

Discrimination

Types of discrimination:

- **Direct** – Direct discrimination occurs when one person is treated less favourable than another is, has been or would be treated in a comparable situation. it can be blatant or subtle but simply means a difference in treatment simply because of sex/ gender race, age, religion or disability.
- **Indirect** – This occurs where a provision, criterion or practice puts a person or particular group at a particular disadvantage and the employer cannot show that the apparently neutral provision, criterion or practice is a proportionate means of achieving the aim that the provision is aimed at achieving.
- **Victimisation** – Occurring where a person is treated less favourable than another or suffers a detriment because they have brought proceedings under one of the anti-discrimination laws, given evidence in a tribunal, complained internally of discrimination or assisted someone else in their complaint.
- **Harassment** – Where unwanted conduct occurs which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- **Sex Discrimination** – The sex discrimination act 1975 makes discrimination unlawful on the grounds of an individual's:
 - Gender
 - Married status
 - Civil partnership status
 - Gender reassignment
 - Pregnancy or maternity leave

- **Race discrimination** – The Race Relations Act 1976 makes discrimination unlawful on the grounds of:
 - Race
 - Colour
 - Nationality
 - Ethnic origin
 - National origin

- **Disability discrimination** – The Disability Discrimination act 1995 makes it unlawful to discriminate either directly on the grounds that a person has a particular disability, or for a reason relating to a person's disability. The definition of a disability within the DDA is : A physical or mental impairment that has a substantial or long term adverse effect on his or her ability to carry out normal day to day activities.
- **Sexual orientation discrimination** – The Employment

Equality regulations 2003 make discrimination unlawful on the grounds of sexual orientation.

- **Religion or belief discrimination** – The Employment Equality Regulations 2003 make discrimination unlawful on the grounds of religion or belief, which is defined as any religion, religious belief, or similar philosophical belief. The very broad definition of religion or belief used in the regulations mean that minority, fringe or cult beliefs would be covered. Discrimination on the grounds of mistaken perception of someone's religion or belief is also covered.
- **Age discrimination** – The provisions of the Employment Equality Regulations 2006 prohibit discrimination and harassment on the grounds of age in recruitment, employment, termination of employment and post employment. There is no minimum or maximum age for individuals to be protected, although employers may seek to justify both direct and indirect age discrimination in certain defined circumstances.

Age discrimination 2006 regulation seek to outlaw discrimination in the areas of employment, vocational training and occupational pensions. Aims to provide protection for the following categories of individuals:

- Employees and former employees
- Workers
- Applicants for work
- Office holders

Individuals undertaking or applying for employment related training

Employers are required to advise staff within the first six months of the year in which the person would retire, of their right to request that they work beyond retirement age. A retirement age contained in an employee's contract of employment or policy handbook is not sufficient to meet this requirement. Failure to issue this notice could result in the employer being liable to pay eight weeks salary as compensation.

The age discrimination law affects all employment decisions from recruitment to dismissal, pay, redundancy, harassment and victimisation. It is therefore important that employers seek legal advice on any subject that relates to age.

The upper age limit on making unfair dismissal complaints and redundancy pay claims to tribunal has been removed.

Harassment on the grounds of age is now a discreet form of unlawful discrimination.