

How and when discrimination can happen

Discrimination – including harassment and victimisation – can happen in any area of work.

It can result from decisions made at work or from how people behave towards each other.

Discrimination might not always be obvious or noticed by others.

Decisions made at work

Discrimination can happen when employers and managers make decisions around things such as:

- accessibility of the workplace and systems people need to use
- dress codes
- performance management
- recruitment and promotion
- redundancy and dismissals
- sickness and absence
- terms and conditions of employment – for example pay and benefits
- training
- ways of working – for example flexible working or hybrid working
- working hours or rest breaks
- workplace facilities – for example toilets, rest areas and canteens
- work-related events – for example team-building days, conferences and work social events

How people behave at work

The way people behave at work can discriminate in different ways.

For example, discrimination might:

- be a regular pattern of behaviour or a one-off incident
- happen in the workplace, at work social events or when people are working remotely
- happen face to face, on social media, in emails or phone calls
- be spoken or written words, imagery, graffiti, gestures, jokes, pranks or unwanted physical behaviour

It might not always be someone's intention to discriminate or cause offence.

Who someone can experience discrimination from

Someone could experience discrimination from anyone they come into contact with because of their job. This includes:

- someone they work with

- a manager, supervisor or someone else in a position of authority
- someone who's less senior, for example a manager being harassed by their workers

Someone could also experience discrimination from a third party, for example a customer, client or member of the public. An employer will not normally be liable for this under discrimination law. But they still have a duty of care to their workers and should take steps to protect them from discrimination. In sexual harassment law, employers must take steps to protect workers from third party harassment.

Discrimination is often directed at one person. But that's not always the case. Sometimes there can be a workplace culture that's not specifically aimed at one person. For example, making offensive comments about disabled people.

Discrimination from someone with the same protected characteristic

Discrimination can come from someone who shares the same protected characteristic.

For example, a Muslim business owner decides not to recruit a Muslim receptionist, even though they're the best qualified candidate. The business owner thinks recruiting someone else will create a better impression for non-Muslim clients. This is discrimination on the grounds of religion or belief, even though the business owner shares the same religion.

When discrimination might not be obvious

Sometimes discrimination is very obvious. For example:

- making openly racist comments towards someone
- telling someone they will not get a promotion because they're disabled
- making fun of someone because they're gay

Other things are not always obvious and might not be noticed by other people. This can include:

- [unconscious bias](#) – when someone's thoughts or decisions are influenced by beliefs or assumptions that they might not be aware of
- stereotyping people – having a fixed view of what someone's like or what they can do based on a protected characteristic
- microaggressions – small comments, questions or behaviours that are inappropriate or can cause offence, sometimes without the person who's doing it realising

This type of language or behaviour might not always be intended. But it can lead to someone feeling offended, unsafe or feeling like they do not belong. It can be very distressing.

Examples of stereotyping and microaggressions

Examples could include:

- being surprised when a disabled person talks about their partner, children or hobbies – this suggests thinking someone who's disabled is somehow not able to live a 'normal' life
- asking "where are you really from?" when someone says they're British – this suggests thinking they're not really British and do not belong here

What to do if you think discrimination is happening

Find out more about the different types of discrimination and what to do if you think they're happening at work:

- [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 because someone makes or supports a discrimination claim