

## Vicarious liability

'Vicarious liability' is when an employer could be held responsible if one of their workers discriminates against someone.

### When an employer could be held responsible for someone's actions

The law (Equality Act 2010) says a worker and an employer could both be held responsible if the discrimination happens 'in the course of employment'. This means something that's linked to work.

This could be at work or outside the workplace, for example at a work party or through social media that's linked to work.

#### Example of when an employer could be held responsible

Blair, a shop assistant, makes a negative comment to someone they work with about their race. Blair's employer could also be held responsible for that discrimination, unless they'd already taken all reasonable steps to prevent discrimination happening.

### If an employer has taken steps to prevent discrimination

If someone makes a claim to an employment tribunal saying an individual has discriminated against them, the judge would decide whether the employer is responsible.

The employer might not be held responsible if a tribunal decides they took all reasonable steps to prevent the discrimination.

#### Example of an employer taking steps to prevent discrimination

Jamie and Opeyemi work in sales. Their company trains all their workers on equality, diversity and discrimination. It also recently ran an anti-bullying campaign.

Jamie sends Opeyemi some offensive and sexually suggestive emails. Opeyemi complains to their line manager. The company immediately opens an investigation and suspends Jamie's email access.

The investigation leads to Jamie being disciplined with a final written warning. Jamie is also sent on further equality training.

If Opeyemi chooses to make a claim to an employment tribunal, the employer's actions might help show it took all reasonable steps to stop discrimination from happening.

[Find out more about preventing discrimination](#)

### Contact the Acas helpline

Vicarious liability can be a complicated area. If you have questions you can [contact the Acas helpline](#).