

Discrimination at Work

Discrimination happens when an employer treats one employee less favourably than others. It could mean a female employee being paid less than a male colleague for doing the same job, or an employee from a minority ethnic community being refused the training opportunities offered to other colleagues. There are specific laws against some types of discrimination (called 'unlawful discrimination'). If your employer treats you less favourably for an unlawful reason, you may be able to take action. If your employer treats you unfairly for any other reason, this is not unlawful discrimination.

There are laws against discrimination on the basis of your:

- Gender
- Marriage or civil partnership
- Pregnancy and maternity leave
- Sexual orientation
- Disability
- Race
- Colour
- Ethnic background
- Nationality
- Religion or political opinion
- Age

There are also laws which forbid workers from being dismissed or treated less favourably than other workers because they do:

- Part-time work
- Fixed-term work

Types of discrimination:

Legislation protects employees from discrimination of different types. Some of these are:

Direct discrimination

Direct discrimination happens when an employer treats an employee less favourably than someone else because of one of the above reasons. For example, it would be direct discrimination if a driving job was only open to male applicants. There are limited circumstances in which an employer might be able to make a case for a genuine occupational requirement for the job. For example, a Roman Catholic school may be able to restrict applications for a scripture teacher to baptised Catholics only.

Indirect discrimination

Indirect discrimination is when a working condition or rule disadvantages one group of people more than another. For example, saying that applicants for a job must be clean-shaven puts members of some religious groups at a disadvantage.

Indirect discrimination is unlawful, whether it is done on purpose or not. It is only allowed if it is necessary for the way the business works, and there is no other way of achieving it. For example, the condition that applicants must be clean shaven might be justified if the job involved handling food and it could be shown that having a beard or moustache was genuine hygiene risk.

Harassment

You have the right not to be harassed or made fun of at work or in a work-related setting (for example, an office party). Harassment means offensive or intimidating behaviour - sexist language or racial abuse, which aims to humiliate, undermine or injure its target or has that effect. For example, allowing displays or distribution of sexually explicit material or giving someone a potentially offensive nickname.

Victimisation

Victimisation means treating somebody less favourably than others because they tried to make, or made, a complaint about discrimination. For example, it could be preventing you from going on training courses, taking unfair disciplinary action against you, or excluding you from company social events.

Being treated unfairly for other reasons

If you are treated unfairly, but it is not for one of the reasons listed above, it may be that you are being bullied. Bullying should never be acceptable in or outside of the workplace.

If you are trying to take up your statutory rights and your employer treats you unfairly for this, you may be able to take legal action. For example, your employer is not entitled to mistreat you because you have asked to be paid the national minimum or living wage.

Other rights where you are protected from being mistreated because you have asked for them in good faith include:

- rights to a written statement of employment particulars
- protection from unlawful deductions from wages
- rights to paid holiday
- limits on your working hours
- the right to join a trade union

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