

## Types of discrimination

Marriage and civil partnership discrimination includes:

- direct discrimination
- indirect discrimination
- victimisation

It's important to understand the different types of discrimination. This is so you know what your rights and responsibilities are under discrimination law (Equality Act 2010).

For full definitions of each type of discrimination, read our advice on [discrimination and the Equality Act 2010](#).

### Direct discrimination

Direct discrimination is when someone is put at a disadvantage or treated less favourably because of marriage or civil partnership.

Being married or in a civil partnership does not protect you from discrimination by perception or discrimination by association.

[Read the full definition of direct discrimination](#)

#### Example of direct discrimination

Sam is Nicky's manager and they work for the same retail company. When they get married, their employer says that Sam could not effectively manage their partner's performance or deal with any disciplinary matters. Nicky is moved to another shop but is unhappy as they have to pay more to travel there. This rule only applies to employees who are married, not those in a close relationship. The employer's treatment of Nicky is likely to be discrimination.

### Indirect discrimination

Indirect discrimination is when a working practice, policy or rule applies to everyone but puts a person or group at a disadvantage because of marriage or civil partnership.

[Read the full definition of indirect discrimination](#)

## When discrimination might not be against the law

In certain circumstances, an employer might be able to make or justify a decision based on marriage or civil partnership.

An employer can make a decision that directly discriminates if:

- there's an occupational requirement – when not being married or in a civil partnership is vital for a job

An employer can justify a decision that indirectly discriminates if there's 'objective justification'. The employer must be able to prove both of the following:

- there's a 'legitimate aim'
- the discrimination is 'proportionate, appropriate and necessary'

For example, Alex is dismissed for stealing sensitive commercial information. Later, their civil partner applies for a job with the same employer. The job would give them access to commercial information. The employer rejects the application, believing that the connection to Alex would be a risk to the business. The employer does not object to civil partnerships. Their only concern is the identity of the partner. This is not likely to be discrimination against the job applicant.

This is a complex area of law. An employer should consider getting advice before making any decision.

Find out more about:

- [positive action](#)
- [an occupational requirement in recruitment](#)
- [objective justification](#)

## Victimisation

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

It does not matter if the complaint was made by them or someone else.

The law also protects someone from victimisation if someone else thinks they're involved with a complaint.

Ways someone can be victimised include being labelled a troublemaker, being left out, or not being allowed to do something.

[Read the full definition of victimisation](#)

## Example of victimisation

Pat makes a complaint of discrimination on the grounds of being in a civil partnership. After the complaint, Pat is selected for redundancy despite having better skills than other employees who were kept on. If the employer did this because of the complaint, this is victimisation.

## Harassment

The law on harassment does not apply to marriage or civil partnership. But someone might experience harassment related to other protected characteristics.

For example, a man is humiliated by people at work following their marriage to another man. This would be harassment on the grounds of sexual orientation.

## Contact the Acas helpline

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