



## Discrimination

The law in the UK protects people from discrimination. If you have come to visit or work in the UK, you are also protected.

Discrimination comes in many forms. You might experience **direct discrimination** because of who you are. You might experience **indirect discrimination** from rules that put people like you at a disadvantage. You might experience **harassment** or **victimisation**.

The law that covers discrimination is called the **Equality Act 2010**. It sets out nine *protected characteristics* that we all have. It is against the law to discriminate against people because of these characteristics.

The **nine protected characteristics** are:

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

## Types of discrimination

There are **four** main types of discrimination.

### Direct Discrimination

This is the obvious kind of discrimination - treating one person worse than another person because of who or what they are. For example:

- if you are not given a pay rise like other workers because you have a disability
- if you are sacked because you are pregnant.



## Indirect Discrimination

This can be more difficult to recognise. If your employer makes a rule at work that affects everyone but puts someone at a disadvantage because of who or what they are, it can be indirect discrimination.

An example of indirect discrimination would be if training is only offered to full-time workers and not part-time workers. Most part-time workers are women so this could be sex discrimination.

## Victimisation

If you have complained of discrimination or helped a colleague who has complained about discrimination and you are **targeted or treated worse than other colleagues as a result**, this would be victimisation.

It could include your employer giving you a bad reference after you have left, particularly if your work and conduct had been good. Victimisation is unlawful and you can make a claim to a tribunal.

## Harassment

Harassment takes place when people treat you in a way that violates your dignity, or creates a hostile, degrading, humiliating or offensive environment. It includes verbal abuse, suggestive comments and physical contact. For example, other workers making comments or jokes about your nationality or religion.

### Sexual harassment

Sexual harassment is when someone behaves in a way which makes you feel stressed, intimidated or offended and the behaviour is of a sexual nature.

Sexual harassment can include:

- sexual comments or jokes
- physical behaviour, including unwelcome sexual advances, touching and various forms of sexual assault
- displaying pictures, photos or drawings of a sexual nature
- sending emails with a sexual content.

## Discrimination at work

Employees are protected from discrimination at all stages of employment, including:

- recruitment, including how positions are advertised and how interviews are conducted
- being offered unfair terms and conditions of employment, for example, pay below the National Living/Minimum Wage
- being denied training opportunities, promotion, transfers, performance pay or other employment-related benefits
- being unfairly dismissed, moved to a lower position in the company, or made to change the conditions of your employment, for example, if your boss stopped giving you any shifts or is refusing to pay you.



If you have to complain about any of these circumstances, it must be because of a **protected characteristic**. It is always worth getting advice on what you can do.

Employers are responsible for the actions of their staff. It's up to your boss to show that they took all steps possible to prevent other workers from discriminating against you. So, as long as you tell your boss that there is a problem, it's up to them to put a stop to it.

## Discrimination in housing

Discrimination in housing is illegal in the UK. Landlords and agents **cannot** refuse potential tenants because of a **protected characteristics** (*age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation*).

Landlords are probably breaking the law if they discriminate against someone because of a **protected characteristics** by:

- refusing to let a property
- renting a property to you on worse terms than other occupants
- treating you differently from other occupants in the way you are allowed to use facilities such as a laundry or a garden
- making you pay a higher rent than other occupants
- refusing to carry out repairs to your home
- refusing to make reasonable changes to a property or a term in the tenancy agreement which would allow a disabled person to live there.

A **council** or **housing association** is probably breaking the law if they discriminate against someone because of a **protected characteristics** by:

- refusing to accept a homeless application from you (unless you aren't eligible to apply)
- refusing to put your name down on their housing waiting list, or putting you lower down the list than other people in the same situation as you
- allocating you poorer properties
- always housing people with certain protected characteristics in the same areas, without offering them the chance of living anywhere else (this is known as **segregation**).

**Race discrimination**, for example, could be indirect. If a landlord sets a condition on a tenancy that would exclude significantly more people from one ethnic group than others, they are breaking the law. For example, not accepting identity cards from European countries as proof of identity or refusing to take anyone who has not been resident in the UK for more than five years is illegal.

The rules about discrimination generally don't apply if your landlord lives in the same property as you. However, if your landlord does live in the same property as you, they **must not discriminate against you because of your race**.

## Immigration checks

Landlords are now required to ask new tenants about their immigration status. They can be fined up to £1,000 for each person if they rent to someone who has no right to reside in the UK.

If you are from a European Economic Area (EEA) country, you will need to show proof.



Landlords and agents cannot discriminate in applying these rules. This means that they must check everyone's documents, not just people who might look like new migrants (for example, because of their colour, accent, and ability to speak English).

You can check which documents are accepted as evidence of the right to rent here:

• <https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>

## Harassment

Harassment by a landlord is a **criminal offence**.

It could be, for example, removing services such as gas or electricity, interfering with your post, threatening you or allowing your home to get into such a bad state of repair that it's dangerous for you to stay.

If your landlord is harassing you, you can call the police, or report the matter to the **Tenancy Relations Officer** of the local authority, or speak to an independent organisation such as the **Citizens Advice Bureau**.

## Illegal eviction

Your landlord must follow the correct procedures to evict you from your home.

Landlords need a lawful reason to evict you before the end of a contract and they cannot act in a way that is discriminatory.

It almost always counts as illegal eviction if your landlord:

- forces you to leave by threatening or harassing you
- physically throws you out
- stops you from getting into certain parts of your home.

### Dealing with an illegal eviction

If you believe that you have been discriminated against, it is important to get all the information you can about what has happened and to act quickly:

- Call the police if your landlord is violent or threatens violence towards you or anyone you live with.
- Contact your local council to ask for help. It can prosecute your landlord for illegal eviction and harassment.
- Get free legal advice and help (see Useful contacts below).

## Discrimination in health and care services

All health and care providers have a duty not to discriminate against you.

**Examples** of unfair treatment when you receive health or care services:

- you're refused cancer treatment because of your age
- you can't register with a GP because you're a Gypsy or a Traveller
- you find it difficult to communicate with hospital staff because the hospital doesn't provide interpreters for deaf people



- a private care home refuses to accept you because you're gay
- a social worker is verbally abusive towards you because you're a transsexual.

## What can you do if you've been discriminated against?

It's often best to try to resolve your problem informally first. It may stop the problem getting worse and avoid the expense of taking legal action. There are, however, strict **time limits** for taking **legal action**. So it's best to act as soon as possible.

- You can make an **informal complaint** first to the healthcare or care provider. This could be to the person who discriminated against you or the organisation who employs them.
- If the problem isn't resolved informally, you can make a **formal complaint**. You can complain to the healthcare or care provider directly using their complaints procedure.
- After this (if it doesn't work) you can take your complaint to other independent organisations like an **ombudsman**: <http://www.ombudsman.org.uk/make-a-complaint>

## Discrimination and benefits

The **Department for Work and Pensions (DWP)** and **Jobcentres** mustn't discriminate against you when they make decisions about your benefits.

**Examples** of unlawful discrimination:

- giving you an appointment at your local Jobcentre at a time when it's difficult to attend because of any medication you take
- not giving you proper help if applying for jobs is difficult for you because of a disability.

The Department for Work and Pensions and Jobcentres must do all they can reasonably be expected to do to find out if a person has a disability. You should tell them about the difficulties you face when using the service. It is up to them to find the answer and decide if it is reasonable for them. If they ask you about your disability, they should consider issues of dignity and privacy and make sure that personal information is dealt with confidentially.

## Dealing with discrimination

If you believe someone has unlawfully discriminated against you or harassed or victimised you, there are three things you can do:

- firstly, complain directly to the person or organisation
- ask someone else to help you sort it out
- make a claim in court.

## Making a claim in court

When you make a discrimination claim, you need to show the court evidence that you've been treated unfairly and that the reason you've been treated unfairly is because of a **protected characteristic** (*age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation*).



You don't have to have complained directly to the person or organisation before going to court but it may be a good idea.

Making a claim in court may be demanding on your time and emotions, and may also be costly (especially if you don't win). There may be better ways to sort out your complaint - you should always **get legal advice** before making a claim.

If you do decide to make a claim in court, you need to tell the court within 6 months (or 3 months for employment cases) of what happened.

If you win your case, the court may order the discrimination to end and the people who discriminated against you to pay compensation for any losses and a sum for injury to feelings. You may be made an offer to settle the case before it gets to court.

If you think you have been the victim of discrimination, get advice:

- The **Equality Advisory and Support Service** has a free helpline on ☐ 0808 800 0082 which can provide advice.
- The **Equality and Human Rights Commission (EHRC)** provides information and guidance for people who believe they may have suffered discrimination. ☐ 0808 800 0082
- You may be able to get legal advice about discrimination from a solicitor through **Civil Legal Advice** or a **Law Centre**: ● [www.lawcentres.org.uk/i-am-looking-for-advice](http://www.lawcentres.org.uk/i-am-looking-for-advice)

## Alternative Dispute Resolution

Alternative dispute resolution (ADR) includes things like mediation, conciliation or arbitration. This is where people on different sides of a dispute use an independent professional, called a mediator, conciliator or arbitrator, to help them find a solution to a problem. If you want to take legal action, the courts will want to know if you have considered the use of ADR as court action should be a last resort.

**Equality Advisory Support Service (EASS)** can help you find a mediator or conciliator: ☐ 0808 800 0082

## Reporting hate crime

Hate crime is abuse such as name-calling, threats of violence or physical attacks. It might be directly to you, by phone and text messages or online (for example, on Facebook or Twitter). It might be done to you or to your home or other property. It could be malicious complaints, for example over parking, smells or noise.

Hate crime is under-reported. By reporting disability hate crime you are helping your local police to get a better picture of disability hate crime in your area.

### Ways to report hate crime

- In an **emergency** call 999 or 112.
- Contact your **local police**. Call 101 or visit your local police station.
- Report it **online**:
  - [http://www.report-it.org.uk/your\\_police\\_force](http://www.report-it.org.uk/your_police_force) (England)
  - <http://www.hatecrimescotland.org/report-it/centres/> (Scotland)
  - <http://www.reporthathe.victimsupport.org.uk/> (Wales)



- Get help from organisations such as **Citizens Advice Bureau**, **Community Voluntary Services** or **Stop Hate UK** (☐ 0800 138 1625 – only covers certain parts of the UK)
- **Crimestoppers** (free, confidential reporting service):
  - [www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)
  - ☐ 0800 555111

## Getting other help

- Self-help website: • <http://www.equalityadvisoryservice.com/app/help>
- Useful guide to equality and discrimination by Acas:
  - <http://www.acas.org.uk/index.aspx?articleid=1363>

## Useful contacts

### Shelter

Shelter is a charity providing advice about housing and homelessness:

☐ 0808 800 4444

England: • [http://england.shelter.org.uk/get\\_advice](http://england.shelter.org.uk/get_advice)

Scotland: • <http://scotland.shelter.org.uk/>

### Law Centres

**Law Centres** give legal advice to people who cannot afford a lawyer. You can find one in your area here: • <http://www.lawcentres.org.uk/i-am-looking-for-advice>

### Citizens Advice Bureau

- England: ☐ 03444 111 444: • [www.citizensadvice.org.uk/index/getadvice.htm](http://www.citizensadvice.org.uk/index/getadvice.htm)
- Scotland: ☐ 0808 800 9060: • <http://www.cas.org.uk/>

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