

Discrimination

Discrimination law is different

Discrimination claims can be based upon sex, marital or civil partnership status, racial grounds, disability, gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity leave or age. The following notes are a brief summary of some important differences between discrimination and other areas of employment law.

No upper limit

If there is a finding of discrimination there is no statutory maximum on the amount that can be awarded.

Qualifying period

An employee does not need to have served a qualifying period of service in order to lodge a discrimination claim. In fact even job applicants can bring a claim.

Injury to feelings

There can be an additional award in discrimination cases for injury to feelings.

Not just dismissal

Discrimination claims can be brought where no dismissal has taken place. So a claim can be brought by an employee while still working within a business.

Three month time limit

The Tribunal has the power to extend the usual 3 month time limit if it decides that it would be “just and equitable” for them to do so.

Harassment

Claims can be brought for harassment based on discrimination and the procedures are different to those relating to non-discriminatory harassment cases.

Burden of proof

In discrimination claims the burden of proof can shift from the employee to the employer once the employee is able to provide some evidence of discrimination.

The above information is not intended to be a complete or definitive statement of the law. For more information or advice please contact our Employment Law team.