

Sexual orientation discrimination

The Employment Equality (Sexual Orientation) Regulations 2003, make discrimination by employers on the grounds of sexual orientation unlawful. They are intended to encourage tolerance and protect the dignity of people in the workplace. “Sexual orientation” applies to lesbians and gay men, heterosexual and bisexual people.

Direct Discrimination

Means: Treating a person less favourably than others because of their actual or perceived sexual orientation.

Example: Dismissing a man because he is gay.

Indirect Discrimination

Means: Applying a “criterion, provision or practice” that disadvantages a person of a particular sexual orientation and is not justified.

Example: A policy states that staff may bring a member of the opposite sex to the office party.

Harassment

Means: Unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Example: A woman finds herself the target of constant jokes because she is a lesbian.

Victimisation

Means: Treating a person less favourably because of action they have taken in connection with the legislation.

Example: A person makes a formal complaint of discrimination to their boss. They are demoted as a result of making that complaint.



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What to do if you think you have suffered discrimination or harassment

- ▶ Speak to the harasser if you feel able.
- ▶ Be clear and assertive but take care that you are not perceived to be bullying the individual. Take a friend along for support.
- ▶ If speaking to the person concerned has failed to stop the problem, or you feel unable to do so, talk to your manager or trade union representative. If your manager is harassing you, speak to someone higher up.
- ▶ If your manager is unable to help you, or refuses to, use your employer's internal grievance procedure (this is likely to be in your staff handbook or ask human resources). If you are not satisfied with the result of a grievance procedure you have a right of appeal.

Time limits

A claim in the employment tribunal should normally be brought within 3 months of the discriminatory act.

Compensation

There is no upper limit on the amount of compensation that may be awarded by an employment tribunal for cases of discrimination. Compensation can include an element to cover injury to feelings. Medical evidence is usually needed to show this.

Please note: *The material contained in this fact sheet is provided for general and summary purposes only and does not constitute legal advice. Before acting on it, appropriate legal advice should be taken.*

