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SOLICITORS

Know your employment rights

It is vital for employers to instil an inclusive culture within the workplace and support where possible. Here are some FAQs on inclusivity within employment.

What is discrimination?

Discrimination is where someone is treated 'less favourably' than someone else because of a protected characteristic.

Types of discrimination also include:

- Harassment, unwanted or offensive behaviour related to a protected characteristic.
- Victimisation, negative treatment as a result of being involved with a discrimination or harassment complaint.

What is the relevant law?

The Equality Act 2010 protects individuals with Protected Characteristics against discrimination at work. Sexual orientation and gender reassignment are two of the protected characteristics.

What can employees do if they believe they are being discriminated against?

If you think you have been discriminated against at work, you should raise the issue with your employer. You can raise the matter informally or formally via your employer's grievance procedure. It is best to make your complaint as soon as possible so that issues can be resolved. You should keep a record of what has happened.

What obligations do employers have towards employees?

Employers are obliged to provide a safe place of work. Employers should strive to make their workplace an environment in which employees feel happy to work. It is important for employers to recognise the benefits of an inclusive and diverse workforce. Employers must not discriminate against employees in any aspect of their work and afford LGBTQ+ employees the same rights, treatment and opportunities as other staff.

What should employers have in place to protect staff from discrimination?

Employers should ensure they:

- Have an equal opportunities policy together with a bullying and harassment policy within their staff handbook.
- Communicate the handbook to all staff so they are aware of the expectations to treat all employees with respect.
- Have a clear grievance policy, ensuring employees are aware of how they may raise complaints of discrimination and how they will be dealt with.
 - Deal with all grievances properly and fairly, and take complaints seriously.
 - Train managers to deal with grievances and any related disciplinary procedures.
 - Include in their disciplinary policy that discrimination is considered gross misconduct and, if found to be in breach, employees could be dismissed without notice.

What if my grievance doesn't resolve things?

If you raise a grievance and are unhappy with the outcome, you must appeal the decision.

If matters are not resolved, or if discrimination continues, you can make a claim to an employment tribunal. You can bring a discrimination claim whilst you are still employed, regardless of your length of service. There are strict time limits for bringing claims, so you should get advice at the earliest opportunity.

If you have an employment law related query, get in touch.

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