconsistent not to allow a domestic partner to attend an event spouses are invited to.

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In Arizona, the answer is yes, such a practice would be legal.

Many states recognize one's sexual orientation as a protected class. In those states, it is illegal for employers to discriminate on the basis of employees' sexual orientation, just as it would be illegal to discriminate on the basis of race, sex, age or religion.

But Arizona does not have such a law, and the federal civil-rights acts do not contain any such provision. So, although the exclusion may be in very poor taste (given the employer's policy recognizing domestic partnerships), it is not actually illegal.

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Send questions to
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