

DISCRIMINATION ON THE GROUNDS OF TRADE UNION MEMBERSHIP/NON-MEMBERSHIP

It is unlawful to discriminate against you because you are either a member of a trade union or are not a member.

If you have been the subject of less favourable treatment because you are a member of a trade union (or if you are less favourably treated because you are not a member), then you may be able to claim for discrimination.

If you wish to bring a claim for trade union 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.**