

Luton Advice Network Fact Sheet



What is discrimination?

Discrimination occurs when someone is intentionally or unintentionally treated unfairly, because they happen to belong to a particular group or have a particular characteristic. Many people have fixed ideas and prejudices about groups of people who are different from themselves; this can sometimes lead to discriminating against people who belong to those groups. In the United Kingdom, the law gives you protection against discrimination under the Equality Act 2010.

In what areas are you protected under the law?

What types of discrimination are against the law? (The Law covers 9 areas or protected characteristics)

- **Age**

It is against the law for your age to be the cause of less favourable treatment in your workplace or in vocational training. This protection will be extended to when you buy goods, facilities and services from 2012.

- **Disability**

If you have a physical, sensory or mental impairment, you have specific rights that protect you against discrimination. Employers and service providers are obliged to make reasonable adjustments for you.

- **Gender reassignment (Transgender)**

You are protected from discrimination if you are a transgender person whether you have had, intend to have or are currently having medical supervision or treatment for gender reassignment.

- **Marital status & Civil partnership**

You must not be treated unfairly because of your marital status or because you are raising a family

- **Pregnancy & Maternity**

Your employer cannot treat you less favourably than other workers because you are pregnant or sick due to pregnancy. You are also protected when you are on maternity leave and on returning to work.

- **Race**

Wherever you are born, wherever your parents come from, whatever the colour of your skin, you have a right to be treated fairly.

- **Religion & Belief**

Your religion, religion of other people, or not having a religion, should not interfere with your right to be treated fairly at work, at school, in shops or while using public services such as health care and housing.

- **Sex**

Women and men - people should not be treated unfairly because of their gender.

- **Sexual orientation**

Whether you are gay, lesbian, bisexual or straight should not put you at a disadvantage during your employment or when you buy or use goods and services.

Continued over...

***This factsheet is a guide. You think you have been discriminated against? Please contact:

Luton Rights: 15, New Bedford Road, Luton, LU1 1SA T: 01582453372

Luton Law Centre: 6th floor Cresta House, Alma Street, Luton LU1 2PL T: 01582480745

Luton Citizens Advice Bureau: 24-26 King Street, Luton LU1 2DP T: 08442451285

OR visit our website - www.lutonadvicenetwork.org.uk

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Methods by which discrimination occur

Direct discrimination

This means someone is treated unfairly compared to someone else in the same or similar circumstances, and this is because of their race, age, sexual orientation, disability, sex, marital or civil partnership status or religion or belief. For example, if an employer refuses to hire someone just because they are a woman. This is likely to be direct sex discrimination.

Indirect discrimination

This is a requirement (or rule) that is the same for everyone but has an effect or result that is unequal and unreasonable. For example, an employer who says that they need a person over 6ft tall to do a certain job could be indirectly discriminating against women and some ethnic groups. Individuals could claim indirect sex or race discrimination if they could show that the job does not really need someone that tall to do it. ***Indirect discrimination can be justified if it can be shown that the rule, policy or practise is intended to meet a legitimate objective in a fair, balanced and reasonable way. Indirect discrimination applies to all protected groups except pregnancy and maternity.***

Harassment

Unwanted conduct that violates dignity, or creates an intimidating hostile, degrading, humiliating or offensive environment.

Victimisation

It is against the law for anyone to hassle or victimise you or treat you unfairly because:

You have complained to your employer or another person about discrimination or harassment

You have taken legal action; or

You have supported someone with a discrimination or harassment complaint or

Acted as a witness in a discrimination or harassment case

You can lodge a separate complaint of victimisation if you have been victimised because you have made a discrimination or harassment complaint.

Association

It is against the law for a person to receive unfair treatment because of being closely associated with a person with a 'protected characteristic'. For example, if an employer will not make adjustments for someone who has 'caring' responsibilities for a disabled relative.

Perception

Discrimination resulting from 'perception' of a protected characteristic: for example an employer assumes that a person is gay and treats them less favourably. Even though they are actually heterosexual, they would still be protected under the Equality Act.

When are you protected?

You are protected against discrimination in the following circumstances:

When applying for a job (before employment)

During employment

After employment (e.g. when your previous employer is giving your new employer a reference about you)

When you are buying goods from shops, or accessing services such as buses

You are also protected when you are using services provided by the government such as the NHS, your Doctor's surgery, hospitals, schools, housing department services, Police and the like.

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