

#MuralInAction

WORKPLACE DISCRIMINATION TOOLKIT



FAITH MATTERS
WORKING GLOBALLY, IMPACTING LOCALLY

Faith Matters (www.faith-matters.org) launched in 2006 as a vehicle to enable faith communities to reduce conflict using conflict resolution tools. Faith Matters works on integration, cohesion, hate crime and countering extremism projects.

Faith Matters was one of six organisations working together to address the increase in anti-Semitic and anti-Muslim sentiments in Europe by supporting tolerance and respect for different faiths, religious beliefs and ethnicities within MURAL ('mutual understanding, respect and learning'), a project that ran from 2018-2019 in six European countries – Germany, Greece, the Netherlands, Poland, Portugal and the United Kingdom.

The MURAL project was led by the British Council. It promoted the principles of pluralistic and democratic societies. It aimed to foster transnational cooperation, exchange of knowledge and exchange of best practice to encourage tolerance and counter attitudes that contribute towards acts of hatred and discrimination.

MURAL partners brought together an empowered network of social activists and key stakeholders who became agents of positive change in their communities. The project harnessed people's power for advocacy and their desire for social change to creatively engage the people they live and work with.

Some of the MURAL social action projects led by Faith Matters UK participants were around improving critical thinking and social media literacy skills that can help counter extremist, hateful, and racist narratives online, assist in identifying bots and cyborgs, and provide practical ways to resist and counter extremist narratives.

As part of this, Faith Matters UK participants have developed this series of toolkits to provide practical and legal information around discrimination and hate crimes.

WORKPLACE DISCRIMINATION

EQUALITY ACT 2010

Equality Act is legislation which provides protection from discrimination. Under the Act, it is unlawful to discriminate against employees because of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Equality Act protects against discrimination at the workplace, and the protection also covers the recruitment stage, dismissal, redundancy, training, and employment terms and conditions.

FORMS OF DISCRIMINATION

Discrimination under the Act can be in any of the following forms:

- *Direct Discrimination*: when a person discriminates and treats people less favourably than others because of their protected characteristics. For example, an employer not promoting an employee because of their religion or belief.
- *Indirect Discrimination*: When a person introduces a rule or policy which applies to everyone, however it puts people of the same protected characteristic at a disadvantage. For example, an employer introduces a uniform policy for all employees, and the uniform goes against some of the employees' religious practices.
- *Harassment*: if a person acts in a threatening or intimidating way or causes you distress or offence because of your protected characteristic. For example, a colleague making an abusive or offensive statement about Islam to a Muslim employee.

- **Victimisation:** punishing someone or treating them badly because they complained about unlawful discrimination. For example, an employer refusing to give a reference to an employee who previously complained about discrimination in the workplace.

STEPS TO TAKE IF YOU ARE A VICTIM OF WORKPLACE DISCRIMINATION

1. **Informal grievance:** Speak to the HR department or a manager and try to resolve the matter informally. It could be best to resolve the problem by talking to someone who might be able to help.
2. **Formal grievance:** If the matter is not resolved informally, you should proceed with a formal complaints process. Write down details of the discrimination, how it has affected you, and what you would like your employer to do. If necessary, speak to a trade union representative, or seek legal advice before your formal meeting. You have the right to bring a friend or representative with you to the meeting.
3. **Contact ACAS:** If the formal grievance process is unsuccessful and you have decided to take the matter further, you need to notify the Advisory, Conciliation and Arbitration Service (ACAS) of your intention to file a claim to the Employment Tribunal before doing so. ACAS will try to resolve the dispute between you and your employer through early conciliation service.

Remember: the time limit for making a discrimination claim to the Employment Tribunal is three months from the last act of discrimination. In most cases the Tribunal will not extend the three-month time limit, however, in discrimination cases, the deadline might be extended if the Tribunal thinks it is just and equitable to do so.

4. **Make a claim to the employment tribunal:** If you agree to early conciliation but do not reach an agreement or decide not to choose early conciliation, ACAS will send you a certificate which you will need in order to file a claim at the Employment Tribunal. Once you receive your ACAS certificate, you will be able to file a claim to the Employment Tribunal, which can be a stressful and lengthy process. It is advisable that you seek legal advice beforehand to assess the

strength of your claim. This will help you decide whether to proceed with a legal claim, or perhaps try to reach a settlement outside of court.

If your claim succeeds, the Tribunal may award you financial compensation and/or make a recommendation to your employer. In discrimination cases, there is no maximum limit on the financial compensation. **The compensation amount may be reduced by the Tribunal if the employee did not follow the formal grievance process.**

In terms of costs, unlike other court cases, you do not have to automatically pay the other party's costs if you lose. In a very few circumstances the Tribunal will order you to pay your employer's costs, for example, if you brought a claim that had no chance of winning, or you unreasonably refused a good offer for settlement.

LEGAL FUNDING

What are funding options for Employment claims?

- Damages-Based agreement/Conditional Fee agreement: where you agree with a solicitor that part of, or all, their legal fees will only be payable if your claim succeeds.
- Legal expenses insurance (After the event insurance & Before the event insurance).
- Legal aid: this is only available in discrimination claims and only in respect of individuals who meet the qualifying criteria. You can check if you are eligible on the Gov.uk website, or you can contact the Equality Advisory Support Service

LITIGANTS IN PERSON

You can choose to not have legal representation for your claim at the Tribunal. Parties who are acting on their own behalf and are not legally represented are called **litigants in person**.

The Employment Tribunal has a duty to ensure, as far as reasonably practicable, that all parties are on an equal footing. Therefore, they will provide some assistance and support to litigants in person during the proceedings in order to redress the balance. For example, if a litigant in

person does not comply with an order, and the failure to comply is due to a reason related to the fact that they are unrepresented, the Tribunal will take that into consideration.

MURAL

Mutual Understanding Respect and Learning

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