

Discrimination at work

Discrimination and the Equality Act 2010

Discrimination law (Equality Act 2010) protects people against discrimination at work.

It's important to understand what the law says about discrimination, so everyone knows their rights and responsibilities.

What discrimination means

Discrimination means treating someone 'less favourably' than someone else, because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

These are called 'protected characteristics'.

Less favourable treatment can be anything that puts someone with a protected characteristic at a disadvantage, compared to someone who does not have that characteristic.

There's no legal definition of 'putting someone at a disadvantage'. But it might include:

- excluding someone from opportunities or benefits
- making it harder for someone to do their job
- causing someone emotional distress
- causing someone financial loss

It can still be discrimination even if the less favourable treatment was not intended.

For pregnancy and maternity, discrimination means treating someone 'unfavourably'. There's no need to compare with how someone else is treated.

When less favourable treatment might not be discrimination

Sometimes, less favourable treatment can be justified and is not unlawful discrimination.

For example, an employer might be able to use:

- positive action – to help a disadvantaged or underrepresented group
- objective justification – when an employer can prove a legitimate need for less favourable treatment
- a disability exception – to specifically recruit a disabled person without the risk of disability discrimination
- occupational requirement – recruiting someone with a certain protected characteristic to do a particular job

Find out more about:

- [using protected characteristics to make decisions](#)
- [using protected characteristics in recruitment](#)

Who is protected by discrimination law

The Equality Act 2010 protects the following people against discrimination:

- anyone who works for an employer
- contractors and self-employed people hired to personally do the work
- job applicants
- former workers

Who is responsible for discrimination

The main responsibility for discrimination at work lies with employers.

By law, all employers must:

- make sure they do not unfairly discriminate in any aspect of work
- take steps to prevent discrimination
- do all they reasonably can to protect people from discrimination by others
- look after the wellbeing of their workers – this is called a 'duty of care'

Not doing these things could cause harm and distress, and could result in discrimination complaints and employment tribunal claims.

Employers can be held responsible for the actions of their workers. This is called 'vicarious liability'.

Anyone who discriminates against someone at work is also responsible for their own actions. Discrimination complaints and employment tribunal claims can be made against individuals as well as employers.

Find out more about:

- [vicarious liability](#)
- [preventing discrimination](#)

Types of discrimination

Discrimination includes:

- [direct discrimination](#) – less favourable treatment directly because of a protected characteristic
- [indirect discrimination](#) – when everyone's treated the same but people with a protected characteristic are put at a disadvantage
- [harassment](#) – unwanted or offensive behaviour related to a protected characteristic

- [victimisation](#) – negative treatment as a result of being involved with a discrimination or harassment complaint

Advice on protected characteristics

Find out more about:

- [age discrimination](#)
- [disability discrimination](#)
- [gender reassignment discrimination](#)
- [marriage and civil partnership discrimination](#)
- [pregnancy and maternity discrimination](#)
- [race discrimination](#)
- [religion or belief discrimination](#)
- [sex discrimination](#)
- [sexual orientation discrimination](#)

Get more advice and support

If you have any questions about discrimination, you can contact the:

- [Acas helpline](#)
- [Equality Advisory and Support Service \(EASS\)](#)

You can find more detailed legal guidance on the Equality Act 2010 in the [Employment: Statutory Code of Practice from the Equality and Human Rights Commission](#).