

Sort it out!



Puzzled by prejudice? Distressed by discrimination? Well, you might have been singled out for unfair treatment. But you're not alone. In this second edition of our magazine, we've got readers' letters, crosswords, quizzes and as always, our resident agony uncle, Richard to answer your questions.



YOUR LETTERS

Say cheese!

I sent off for an application for a job in a clothes shop recently. It asked me to send in a photo of myself. That seemed a bit weird so I didn't apply. Can they do this?

Ed – I've heard before about shops doing this. It does suggest they might be judging applicants unfairly. There's no law against this as such. But if they're rejecting applications from people because of their sex, race, disability, age, sexual orientation, religion or transsexual status, that's illegal.

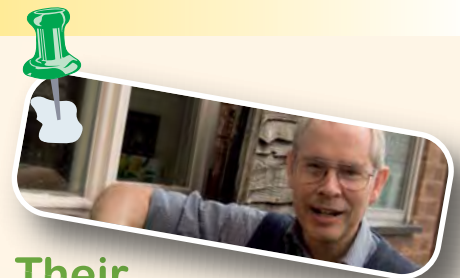
Mini cab, small mind

There's a cab office in town that never has any cabs free when I call in after a night out. I know full well it's because I'm Asian. You have to laugh I suppose – I'm a traditional Sikh and don't drink. I know who I'd rather have in my cab at 2 am on a Saturday morning.



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Their hang ups

I'm sick of my bank closing its branches all the time. It's all well and good telling us to switch to internet or phone banking. But I don't have a computer at home and I've lost count of the times their customer services team have put the phone down on me. It's humiliating to be treated like a prank caller just because I have a stutter. Do their staff not get any equal opportunities training?

Are YOU being discriminated against?

If you feel like you've been treated unfairly, have a look at the table below. Is there an answer in each column which describes how you've been treated? If so, you might be protected by the anti-discrimination laws.

Who is treating you unfairly?	Why are they treating you unfairly? Because...	What are they doing?
Your employer	...of your gender ...you are married or in a civil partnership	Treating you worse than others because of who you are
An education or training provider	...you are pregnant or have recently given birth ...you are transsexual	Harassing you
A public service provider (such as GPs, local councils and job centres)	...of your race, ethnic or national origins, colour or nationality ...you are disabled	Using unnecessary rules and ways of doing things that put you at more of a disadvantage
Someone selling, letting or managing property	...of your sexual orientation ...of your religion or belief or lack of religion	Punishing you for complaining about discrimination
A shop or other service provider	...of your age ...you are taking or want to take statutory maternity leave	Treating you unfairly because of something to do with your disability
		Failing to make a reasonable adjustment for your disability

Did you circle an item in each column? If so, the law might protect you against the discrimination you've experienced.

In the news...



Berkshire B&B bungle

In March 2010 the papers reported about a gay couple, who were turned away from bed and breakfast accommodation in Berkshire because it was against the owners' Christian beliefs to let them share a bed. The couple said, 'This was the first time either of us had experienced homophobia at first hand, despite being aged 56 and 62'. Fortunately for them, it has been against the law for service providers to discriminate against people because of their sexual orientation since 2007. Liberty, the civil liberties organisation, is planning to take the owners to court on the couple's behalf.

BNP goes inclusive

The Equality and Human Rights Commission (EHRC) took the British National Party (BNP) to court in 2009, arguing that restricting membership of the party to white people or certain ethnic groups was race discrimination. As a result, the BNP was forced to change its membership rules to include Black, Asian and minority ethnic people. Don't all rush at once!



Council caught out over equal pay

Women in traditionally female roles at Birmingham City Council won the right to be paid the same as male colleagues in the same pay grade in 2010. A tribunal heard that its refuse workers were taking home up to £51,000 a year including bonuses. But lollipop ladies, cleaners and the like, to whom the bonus scheme was not applied, earned less than £12,000.

Cross nurse

A nurse accused her employer of religious discrimination when they told her she could not wear her crucifix outside her uniform. They said it was a health and safety risk because a patient could grab it. The nurse refused to tuck it inside her uniform, saying that this would disrespect her religion. In 2010, a tribunal rejected her claim for religious discrimination, saying that wearing a crucifix was not a requirement of Christianity.

I will relate to you ... but only if you're straight

In 2008, Relate Avon sacked one of their counsellors because he refused to offer sex therapy to gay couples. Although the counsellor's actions clearly went against the organisation's equal opportunities policy, he brought a claim against them for unfair dismissal. The tribunal confirmed that Relate was within its rights to sack him.



Quiz – discrimination definitions

Match the definitions of different types of discrimination on the left to the correct example of that type of discrimination on the right. Answers at the bottom of the page.

Definition	Example
<p>1. Direct discrimination Being treated worse than others because of who you are.</p>	<p>A. Ann has cerebral palsy and walks with sticks. Her local park has staggered metal bars at the entrance to keep cyclists out but they also stop Ann getting in.</p>
<p>2. Indirect discrimination A rule or way of doing things that applies to everyone but puts you, and other people like you, at a disadvantage.</p>	<p>B. Darren is a young black man. A particular store detective always follows him round the supermarket making comments about how he won't get away with 'nicking' anything and how he should 'go back to where he came from'.</p>
<p>3. Harassment Someone saying or doing things because of who you are that you find offensive, humiliating, frightening, sexually inappropriate or in any other way distressing.</p>	<p>C. A local college turns Sara down for a counselling course, suggesting she reapplies when she's a bit older.</p>
<p>4. Victimisation Being punished for complaining about discrimination or helping someone else to complain about discrimination.</p>	<p>D. Tabitha has ME. Her employer sacked her because of all the time she had off because of it.</p>
<p>5. Failure to make reasonable adjustments Not taking steps to reduce disadvantage experienced by disabled people</p>	<p>E. An employer changes the shift patterns for all full-time employees so they have to work at least one Saturday in the month. Reuben explains to his manager that he can't work on a Saturday because he's Jewish. His manager tells him he either does it, or they'll let him go.</p>
<p>6. Being treated unfairly because of something to do with your disability Need we say more?</p>	<p>F. When Jamie's co-workers found out he's gay, they started ignoring him, making snide comments and blaming him for their mistakes. He made a complaint about them. Shortly after he was made redundant.</p>

Answers: (1) C and B; (2) E; (3) B and F; (4) F; (5) A; (6) D.

Did you know?

New rights!

Changes to the law, which will give people in England, Scotland and Wales more protection against discrimination, will be coming in at various points over the next couple of years. The new law is called the Equality Act 2010. These changes will not apply in Northern Ireland.

According to the Office for National Statistics, only half of all disabled people of working age are in work.



The Department for Work and Pensions recently did an experiment to find out whether or not race discrimination affected people's chances of getting a job. They picked a number of different job adverts and sent off three applications per advert. Each set of three applications talked about similar skills, education and work history. The only difference was the applicants' names. One had a typically white name and the other two typical names from minority ethnic groups. They found that white applicants only needed to send off nine applications before being offered an interview. People with Black or Asian sounding names on the other hand, had to apply for 16.



The Time to Change campaign revealed that only four out of 10 employers responding to their survey said they would employ someone with a history of mental illness.

Discrimination word search

It's against the law to be discriminated against because of certain personal characteristics, for example, because you are **gay**, because of your **race**, because you are in a **civil partnership** or because you have recently **given birth** or want to take statutory **maternity leave**. 19 different characteristics are hidden in the grid below. Can you find them? For clues, see the 'Are you being discriminated against' table on page 2. Answers are at the bottom of the page.

Q	C	I	V	I	L	P	A	R	T	N	E	R	S	H	I	P
W	O	N	G	E	R	E	D	Y	E	L	V	L	H	W	P	R
E	L	E	S	B	I	A	N	G	R	M	A	N	T	N	I	E
R	O	E	U	L	B	E	L	P	R	U	E	P	R	E	E	G
T	U	I	S	T	R	A	I	G	H	T	L	G	I	I	N	N
Y	R	D	I	S	A	B	L	E	D	T	Y	A	B	N	O	A
U	W	N	A	T	I	O	N	A	L	I	T	Y	E	O	I	N
I	B	E	L	I	E	F	G	A	T	O	I	S	V	I	D	T
O	R	E	E	A	L	M	E	N	I	G	N	S	A	G	E	T
T	R	A	N	S	S	E	X	U	A	L	R	T	G	I	I	Y
M	I	A	S	I	C	E	D	T	N	R	E	O	U	L	R	P
A	A	C	A	E	T	H	N	I	C	I	T	Y	A	E	R	L
L	T	E	B	I	S	E	X	U	A	L	A	A	L	R	A	E
E	H	R	N	R	A	C	E	R	F	E	M	A	L	E	M	T

Answers:

Because you are: **married**, **lesbian**, **gay**, **bisexual**, **straight**, **male**, **female**, **pregnant**, **disabled**, **transsexual**.

Because of your: **colour**, **nationality**, **ethnicity**, **race**, **religion**, **belief**.

Because you are in a: **civil partnership**.

Because you recently: **gave birth** or want to take **maternity leave**.

Dear Richard

Hear from our very own discrimination expert, Richard Leong, an adviser at the London Discrimination Unit



No feeding in cafe

Dear Richard

A customer complained about me breastfeeding my baby in a cafe the other day so the waiter asked me to stop. I was so embarrassed, I left straight away without finishing my food. When I got home, though, I felt silly for not standing up for myself. Do I have a right to breastfeed in public places?

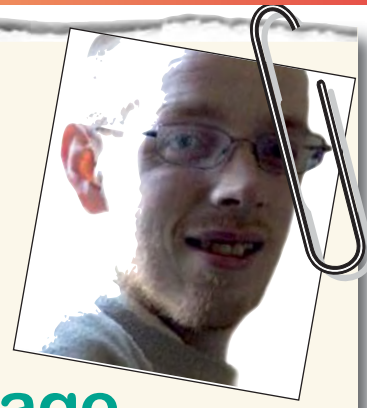
Richard says:

I'm sorry to hear about your upsetting experience. Rest assured, it is against the law for shops and service providers to treat you unfavourably because you are breastfeeding. You could complain to the manager of the café. If that doesn't get you anywhere, you could send a complaint to their head office if it's a chain of cafes. For further information on how to deal with discrimination, read our guide, 'You don't have to put up with it' at:

www.isthatdiscrimination.org.uk



Housing benefit, housing disadvantage



Dear Richard

I'm finding it really hard to find anywhere to live. I don't work because of my disability and every time I ask about a flat, the estate agents tell me the landlord won't take housing benefit. Is this discrimination? Please help.

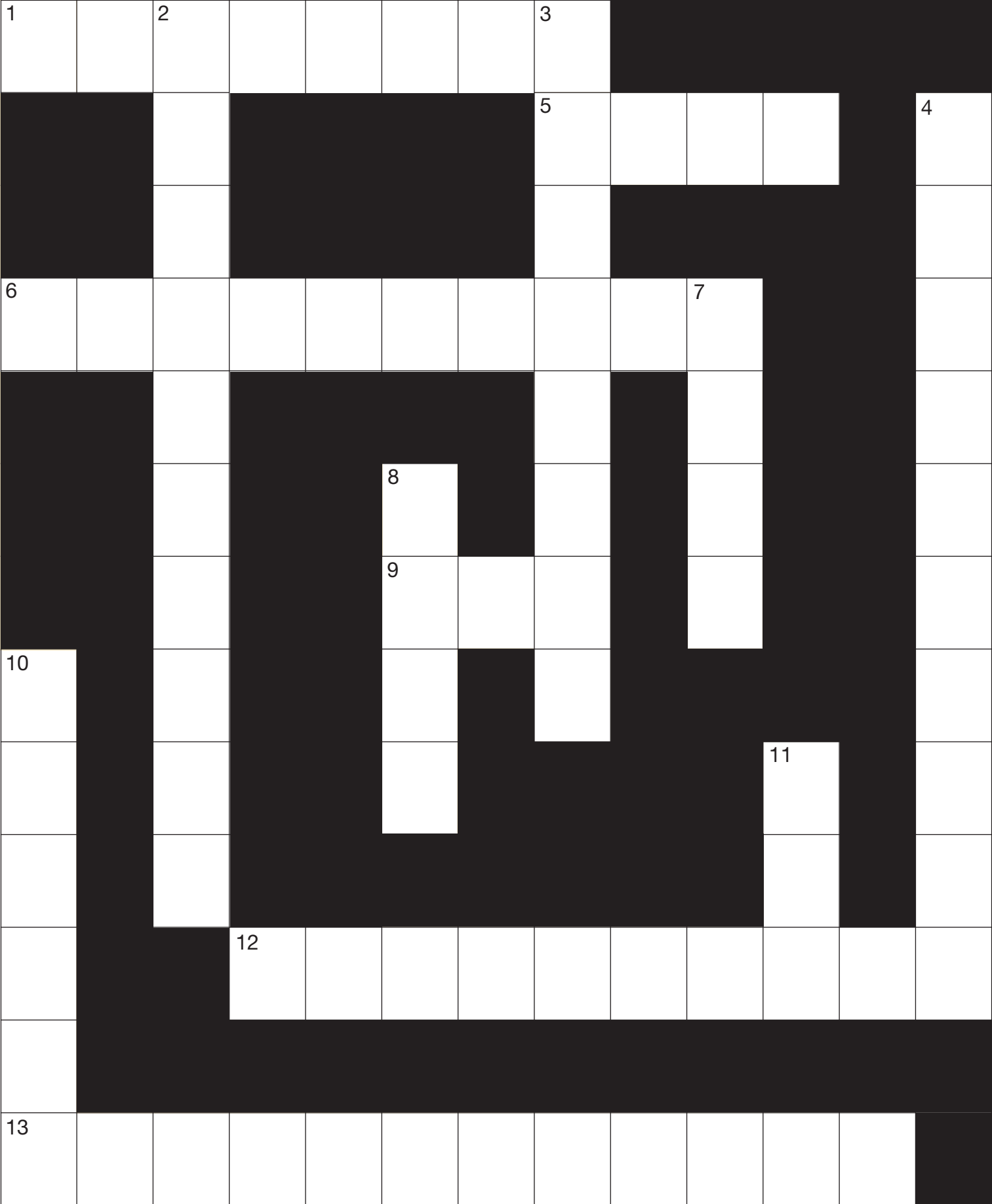
Richard says:

This is a very frustrating situation to be in. I've heard about this before. At the moment, it is fairly unlikely that a tribunal would see this as disability discrimination. This is because you don't have to be disabled to receive housing benefit. And, unfortunately, you don't currently have any rights against being discriminated against because you're on benefits. But there is likely be a change in the law in October 2010 to stop people being treated unfairly because of something to do with their disability. If you are on housing benefit because your disability stops you from working, you might therefore be able to argue disability discrimination in the future. I recommend you get advice from a local advice agency such as a Citizens Advice Bureau (CAB), Law Centre or independent advice centre. To find out where to find them, read 'You don't have to put up with it' at:

www.isthatdiscrimination.org.uk

Quick Crossword

Clues and answers on the next page.



Quick Crossword clues

Across

- (1) Discrimination caused by a rule or way of doing things that applies to everyone but puts you, and other people like you, at a disadvantage (8)
- (5) Discrimination experienced by someone because of the colour of their skin or the country they are from, for example (4)
- (6) (With 12 across) Changes people must take to reduce disadvantage experienced by disabled employee (10,10)
- (9) Short way of writing Human Rights Act (3)
- (12) See 6 across (10,10)
- (13) Tribunal could award this to you if you prove your employer has discriminated against you (12)

Down

- (2) A physical or mental health problem that makes it (or is likely to make it) difficult for you to carry out normal day-to-day activities for at least 12 months (10)
- (3) Court dealing with employment-related claims (8)
- (4) Saying or doing things that someone finds offensive, humiliating, frightening or distressing because of who they are (11)
- (7) Abbreviation for the public body which gives people in England, Scotland and Wales information and advice on discrimination and human rights (4)
- (8) Place that might discriminate against you by refusing to sell you something (4)
- (10) Type of organisation that has to comply with the Human Rights Act (6)
- (11) How old or young you are (3)

Answers:

Across

(1) Indirect (5) Race (6) Reasonable (9) HRA (12) Adjustment (13) Compensation

Down

(2) Disability (3) Tribunal (4) Harassment (7) EHRC (8) Shop (10) Public (11) Age

Focus on... disability and employment

Pre-employment questionnaires banned from October 2010!

Until they make you a job offer, it will be against the law for an employer to ask you anything about your health unless they're doing it for one of the following (positive!) reasons

- to find out whether you need any 'reasonable adjustments' to make the recruitment process fairer for you.
- to check that you'd actually be able to do the job once 'reasonable adjustments' were made.
- to find out if you have a disability if that would help you to do the job better (for example, organisations providing services to disabled people often prefer to employ people who have experience of a disability)
- to offer you the job over other candidates if you have a disability (this is called 'positive action' and is only possible where you are as qualified as the other candidates)
- to carry out a survey (using a 'diversity' or 'equal opportunities monitoring' form) to find out how many people with a disability are applying for the job.

Other rights

If you're experiencing unfair treatment that isn't covered by anti-discrimination laws you might still be able to take action. The person discriminating against you might be:

- committing a criminal offence
- interfering with your human rights
- interfering with your employment rights
- breaking the law in other ways

The first step towards putting an end to unfair treatment is to get some advice. There are many support groups and advisers throughout the UK with lots of experience in this area. To find out more, including who you can talk to, go to:

www.isthatdiscrimination.org.uk

Jargon buster

Claim	A case taken to a court.
Direct discrimination	Where someone treats you worse than they treat other people because of who you are.
Equality and Human Rights Commission (EHRC)	An independent public body giving information and guidance on discrimination and human rights issues. In limited circumstances, they will help people to take discrimination claims to a court or tribunal. It covers England, Wales and Scotland. The equivalent bodies in Northern Ireland are the Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission.
Harassment	Someone saying or doing things because of who you are, that you find offensive, humiliating, frightening, sexually inappropriate or in any other way distressing.
Human rights	Basic rights which are covered by the Human Rights Act.
Indirect discrimination	Where someone has a rule or a way of doing things that they apply to everyone the same, but which puts you, and other people like you, at more of a disadvantage and cannot be justified.
Duty to make reasonable adjustments	Employers and shop and service providers have to take reasonable steps to reduce disadvantage experienced by disabled people applying to/employed by them or using their service.
Tribunal	A type of court dealing with employment law claims. In England, Scotland and Wales it is called an employment tribunal. In Northern Ireland it is an industrial tribunal or fair employment tribunal.
Unfair dismissal	Where an employer sacks an employee but either: does not have a fair reason for doing so or has a fair reason for doing so but handles the situation unfairly.
Victimisation	Where someone treats you less favourably for complaining about being discriminated against or helping someone else to complain about being discriminated against.

The blurb

The law is detailed and complicated. We've simplified things in this guide to give you a basic idea of how the law deals with discrimination. But this means we've had to miss bits out – bits that are likely to affect what the law would say about your own situation. So please don't rely on any of the examples used here. Before you take any action, get advice from a CAB, law centre or independent advice agency. If you need help working out who to speak to, go to: www.isthatdiscrimination.org.uk



If you would like this guide in another format please contact ASA Advicenow on 020 7398 1486 or email info@advicenow.org.uk

What did you think of this magazine?

If you've got any comments or would be willing to take part in a survey please feel free to get in touch.

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For further details see:

http://ec.europa.eu/employment_social/progress/index_en.html



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