

## **SEX DISCRIMINATION**

It is unlawful to for your employer to discriminate against you on the grounds of your sex or marital status.

### **What is sex discrimination?**

There are 3 kinds of unlawful sex discrimination. These are:

1. Direct sex discrimination. This is where for a reason relating to either your sex (e.g. because you are pregnant) or marital status, you are treated less favourably than someone else of a different sex or marital status. Examples of being treated less favourably include being bullied or harassed (see our separate factsheet on bullying and harassment) or being disciplined or selected for redundancy for a reason relating to your sex or marital status.
2. Indirect discrimination. This is where your employer operates, without good reason, a rule or procedure that affects you adversely because of your sex or marital status. For example, if your employer has a rule that all employees must wear a trouser suit, then this could indirectly discriminate against female employees - unless the employer could objectively justify this rule, it would be unlawful sex discrimination. Another example would be where an employer insisted, without good reason, on employees working particular hours and this caused problems for female employees who had childcare commitments. This is a very complex area of law but our legal experts can help you with this.
3. Victimisation. This is where you are victimised because you have raised an issue of unlawful sex discrimination (either to your employer or to an Employment Tribunal). An example of this would be if you complained to your employer that you had been sexually harassed by a fellow employee and, because you had complained about this, your employer then treated you less favourably – this in itself would be unlawful sex discrimination.

If you are wish to bring a claim for sex discrimination, you will usually need to pursue a grievance first with your employer – if you do not, the Employment Tribunal may not consider your claim.

### **Who can I claim against?**

If you are unlawfully discriminated against, you can bring a claim against the person who has discriminated against you (e.g. a co-worker or your boss) and you can also bring a claim against your employer (e.g. for failing to stop the discrimination from occurring).

### **Who can bring a claim for unlawful discrimination?**

There is no requirement for you to have been employed by your employer for any length of time before you can bring a claim for unlawful discrimination. In fact, there

is no need for you to actually be an employee. You can bring a claim for unlawful discrimination if you are:

- A job applicant (e.g. if you are turned down for a job because of your disability)
- An employee (even if you are in the first day of your employment)
- A worker (i.e. you are not an employee but are still providing services to your “employer”, e.g. as a self-employed contractor)
- An ex-employee and, for example, your ex-employer refuses to provide a reference for you because you complained of unlawful discrimination whilst you were still an employee.

### Remedies

If you have been unlawfully discriminated against, an Employment Tribunal may award you compensation. This is usually for any losses you may suffer (e.g. lost wages if you are dismissed) and an award for injury to feelings. **There is no limit on the amount of compensation that can be awarded for unlawful discrimination.**