

## Employment Fact Sheet: Race discrimination at work

### What can I do if my employer treats me unfairly because of my race?

It's against the law for someone you work for to treat you less favourably than other workers because of:

- your race
- your colour
- your nationality
- the country you come from originally
- your ethnic origins.

It's also against the law for you to be treated less favourably because of someone else's race, colour, nationality, country of origin or ethnic origins. For example, you should not be treated less favourably because your partner is black or Jewish.

'Ethnic origins' includes Jewish people, Romany gypsies, members of the Irish traveller community and Sikh people. It isn't necessary for you to actually belong to one of these groups for discrimination to take place. It still counts as discrimination if someone discriminates against you because they think you belong to a particular ethnic group.

If you're Muslim, this doesn't count as an ethnic group. However, there is action you can take if you're being treated unfairly at work because of your faith or religious belief - see end of fact sheet for more details.

Discrimination can be either direct or indirect. An example of **direct discrimination** would be refusing to employ you, not offering you promotion or dismissing you because you're black.

**Indirect discrimination** is where someone you work for has rules, policies or practices, which, though not aimed at you directly, put you, or would put you, at a disadvantage because of your race. An example would be someone advertising a job that you can apply for only if you've got UK qualifications. Indirect discrimination can be justified if it can be shown to be an unavoidable business need.

Discrimination at work because of your race could include:

- denying you opportunities at work for development, promotion, or other benefits
- dismissing you
- harassment
- refusing to give you a reference, or giving you an unfair reference when you leave your job
- treating you differently, for example, not offering you training which is offered to other staff on the same grade as you.

## Racial harassment

It's against the law for someone to harass or bully you at work because of your race. The person harassing you may be your employer or a colleague. Someone is harassing you if you find their behaviour towards you offensive, frightening, degrading, humiliating or in any way distressing. Harassment is against the law whether it's intentional or not. For example, someone could be teasing or calling you names without meaning to be horrible. If you find it upsetting, it's against the law.

## What can I do if I'm being treated unfairly or harassed at work?

If you are being treated unfairly or harassed at work, take action as quickly as possible:

- **get advice.** A Citizens Advice Bureau may be able to help or refer you to a specialist. Details of how to find your nearest CAB are at the end of this fact sheet
- If you're being harassed, **ask the person to stop.** Only do this if you feel it is safe. You may find it helpful to have a colleague or trade union representative with you when you do this
- **tell your manager** that you're being harassed or discriminated against. Put it in writing and keep a copy. Your employer is required by law to try to prevent the harassment. If the person harassing you is your manager, tell someone higher up in the organisation
- **talk to your personnel department or trade union.** They might be able to help you stop the unfair treatment or bullying
- **collect evidence.** This could include keeping a diary or record of the time, date and location of any incidents, what was said or done, if there were any witnesses and evidence of any similar incidents against other colleagues. Record the names and jobs of those you think are treated more favourably than you, or details of the rule or policy that puts you at a disadvantage and why
- the law allows you to ask your employer to provide information through a **questionnaire** procedure. This can help you get information to support your case. Get advice early on as there are strict time limits for this procedure.

## Making a formal complaint

If the unfair treatment or harassment doesn't stop, you may need to make a formal complaint. This is called **raising a grievance** and it must be in writing. All workplaces are required by law to have a grievance procedure. Your trade union or an adviser can help. The law can help protect you against victimisation. However you need to be aware that taking out a grievance or making a complaint could put your job at risk or make your life at work even more uncomfortable. If you think that taking out a grievance would put you at risk of violence or further harassment, get advice.

## Taking your case to an industrial tribunal

If you haven't been able to solve your problem through raising a grievance, you may have to complain to an **industrial tribunal**. You must have raised a written grievance with your employer before you do this. Industrial tribunals resolve disputes between employers and employees over employment rights, including discrimination at work.

You don't need to have worked for your employer for any particular length of time before you can make a claim for discrimination. If you have been dismissed, you may also be able to make a claim for unfair dismissal. You will need to **prove your case** – that's why you need to collect the information and evidence suggested earlier. You can ask your employer to provide information through a **questionnaire** procedure. This can help to support your case.

The Labour Relations Agency (LRA) offers a conciliation service in Industrial Tribunal complaints. If your complaint cannot be resolved by you and your employer through conciliation it will go on to a tribunal hearing. The tribunal is a panel of up to three people who will consider all the arguments, make a **legally-binding decision** and award **remedies**, for example **compensation**.

If you're considering complaining to an industrial tribunal, get advice straight away. There are strict time limits for taking a discrimination case to an industrial tribunal, so don't delay.

### **Other legal action you can take against racial harassment**

If you are being racially harassed, there may be legal action you can take besides going to an industrial tribunal. You will need to get advice about this.

## **What happens if I am victimised for complaining about discrimination at work?**

If you complain about discrimination or harassment at work because of your race or ethnic background, you have some protection in law. For example, your employer can't victimise you because you have:

- encouraged a colleague to complain about unfair treatment or bullying
- given evidence in a colleague's case
- complained about unfair treatment or harassment against you.

Examples of victimisation could include:

- being labelled a trouble-maker
- being denied promotion or training opportunities
- being ignored by your work colleagues.

If your employer victimises you because you've been involved in a complaint about unfair treatment or bullying at your workplace, you can make a claim for **unlawful victimisation** to an **industrial tribunal**. You must raise a **written grievance** with your employer before you do this. If you're thinking about making a claim to an industrial tribunal, talk to an experienced adviser straight away.

## Other types of discrimination

As well as discrimination because of your race, you could be treated unfairly for other reasons, for example, because of your age, religious belief and/or political opinion, sex, disability or sexuality.

If you think you've been treated unfairly for more than one reason, make sure you raise all the issues if you make a complaint.

## Further help

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk) or look under C in your phone book.

### Equality Commission for Northern Ireland

You can find information about all types of discrimination from the Equality Commission for Northern Ireland. The advice service is free and confidential. Contact the enquiry line on **028 90 890 890** or visit the website at [www.equalityni.org](http://www.equalityni.org).

### LRA

The Labour Relations Agency (LRA) operates an Enquiry Helpline which provides information and advice about employment issues. Contact the Enquiry Helpline at **028 9032 1442**.

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