



We know that **The Equality Act 2010** makes it unlawful to **discriminate** against any 'protected characteristics' but what exactly is discrimination?



That is not to say you cannot discriminate.

Age is a good example of where you may be able to justify discrimination, known as a 'genuine occupational requirement'. You need to be over 18 to serve alcohol and actors *can* be selected to play certain roles - Harry Potter would not work played by a 50 yr. old, nor would Daniel Radcliffe have worked playing Dumbledore, but that is not to say all roles are like this. There is no reason why Doctor Who couldn't be played by a woman!

Firstly, discrimination is not necessarily a bad thing. Simply put it is 'to tell the difference'. We discriminate between right & wrong (hopefully!) and in recruitment we have to discriminate between applicants to find the best person for the job. When it is wrong is when, by 'discriminating', we disadvantage certain of groups of people who have a protected characteristic (PC) and by doing so, limit their access to opportunities and services.

**Indirect Discrimination** is a bit trickier as it is not always obvious. It happens when an organisation puts a rule or a policy, or a way of doing things in place which applies to everyone, but has a worse impact on someone with a protected characteristic than someone who doesn't.



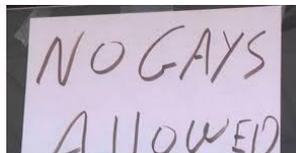
### Avoiding Discrimination.....

To avoid discriminating we need to understand the 'types' of discrimination and how, perhaps even unintentionally, actions and behaviour can have the consequence of treating one group 'less favourably' than others.

Often it won't appear to be anything to do with a protected characteristic. Training given only to full-time employees seems acceptable but, as more women work part-time, is likely restrict *their* access to the opportunities gained from training. Tests or requirements to speak a level of English, when the job doesn't require it, would be **indirect race discrimination**, disadvantaging those whose first language is not English.

The main types are **Direct Discrimination** and **Indirect Discrimination**. We will start with the most obvious type of discrimination.

**Direct Discrimination** means 'treating someone less favourably' than someone else because of a protected characteristic.



This could be as obvious as that sign singling out a sexual orientation, but not all Direct Discrimination is so obvious and often it can appear to be legitimate, especially in recruitment adverts.

In the advert above what is directly discriminatory? Do you think it can be justified?

Often in recruitment we see 'criteria' stipulated to match skills and attitudes to a certain job role and this is fine, but in this case what does being 25 years old offer here? Answer...Nothing! It is discrimination based on age. Even if it said '5 years' experience' they may still be open to claims of discrimination, as any role still needs to be able to 'justify' asking for that level of experience. Much better to ask for particular skills needed for that role – cash handling, customer service etc.

Who could be affected by a minimum height requirement?

Answer: females, as well as certain races of people that tend to be shorter

Not only is it unlawful to discriminate by a PC but it is also unlawful to discriminate by **association**. So it would still be religious discrimination against you if your partner is a Muslim even though you are not. Or you are **perceived** as being something and suffer discrimination so, as in the 'No Gays Allowed' sign, so you are with gay friends, you aren't gay, but you are also refused entry.

It isn't just in the workplaces that these rules apply, employers, businesses and organisations which provide goods or services, education and transport services, public bodies like government and local authorities etc. all need to follow the law as well.

If you would like more information visit the Equality and Human Rights Commission <https://www.equalityhumanrights.com/en/advice-and-guidance>. If you feel you are being discriminated against at work <http://www.acas.org.uk/> is a good website