

Sort it!

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YOUR LETTERS

No deaf awareness

I used to work in a video shop. A deaf couple came in all the time looking for DVDs with English subtitles. It often didn't say on the box so they'd ask me to check on the DVD player in the store. Eventually my manager told me that this was a waste of my time and if she caught me doing it again, I'd be sacked. I didn't give her the chance – I left!

Race driver

During my driving lesson, a taxi pulled out in front of me without signalling. My instructor slammed on the brakes and started going on about how he wouldn't teach any 'Pakis' because there were enough 'Paki taxis' on the road as it was.



**MY
MANAGER
HAD NO
DEAF
AWARENESS!**



**MY
DRIVING
INSTRUCTOR
WAS A
RACIST!**

Human rights and wrongs

When I went to visit my mother at the care home she lives in, I saw one of the staff slapping another resident because she'd accidentally dropped her breakfast on the floor. I was so shocked by what I'd seen and horrified at the thought that it might have happened to my own mother that I sent them a letter of complaint. They replied very quickly telling me that they had investigated my complaint and disciplined the staff member involved.

(Not only does this clearly break human rights law but it's also a criminal offence. The writer could have reported both that member of staff and the care home itself to the police – Ed)

Ever felt singled out? And, no, I'm not talking about not being able to find a partner but about being treated worse than others because of who you are. Take a Japanese friend of mine who lives in Edinburgh. Her neighbours are so noisy she can barely hear herself think. And they leave beer cans and broken bottles lying around all over the place even though the neighbourhood's full of kids. For a while, she just put up with it. But when she got pregnant she decided to have a word. The neighbours just shouted abuse at her and told her to go back where she came from.

It's not right to be singled out and treated worse than others because of who you are. Everyone has a right to be treated with respect and dignity. Yet things like this happen all the time. People are constantly singled out because they're black, they're pregnant, they're Jewish, they're gay or they have epilepsy, for example.

In fact, when was the last time something like this happened to you? Did you just put up with it? Because you don't have to. Many types of discrimination are against the law. And there are many support groups and advisers out there who can help you work out how to deal with discrimination.

What's discrimination?



Being treated worse than others

At its simplest, discrimination is where someone treats you worse than they treat other people because of who you are.

B&B owners who refuse to take a gay couple's booking for a double room are treating gay people worse than straight people. An employer, who refuses to take on any Irish Travellers without even finding out what experience they have, is treating members of that community worse than any other people who apply.

It won't always be quite as obvious as in the examples above that you're being discriminated against. For example, a manager is unlikely to tell an employee that she's being sacked because she's pregnant. But what she might find is that, shortly after management realise she's pregnant, she's made redundant. And, not only has she heard senior staff making comments before about working mothers being 'totally unreliable' but she's also told by a former colleague she's stayed in touch with that there's a new recruit at work, who seems to be doing exactly the same job as she used to.

Being harassed

If someone is saying or doing things because of who you are, that you find offensive, humiliating, frightening or distressing, that is also discrimination. It is called harassment.

For example, members of a mostly male team at work who constantly make sexual remarks to their few female co-workers are sexually harassing them.

Unnecessary rules and ways of doing things that put you at a disadvantage

Sometimes discrimination is subtler than being treated worse than others or being harassed. Someone may have a rule or a way of doing things that they apply to everyone the same. But what if it puts you, and other people like you, at more of a disadvantage? Well if it isn't really necessary in the circumstances, this could also be discrimination.

For example, managers decide to change the shift system so that their employees have to work all weekend rather than just one day at the weekend. A Christian employee explains that he can't work on Sundays. They make him redundant. Unless there are clear reasons why the company has no use for employees who cannot work all weekend and there weren't any other reasonable ways around the problem, the managers have discriminated against the Christian employee.

Being punished for complaining about discrimination

If you are treated less favourably for complaining about being discriminated against or helping someone else to complain about being discriminated against, that is also against the law. It is called victimisation.

You don't have to put up with it

Specific anti-discrimination laws make it illegal for employers and shops and service providers (such as pubs and restaurants, banks, housing associations, GPs, or schools and colleges) to discriminate against you for a number of different reasons. See the list of reasons on page 3.

But what if you're being discriminated against for a reason that isn't on the list? Because of your weight, for example, or because you have a regional accent? Or what if someone other than your employer or a shop or service provider is discriminating against you, like a neighbour or strangers in the street?

If the discrimination you are suffering from doesn't seem to be covered by the anti-discrimination laws, it doesn't mean there's nothing you can do to stop it. Depending on exactly what is happening to you, the person discriminating against you might be committing a criminal offence. Or they might be interfering with your employment rights, human rights or breaking the law in some other way.

The first step towards putting an end to the discrimination 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

Human rights

The **Human Rights Act** requires public service providers, such as GPs, job centres, social services, local authorities and prisons, to respect your human rights.

Human rights include things like the right to a fair trial, a family life and freedom from torture. The Human Rights Act also gives you the right not be discriminated against. But this doesn't cover all situations: only those where you are trying to use one of your other human rights.

For example, one human right is the right to respect for private life. This includes the right to take part in local community life, for example, by doing voluntary work. So if a woman is told that she can't volunteer in a local school because she is transgender, that is discriminating against her in using her right to respect for her private life.

The Human Rights Act includes its own list of what types of treatment count as discrimination. This includes treatment which is illegal under other laws that are specifically about discrimination (see Anti-discrimination laws across). But it also covers other types of discrimination, for example, that might affect you if you are a carer or a homeless person. People have successfully used the Human Rights Act to complain about discrimination for a wide range of other reasons.

For more information on human rights go to www.isthatdiscrimination.org.uk

In Northern Ireland, it's also against the law for employers and shops and service providers to discriminate against people because of political opinion.



Anti-discrimination laws

Discriminatory employers

It is against the law for **employers** to discriminate against job applicants or employees because:

- they are a man or a woman (their gender)
- they are married or in a civil partnership
- they are pregnant
- they are taking or want to take statutory maternity leave
- they are transgender
- of their race, colour, nationality, ethnic or national origins
- they are disabled
- of their age
- they are lesbian, gay, bisexual or straight (their sexual orientation)
- of their religion or belief or lack of religion

Discriminatory shops & services

It is against the law for **shops or service providers** to discriminate against people because:

- they are a man or a woman (their gender)
- they are pregnant
- they are transgender
- of their race, colour, nationality, ethnic or national origins
- they are disabled
- they are lesbian, gay, bisexual or straight (their sexual orientation)
- of their religion or belief or lack of religion

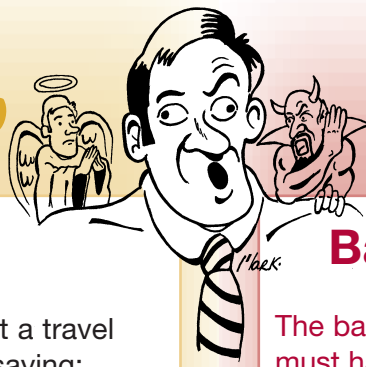
What other rights do I have?

Depending on exactly what is happening to you, 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

Good boss,

Do any of these sound familiar?



bad boss

Good boss...

When looking for a new administrator at a travel agents, the good boss writes a job ad saying: "The right applicant should have an NVQ or equivalent qualification in tourism, or be able to give detailed examples of relevant experience."

NVQs (in Scotland, SVQs) are fairly new qualifications. So older people are less likely to have them than younger people. Because the bad boss will only employ people who have NVQs, he is putting older people, like the 50-year-old woman who applied, at a disadvantage. This is age discrimination.

The good boss thinks carefully about what someone needs to do a good job and realises that experience will do just as well as a qualification.

Before starting her new job as a forklift truck driver, a woman has to have a company medical examination. Reading through the results, the good boss finds out that the new employee is HIV positive.

Being HIV positive is a disability for the purposes of discrimination laws. The good boss quite rightly sees the new employee's condition as irrelevant to her ability to do her job safely. The bad boss discriminates against her by sacking her for no good reason.

A dyslexic man applying for a promotion to a management position at work has to sit a written test. When he asks, the good boss gives him extra time to complete the written test.

Dyslexia is a disability for the purposes of discrimination laws. Employers have to make 'reasonable adjustments' to help disabled employees to do their job. So by ignoring this simple request, the bad boss discriminates against his disabled employee.

When a woman complains that someone keeps writing messages about her sex life in the men's toilets, the good boss has the graffiti removed immediately. The good boss also has the toilets regularly inspected over the next few weeks to make sure nothing else appears and organises staff training on bullying, making it clear that if anyone is caught writing any more rude messages, they will be disciplined.

Making comments of a sexual nature about someone at work is sexual harassment. This is a type of sex discrimination. So the employee who wrote the messages has discriminated against the woman. But the woman's employer must also take reasonable steps to protect her from harassment in the workplace. The bad boss hasn't done this. He makes it clear to both the woman who complained and the team who wrote the comments that he doesn't think it's a big deal. But the good boss leaves his workers in no doubt that sexual harassment won't be tolerated.

Bad boss...

The bad boss writes a job ad saying that applicants must have an NVQ in tourism. A 50-year old woman applies, explaining that, whilst she doesn't have an NVQ, she has plenty of relevant experience. But the bad boss throws her application straight in the bin.

On finding out that the woman he has just hired to be a forklift truck driver is HIV positive, the bad boss phones her immediately to tell her that the company won't have her sort working for them.

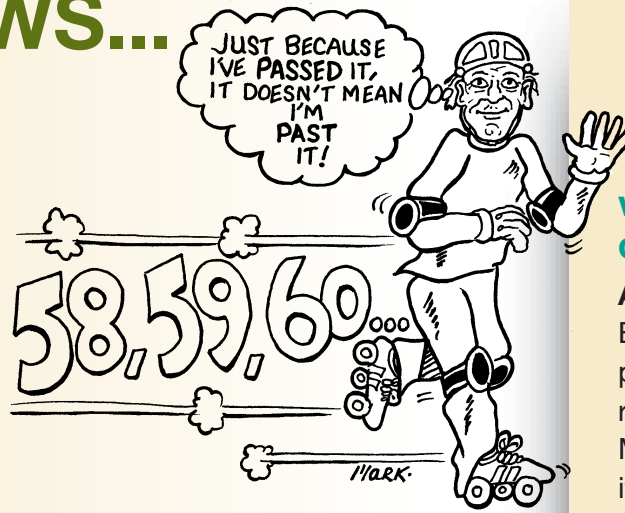
The bad boss refuses to give a dyslexic employee extra time to complete a written test. The bad boss thinks that would be unfair on the other applicants and that they would complain.

When a woman complains that someone keeps writing messages about her sex life in the men's toilets, the bad boss says: "I'll have a quiet word with the lads. But, don't take it so seriously. They're only having a joke. It's not like anyone's going to believe that stuff." Later on, the bad boss has a laugh about it with the men on the shop floor but says they should leave her alone now.

IN THE NEWS...

Campaign of abuse against gay manager

A former manager at a waste disposal company in Brentwood, Essex won a sexual orientation discrimination claim after suffering a 5-month campaign of abuse, which ended in his resignation. Colleagues, including senior staff, had openly nicknamed him 'Sebastian' after the character played by David Walliams in Little Britain, phoned him up to say, "Just a queer word – er, I mean just a quick word" and shouted offensive remarks across the office. They had also humiliated him with practical jokes, bringing him up on stage at a conference to give him a T-shirt with pink writing on, which they told him was "just his colour" and made him twirl around in. He explained how, by the time he resigned, the constant abuse had left him devastated, unable to eat or sleep and dreading having to go to work.



Bus cleaner wins religious discrimination claim

A former bus cleaner from Bradford was one of the first people to win a claim of religious discrimination. Mr Khan asked his employer if he could use his 25-day holiday entitlement, plus one week's unpaid leave to go on a once-in-a-lifetime pilgrimage to Mecca (known in Islam as Hajj). When he didn't get a reply his manager told him that, if he hadn't heard anything, he could assume it was ok to go. So, he was shocked to be sacked on his return for gross misconduct – for taking unauthorised holiday! Less surprisingly, though, the employment tribunal was on his side.

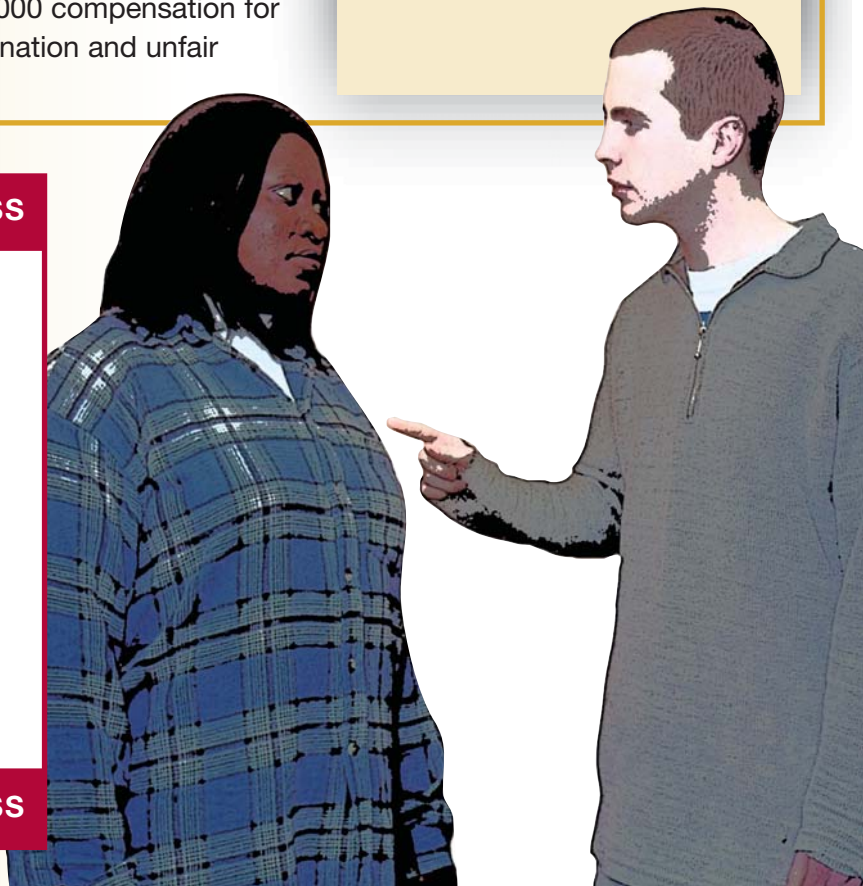
Sacked for being too old

In February 2008, a 60-year-old man won an age discrimination claim against his former employers at the Globe Tavern in Longtown, Cumbria. Despite having worked at the pub for more than 6 years, he revealed to Carlisle Employment Tribunal that he was made to do menial tasks, not given the free uniform handed out to younger staff and generally humiliated by his employers, who eventually sacked him weeks after his 60th birthday. He was awarded almost £15,000 compensation for age discrimination and unfair dismissal.

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It's finally against the law for shops and services to discriminate against people because they are transgender. It has been against the law for employers to do so for a few years now. But the new rules for shops and services only came in on 6 April 2008. About time too!

STOP PRESS • STOP PRESS • STOP PRESS



Prejudiced pubs, bigoted bars and other shoddy services

You might have thought that the days of signs in shop windows saying 'No Blacks', 'No Irish', or 'No Gypsies' were long gone. But read on and think again...



A couple of months ago there was a pub in the East End of London, which had a sign in the window saying 'No Travellers'. Unfortunately for them, it was spotted one day by someone who worked for a Roma-led organisation. She reported them to the Equality and Human Rights Commission (EHRC).

(The EHRC (for England, Scotland and Wales) and the Equality Commission for Northern Ireland (for Northern Ireland) have a wide range of powers to make sure employers, shops and services obey the anti-discrimination laws – Ed)

In 2007, the newspapers reported that a group of gay men had been refused service at a branch of Pizza Hut in Blackpool. They were apparently told by the staff that they 'didn't have any pizzas left'. Well, that's either a case of very bad stock management or very serious discrimination. Three of the men decided to take Pizza Hut to court for discriminating against them because of their sexual orientation.

NO PIZZA



FOR GAY MEN

One of your lot again!



A disabled customer of NatWest bank was forced to do his banking out on the street because he couldn't get his wheelchair up the steps to his local branch. After four years of ignoring his letters of complaint NatWest eventually installed a temporary ramp and paid out £5,000 in compensation.

NO



WHEELCHAIRS

That's news to me...

In a recent poll on the Advicenow website, 81% of people who responded said they had suffered discrimination at work.

Dear Richard



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

They call me names

Dear Richard

I am from Czech Republic working in England in a hotel. I experience discrimination there all the time. For example, some English workers sit about, use their mobile phone or go for a smoke all the time and this is all right. But if I just must go for a drink or to the toilet the supervisor shouts nasty words to me like 'you f*ck*ng dopey...' etc. I am not smelly, dirty or ill. I finished college. I can speak, read and write five languages. I was never off work for drinking. But still I am discriminated against.

Richard says:

I am sorry to hear about your problems at work. It sounds like your supervisor might be harassing you because of your nationality. This is against the law and your employer should take reasonable action to make sure members of their staff don't treat you like this. If you can, try and keep a diary of the things your supervisor says and does to you, noting the date and time and the names of anyone else who saw what happened. I'd recommend then that you go and speak to an employment law adviser, taking the diary with you, so that they can get the full picture and help you decide what to do next. You can get free employment law advice from your local CAB, law centre or independent advice service. In some areas there are also other specialist advice agencies. To find out which is nearest to you, go to:

www.isthatdiscrimination.org.uk.

Too old for treatment?

Dear Richard

I sometimes go and visit an elderly gentleman whose wife I used to look after before she died. He's in his 80s but manages really well. Recently he started to suffer from claustrophobia. He went to the GP about it who told him he was too old to be treated. Is this right? I can't see why he shouldn't be treated like anyone else.

Richard says:

Firstly, you'd need to know whether the GP refused to treat him for medical reasons or just because of his age. Sometimes there are medical reasons why someone shouldn't be given certain treatments. If this was the case, the doctor should have explained this to him.

GPs provide a public service. They are therefore required by law to respect people's human rights. One human right is the right to private life. You could argue that not treating someone for a mental illness like claustrophobia goes against their right to have a private life because it stops them from doing lots of activities. Also, if the only reason the GP is not respecting this gentleman's right to private life is because of his age, he is discriminating against this gentleman in the enjoyment of his human rights.

If you're satisfied that there aren't any medical reasons why he shouldn't be treated, ask for a copy of the surgery's complaints procedure. Follow the procedure to make a complaint in writing, telling them you think the GP hasn't thought about this gentleman's human rights.

If this doesn't get you anywhere you should get an independent review of your complaint by contacting the Healthcare Commission if you are in England, the Independent Review Secretariat if you are in Wales, the Scottish Public Services Ombudsman if you are in Scotland and the Health and Social Services Board for your area in Northern Ireland.

It's also worth getting in touch with an organisation that campaigns for the elderly like Age Concern or Help the Aged who might be able to give you further help and support.

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.
Harassment	Someone saying or doing things because of who you are, that you find offensive, humiliating, frightening or 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.
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. To stop your brain from aching, we've simplified things as much as possible so you can get 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 in this guide. Instead, 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.

Your local advice agency can help you deal with discrimination. You can contact them here:

If you would like this magazine in another format please contact ASA Advicenow on 020 7922 7727 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.



Written by Antonia Murfin, July 2008
Produced by ASA Advicenow, CAN Mezzanine, 32-36 Loman Street, London SE1 0EH
The Advice Services Alliance is a company limited by guarantee, registered in England & Wales no. 3533317.
Registered office: 12th Floor, New London Bridge House, 25 London Bridge Street, London SE1 9SG. Charity no. 1112627

This programme is supported by the European Union Programme for Employment and Social Solidarity – PROGRESS 2007-2013.

For further details see: http://ec.europa.eu/employment_social/progress/index_en.html

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