

Discrimination Fact Sheet For Employers

The recently enacted Equality Act 2010 now covers discrimination of employees. As well as undermining employee's motivation and morale, illegal discrimination can lead to employee grievances. If a discrimination claim is made by an employee to an employment tribunal, it may result in damages, bad publicity for the company and a distraction for all involved.



What is classified as Illegal discrimination?

Racial and Sexual discrimination has long been covered under discrimination law. These include discrimination on the grounds of the protected characteristics under the Employment Rights Act 1996.

More recently, age discrimination and disabled people both in terms of employment and as customers have fallen under discrimination law.

Discrimination concerning an employees religious or philosophical beliefs is also illegal under statute and also including discrimination against those undergoing gender reassignment.

Are there exceptions to the discrimination law?

Discrimination allows for very few exceptions to the law, however; to promote lowly-represented groups into the workforce or where there is a genuine occupational qualification to a role, advice should be sought from an employment lawyer to avoid potential claims for illegal dismissal.

Types of discrimination

When you discriminate against someone because of who they are, that is direct discrimination, for example if you decide not to hire an employee based on ethnicity.

Indirect discrimination must also be avoided, which involves applying unnecessary conditions that are most likely to discriminate, for example demanding that all job applicants must be a minimum of six

six tall (more likely to increase the numbers of male applicants).

Employers can be held responsible for their own employee's discrimination. Therefore the importance of raising awareness of illegal discrimination is imperative especially when concerning racist remarks or sexist jokes.

How employers should deal with discrimination

At every stage of recruitment discrimination can occur: training selection or financial promotion, applying disciplinary procedures, dismissals and redundancy. Employers need to ensure that their procedures and policies are objective as opposed to subjective and that they focus solely on job requirements and performance of employees. The Equality Act requires employers to make any reasonable adjustments to enable disabled employees to work. Providing suitable equipment or changing work policies would be a good example.

A code of practice should be publicised within the workplace, making discrimination a clear disciplinary offence and that it is unacceptable in the workplace. If required, senior staff should undertake training to lead by example to all employees. At all times the companies grievance procedure should be followed closely and any alleged counts of racism should be investigated thoroughly and not disregarded.

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