



Discrimination

Discrimination in the workplace is based on certain prejudices and occurs when an employee is treated unfavourably because of gender, sexuality, race, religion, pregnancy and maternity or disability.

If you treat someone differently because they possess different characteristics to other members of staff you could be acting unlawfully. Direct discrimination occurs when someone is treated less favourably than other employees. For example, the employee has the qualifications to do the job but you turn them down because you think they might want to start a family soon.

Direct discrimination can also occur when you pay someone less than other employees for no good reason, you select particular workers for redundancy based on protected characteristics, you don't make reasonable adjustments for a disabled worker, you sack someone for making allegations of discrimination or you unfairly reject a request for flexible working from a new parent.

Indirect discrimination occurs when certain rules or regulations put certain staff members at a disadvantage. For example, if you insist all workers should work Sundays, this could be seen as discriminating against Christians who consider it a day of worship.

The Equality Act 2010 and protected characteristics

The Equality Act 2010 brought together a number of pieces of separate legislation under one banner and strengthened the laws around discrimination. In the Act, nine protected characteristics are listed:

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



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If you do discriminate against your employees on one of these grounds, then they can make a complaint against you or even take their case to court.

Steps employers can take to ensure they aren't discriminating

As an employer, you need to be proactive in preventing discrimination if you want to stay on the right side of the law.

Recruitment

Avoiding discrimination starts before you even employ someone. Make sure your advert doesn't discriminate by using particular terms e.g. Office girl could imply only women should apply. Only use other terms like "highly experienced" when they are an actual job requirement or you could be discriminating against someone who hasn't had the chance to gain any experience yet. You also need to ensure all candidates are treated the same – ask them the same set of questions and avoid questions which fall under the protected characteristics such as asking someone if they plan to start a family soon.

Policy

Create an equal opportunities policy. This should lay out the protected characteristics, direct and indirect discrimination and what behaviour is and isn't acceptable at work. It will form the foundation of a safe and respectful workplace for your employees and can significantly reduce the risk of you inadvertently discriminating against staff by helping staff to understand their rights and responsibilities. By having such a policy in place you are already showing them you are a caring employer who believes in equal opportunity and will make sure they are all treated fairly.

Education

Educate your workers about discrimination and let them know what your policy on it is. Include details of it in their contract of employment and employee handbook if you have one. Discrimination training can also form part of your onboarding process so employees are aware right from the start of the dos and don'ts.

Respect

As part of the company culture you should encourage your staff to respect each other's differences.



Deal with complaints fast

If someone does complain of discrimination you should deal with it quickly and confidentially. Make sure you have a robust complaints procedure in place so staff feel they are listened to and that differences are respected in their workplace.

Training

As well as having general discrimination training as part of the onboarding process for new employees, train your managers and supervisors to spot cases of discrimination and how to respond to them.

Enforcement

It's great having a workplace policy on discrimination but not if you only pay lip service to it. You have to make sure it is properly enforced and your staff feel confident in its validity.

Review

Regularly review your policy to make sure it is working effectively and make changes where necessary.

Ethical Discrimination in the Workplace

It's never ethical to discriminate in the workplace. In the United States, however, discrimination against people based on their ethnicity, racial or cultural orientation is strictly forbidden under federal and state laws in all sectors, including the employment sector. According to research conducted by the National Conference for Community and Justice, approximately 70 percent of Americans accept that there are racism issues in the workplace. Ethical discrimination may result in the breeding of ill feelings at work, as well as reduced productivity. To eliminate these ramifications, small-business owners need to put forth increased effort in curbing ethical discrimination in the employment sector.

Discrimination Policies

1. Discrimination based on a person's ethnicity, race or culture may manifest itself in a number of ways in the workplace. For example, when the policies for a business discriminate against persons of certain ethnicities or races, or when an individual receives unequal treatment due to his ethnicity, this is known as disparate impact and disparate treatment, respectively. This may include grouping employees based on race and having differing standards on



DEPARTMENT OF COMPUTER SCIENCE AND ENGINEERING

promotions, punishment, and hiring and placement of employees based on ethnicity, race or cultural orientation.

Employment Discrimination Laws

1. Federal and state laws prohibit discrimination in the workplace under Title VII of the Civil Rights Act. The United States Equal Employment Opportunity Commission is in charge of overseeing the enforcement of the rules and regulations governing this act, which specifies that employers should award equal opportunities to all their employees regardless of their race or ethnicity. Additionally, the Civil Service Reform Act supports the Civil Rights Act through a provision that forbids punishment of an individual who reports ethnic discrimination acts.

Discrimination Reports

1. An individual who suffers workplace discrimination based on her ethnicity can report these actions through the Equal Employment Opportunity Commission office for proper address. She must file a charge of discrimination stating the nature of the discrimination act, her contacts and her employer's contacts. She may also consult a lawyer to direct her on legal actions.

Compensation for Discrimination

1. The Equal Employment Opportunity Commission investigates the alleged discrimination issue and decides whether to settle the claim with the parties or present the case in court. Once the commission or the court rules in favor of an employee in a discriminatory case, it determines the compensation to be awarded to the employee. This may be in the form of payment fees, job hiring and placement, reinstatement or a promotion. In cases where the plaintiff suffered emotional distress or monetary expenses such as medical fees for stress-related issues --- e.g., high blood pressure --- the court may award damages. The court may also issue an order to the employer to design an exercise in the workplace to address discrimination practices and prevent retaliation against the employee by individuals who took part in discriminatory actions.