

If you're discriminated against

Employers must follow the law on discrimination when advertising, interviewing and deciding on new staff.

This means they must not disadvantage you because of any of the following 'protected characteristics':

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

[Find out more about discrimination and protected characteristics](#)

Direct discrimination

Direct discrimination is when someone is put at a disadvantage or treated less favourably because of a protected characteristic. For example, if an employer chooses not to hire someone because of their race.

[Find out more about direct discrimination](#)

Indirect discrimination

Indirect discrimination is when a working practice, policy or rule is the same for everyone but has a worse effect on someone because of a protected characteristic.

For example, a business is recruiting for a head of sales. In line with their usual recruitment policy, they only advertise the job internally. The only people who could apply internally are all men. The business does not intend to discriminate. But it could still be indirect discrimination based on sex.

[Find out more about indirect discrimination](#)

Victimisation

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint.

[Find out more about victimisation](#)

When employers can ask about protected characteristics

In certain circumstances an employer can ask questions about a protected characteristic.

For example, they might:

- ask if you need [reasonable adjustments](#) because of any disability you have
- ask you to complete a form to help check that they are following the law – often called an [equality monitoring form](#)

You do not have to complete an equality monitoring form. Anyone who is interviewing or making a decision to hire you must not have access to that information.

Other questions about a protected characteristic might be against the law.

[Find out what to do if you believe you've been discriminated against](#)

If an employer has viewed your social media profile

If an employer has viewed your social media profile before they made a decision related to hiring you (such as choosing whether or not to interview you), they might have discriminated against you.

This is because they might have formed an opinion that:

- relates to a protected characteristic
- is unrelated to your ability to do the job

For example, Yaz applies for a job. The employer views a photo on Yaz's Facebook profile that confirms their race. This might influence them before interviewing Yaz for the job.

The employer can make a decision based on your social media profile if they can prove it's crucial to the job requirements.

For example, Caley applies for a job as a social media manager. The employer might ask to see their Instagram profile to understand how they use social media.

Take care with your personal information

If you're concerned about the information that potential employers may come across, it's a good idea to check:

- the privacy settings of your social media profiles
- any information that an employer could see without clicking on your profile, such as your profile picture

Be careful about any information you include on job websites, or social media that focus on business (for example, LinkedIn). An employer could claim that they're justified in using this information.

When employers can use protected characteristics in recruitment

In some cases an employer might be able to justify that an applicant needs a certain protected characteristic to do a particular job. This is known as an 'occupational requirement'.

For example, an agency is recruiting a care worker for a woman who is uncomfortable receiving care from a man. The agency says the care worker must be a woman.

Under the law, in very rare circumstances, it might be possible for employers to use 'positive action during recruitment'. This is when an employer uses a protected characteristic as a reason for hiring one person over another.

For example, a business has 10 salespeople who are all men. They interview for a new salesperson and find 2 applicants equally able to do the job – a man and a woman. The business chooses to hire the woman, because women are not represented in the existing workforce.

[Find out more about when an employer can use protected characteristics in recruitment](#)

Trade union membership

An employer must not treat you unfavourably because you are, or are not, a trade union member.

Contact the Acas helpline

If you have any questions about discrimination and job applications, you can [contact the Acas helpline](#).