

Community
Legal Service



COVENTRY LAW CENTRE

EMPLOYMENT

SEX DISCRIMINATION

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What Is Sex Discrimination?

Discrimination occurs when a person, or group of people, receive less favourable treatment on the basis of their gender. 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 gender.

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

Who is covered by the law?

The law makes it illegal to discriminate on the basis of gender. There are some limited exceptions to this called Genuine Occupational Requirements (GOR); for example, it may be a genuine occupational requirement for a person working in a single sex nursing home to employ a person of the same sex.

Unfortunately, it is still the case that in many instances women performing work of equal value to a male comparator are still paid significantly less. Again, this is unlawful and it is possible to make enquiries about what comparators earn for doing equivalent work.

Any less favourable treatment of a woman because she is pregnant or on maternity leave is automatically sex discrimination. Equally, any employee who is dismissed because she is pregnant is likely to have been unfairly dismissed. Coventry Law Centre produces two further leaflets on work and family and dismissal and redundancy which give more information about these subjects.

Some employees may feel that they have received less favourable treatment on the basis of their sexuality or as a result of undergoing gender reassignment. These are not areas of law that are specifically provided for in the sex discrimination legislation but if you believe these issues relate to you, you should seek further advice as you may have a separate claim.

Harassment and Victimisation

Harassment occurs when you receive unwanted conduct relating to your gender. Harassment can infringe on a worker's dignity and create an intimidating, hostile, degrading or humiliating or otherwise offensive environment to work in.

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 bringing an application to a Tribunal against them, or giving evidence for a fellow employee.

Liability

An employer can 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 possibly against the individual who has discriminated.

Enforcement Of The Law

It is always advisable to try and resolve matters internally before taking further legal action. Most companies have some form of grievance procedure, and if you are uncertain about how this operates you should ask your Line Manager or a person higher up the company. However, there are strict time limits in making a 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.