

# Discrimination at work: *what you need to know*

*The Equality Act 2010 is a law that protects us from unfair and illegal treatment at work. But how do you decide upon when you've been treated unfairly?*

## HOW DO I IDENTIFY DISCRIMINATION AT WORK?

Discrimination against the Equality Act 2010 is unlawful, meaning you could take action in an employment tribunal. Unfair treatment at work only counts as unlawful discrimination if it's a certain behaviour carried out by certain people, for certain reasons. Those who mustn't discriminate against you at work include:

- Employers
- Other employees or colleagues
- Employment agencies
- Someone an employment agency arranges for you to work for

For example, an employer mustn't discriminate against you in relation to your terms and conditions of employment, termination of your employment, or when you apply for a job in the way they either recruit you (or not offer you the job).

It is unlawful discrimination to treat someone unfairly because of protected characteristics. The Equality Act states that protected characteristics are things such as:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

There are many different types of unlawful discrimination at work. Here are a few examples:

- Your employer may treat you differently and worse than others because of who you are, because of who they think you are or because of someone you are associated with – this is called direct discrimination.
- Your employer may enforce a policy, rule or way of doing things that puts you and other people like you at a substantial disadvantage compared with others – this is

called indirect discrimination.

- You may be treated badly by your employer because of something connected to your disability. In this case, an employer would exercise a relevant provision, criterion or practice ("PCP"), which would place you at a substantial disadvantage to individuals who did not share your condition. This is called discrimination arising from a disability.
- Failure to make a reasonable adjustment if you're disabled. All employers have a duty to make reasonable adjustments for disabled employees at work to help them carry out day-to-day duties as a non-disabled person would (for instance, making sure the workplace has the right facilities, working hours and equipment for disabled workers).
- An employer may treat you in a way that is offensive, frightening, degrading, humiliating or distressing – this is called harassment.
- An employer may treat you badly because you complained about discrimination (for example, through filing a grievance), or because they think you complained about discrimination – this is called victimisation.

## I'VE EXPERIENCED DISCRIMINATION AT WORK – WHAT NEXT?

There are steps you can take to bring action against your employer.

- Complain directly to your employer (you may also want to investigate their grievance process).
- Refer to someone else to help you sort the problem – this is called 'mediation' or 'alternative dispute resolution'. You may want to refer to Citizens' Advice, Acas (a free service for settling disputes out of court), or consult with a trade union representative.
- You can make a claim in a court or tribunal, but bear in mind that this can prove costly. Before reaching tribunal stage, you must tell the Advisory, Conciliation and Arbitration Service (Acas) that you intend to make a claim. You'll be offered the chance to try and settle the dispute without going to court by using Acas's free 'Early Conciliation' service.