

Community
Legal Service



COVENTRY LAW CENTRE

EMPLOYMENT

RACE DISCRIMINATION

Coventry Law Centre
The Bridge
Broadgate
Coventry CV1 1NG

Tel: 024 76223053

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What Is Race Discrimination?

Discrimination occurs when a person, or group of people, receive less favourable treatment on the basis of their race. The law makes a further distinction between direct discrimination and indirect discrimination. This leaflet is concerned with discrimination in the workplace. Unlawful discrimination can occur against job applicants or existing workers.

Direct discrimination occurs when a person treats another less favourably based on their race.

Indirect discrimination is when an employer applies the same treatment, rules or criteria to everybody but people of a particular race are disadvantaged as a result.

How Does The Law Define “Race”?

The law makes it illegal to discriminate on the basis of race or ethnic or national origin, and colour or nationality (which includes citizenship). A practice that is indirectly discriminative would disadvantage workers from a particular racial group.

In the case of direct discrimination you should ask yourself whether your employer has treated you less favourably than another worker? Secondly, are you and the other worker from different racial groups? Thirdly, can your employer provide an adequate explanation for the difference in treatment?

If you are claiming indirect discrimination, then the first question you should ask is what policy, practice or criterion is your employer operating? Secondly, how does it disadvantage workers from your racial group more than other employees? Equally, you must be able to demonstrate that you have suffered disadvantage.

Victimisation and Harassment

Victimisation occurs if your employer treats you less favourably than another person because you have taken action against them under the law. So this could include acting as a witness or giving evidence for a fellow employee.

Harassment is when you receive unwanted conduct related to racial or ethnic origin which takes place with the purpose or effect of infringing your dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

Liability

An employer may be liable for the actions of its employees, or other third parties if they are in a position to control the situation or take remedial action. If they do not do so then you may have a valid claim against them and against the individual who has discriminated.

Enforcement Of The Law

The way that the law against race discrimination is enforced is by complaint to an Employment Tribunal. A complaint must be made within 3 months of the act complained of or if the complaint is of a succession of acts, within 3 months of the last act committed.

It is worth seeking legal advice at an early stage to determine whether you have a case in law, and the strength of your case.

Coventry Law Centre runs an employment and discrimination advice line for initial telephone advice on 024 76253169. The advice line runs on Tuesdays and Thursdays between 10:00am and 12:00noon.