



# Discrimination in the Workplace

The law prevents people from being discriminated against on the grounds of:-

- Disability
- Race
- Sex (and pregnancy)
- Sexual Orientation
- Religious Beliefs
- Age

### What is Discrimination?

It is unlawful for employers to discriminate against current or prospective employees on any of the above grounds.

### Equal Opportunities Policy

Although this is not something that is required by the law it is recommended that all employers should have in place an equal opportunities policy to address fairness at work and should also have an action plan to ensure that the policy is revisited from time to time. The policy will enable an employer to show to their employee, potential recruits and customers that they are serious about fairness and it will help employees understand their responsibilities to their colleagues and customers. The policy will also help an employer comply with the law.

### Sex Discrimination

The Sex Discrimination Act 1975 (SDA) prohibits sex discrimination against individuals in the area of employment, education and the provisions of goods, facilities and services and in the disposal or management of premises.

The Act applies to women and men of any age and applies in relation to job adverts, opportunities within a job i.e. promotion, pay, harassment or victimisation. Discrimination can be direct or indirect. Certain dismissals may also be considered to be unfair if they are related to for example pregnancy or maternity. This would also be sex discrimination.



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## Disability Discrimination

The Disability Discrimination Act 1995 deals with discrimination against disabled people in the areas of employment, provision of goods, facilities and services and premises, education and public transport.

An employer who does not make reasonable adjustments within the workplace to accommodate a disabled employees needs might be found to be discriminating against the employee. A disabled employee who is on sick leave may need particular consideration when an employer attempts to facilitate the employees return to work or thinks about dismissing the employee.

## Race Discrimination

The Race Relations Act 1976 makes it illegal to treat a person less favourably than others on racial grounds. These cover grounds of race, colour, nationality (including citizenship), and national or ethnic origin.

## Sexual Orientation

From 1st December 2003 the Employment Tribunal (Sexual Orientation) Regulations 2003 came into force, making it unlawful for employers to discriminate or harass a person on the grounds of sexual orientation.

## Religion or Belief

From 1st December 2003, the Employment Equality (Religion or Belief Regulations 2003) came into force. These regulations prohibit discrimination on the grounds of religion or belief in the employment field.

## Age

The Employment Equality (Age) Regulations 2006 came into force on 1st October 2006, introducing a new statutory procedure employers must follow when they intend to retire employees. The regulations introduce retirement as a potentially fair reason for dismissal. The regulations also outlaw discrimination on the grounds of age. The regulations apply to all age groups and so old and young employees alike are afforded protection from discrimination on the grounds of age.

## Compensation

An employee who succeeds in a discrimination claim before a Tribunal will be awarded compensation for loss of earnings and also injury to feelings. The Tribunal has no ceiling on the amount of compensation that they can award although recent legislation has set bands within which compensation would expect to fall. This has limited compensation awards in some cases.



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## Our Costs

We will advise you as to the best way to fund your advice including no win no fee, fixed fees, hourly charges or legal expense insurance. We can give you advice about discrimination including help with preparation of an equal opportunities policy or other policies and procedures, advice on pursuing or defending a claim.

## Watson Esam can also help you with

- Business law
- Employment law
- Family law
- Personal injury
- Claims and disputes
- Debt recovery
- Professional negligence
- Contested probate
- Bankruptcy
- Insolvency
- Property matters
- Charities and voluntary organisations
- Wills and trusts
- Probate
- Inheritance tax planning
- Powers of attorney



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