

Discrimination Guide

Overview

Composite Legal Expenses Insurance provides advice to thousands of businesses and individuals each year through its legal advice helpline. The vast majority of calls to the helpline come from businesses seeking help on employment related matters.

Our expert lawyers have used their years of experience dealing with these matters to create this guide for you to use as a reference tool. The guide gives a general overview of some of the main areas of discrimination in employment law.

The guide has been condensed as much as possible to make sure you only get an overview of the area, for that reason it should not be viewed as comprehensive or as a substitute for specific legal advice.

If you have the benefit of a legal expenses policy with us, then the guide can be used in addition to the advice we provide and you should contact our advisors for advice in relation to any specific situations.

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DISCRIMINATION

Discrimination

The **Equality Act 2010** makes it unlawful to discriminate against employees based on the following Protected Characteristics:

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

Discrimination can occur in a number of different ways, the most common are:

- *Direct discrimination*
This generally occurs when an employer treats one individual less favourably than another individual because of a Protected Characteristic.
- *Indirect discrimination*
This generally occurs where a provision, criterion or practice that applies to everyone, disadvantages a group of people who share a particular Protected Characteristic and that provision, criterion or practice cannot be justified as a proportionate means of achieving a legitimate aim.
- *Harassment*
This is generally unwanted conduct related to a Protected Characteristic that has the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- *Victimisation*
This is generally where an individual is subjected to a detriment because of a protected act, including making an allegation someone has breached the **Equality Act 2010**, or because that individual is believed to have done a protected act.

It is also worth noting employers are obliged to make '*reasonable adjustments*' for employees considered disabled under the **Equality Act 2010** and must not treat disabled employees unfavourably because of something arising from their disability, unless they can show that treatment is a proportionate means of achieving a legitimate aim.

Discrimination is a very complicated area and the above is simply an outline of general points that should be considered. Compensation for unlawful discrimination can be unlimited so it is important to seek specific legal advice if you have concerns about discrimination.