

Types of discrimination

Religion or belief discrimination includes:

- direct discrimination
- indirect discrimination
- harassment
- victimisation

It's important to understand the different types of religion or belief 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 religion or belief discrimination is when someone is put at a disadvantage or treated less favourably because of:

- their religion or belief
- their lack of religion or belief
- their 'perceived' religion or belief, which means thinking someone has a certain religion or belief when they do not – this is called 'discrimination by perception'
- the religion or belief, or lack of religion or belief, of someone they know or have a connection with – this is called 'discrimination by association'

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

Example of direct discrimination

Jaswinder asks for a day off to attend a religious festival. To accommodate this, the manager cancels the holiday of another employee, Deepal. Deepal does not follow any religion. This is likely to be direct discrimination against Deepal because not having a religion is protected under the law.

Example of discrimination by perception

Eli applies for a job in retail. The employer believes that Eli is a Jewish name and assumes they would refuse to work on Saturdays. The employer rejects the application for this reason. Eli is not Jewish so this is discrimination by perception. If Eli was Jewish, it would be direct discrimination.

Example of discrimination by association

Jordan's partner, Amal, is a Muslim. Jordan gets left out of work social events where partners attend because alcohol is served. This is because the employer thinks Amal will not like it. Jordan is likely to be experiencing discrimination by association.

Indirect discrimination

Indirect religion or belief discrimination is when a working practice, policy or rule applies to everyone but puts a person or group at a disadvantage because of their religion or belief.

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

Example of indirect discrimination

An employer decides to give their employees a longer lunch but remove their morning and afternoon breaks. This is intended to improve productivity. The rule applies to everyone. However, it causes a problem for some Muslim employees who had been allowed to use breaks for prayer. This is likely to be indirect discrimination as it puts Muslim employees at a disadvantage.

The employer might be able to defend their decision if:

- there is a genuine business need to improve productivity
- changing the break times is a reasonable way to achieve it
- there is not a less discriminatory way

When discrimination might not be against the law

In certain circumstances, an employer might be able to make or justify a decision based on religion or belief.

An employer can make a decision that directly discriminates if:

- it's positive action – to address a situation where people with a protected characteristic are at a disadvantage or underrepresented
- there's an occupational requirement – when having or not having a protected characteristic 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'

Find out more about:

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

Harassment

Religion or belief harassment is when someone experiences unwanted behaviour that's related to their religion or belief, or lack of religion or belief.

To be harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment

It can be harassment if the behaviour:

- has one of these effects even it was not intended
- intended to have one of these effects even if it did not have that effect

[Read the full definition of harassment](#)

Example of harassment directed at a specific person

Sam is a committed vegan and believes that using any animal-based foods or products is ethically wrong. A colleague openly makes fun of these beliefs and makes practical 'jokes'. For example, they leave a picture of slaughtered animals on Sam's desk. This is likely to be harassment related to religion or belief.

Example of harassment not directed at a specific person

Kai is outspoken about their religious beliefs. They say that anyone who does not believe 'will not be saved'. If anyone in the team has a problem, Kai says "I will be praying for you".

Some people in the team are offended by this behaviour and ask for it to stop. But Kai refuses to stop and says it's for their colleagues' benefit. This could be harassment, even though the behaviour is not directed at a specific person.

When harassment can be a crime

Harassment related to religion can sometimes be a crime. For example if someone has experienced a religious hate incident like:

- physical or verbal abuse
- threats of physical violence
- online abuse
- damage to their property

[Find out more about hate crime at work](#)

Victimisation

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

Charlie is supporting someone they work with who is making a religion or belief discrimination complaint. A manager threatens Charlie with dismissal if they continue to support the claim. This is victimisation.

Contact the Acas helpline

If you have any questions about religion or belief discrimination, you can [contact the Acas helpline](#).