



See Me in Work

Protection from Discrimination

Frequently Asked Questions

An employer is not allowed to discriminate against anyone because of a range of “protected characteristics” in any part of work life including recruitment, being at work, being off sick, discipline, dismissal and references.

What characteristics are covered?

- Protected characteristics include age, disability (including mental and physical impairments), race, sex, gender reassignment, being married or in a civil partnership, pregnancy or maternity, religion or belief, sexual orientation.

Who is covered?

- Employees are covered from the first day of employment.
- A provider of goods, services or facilities is also not allowed to discriminate against people because of their protected characteristics.
- Employees must not be discriminated against because of protected characteristics – or because someone thinks they have.
- Protection applies to people who are “workers” and not just to employees. This includes contract workers, and public and personal appointments.

What happens at the recruitment stage?

- Applicants and employees do not have to disclose if they have a disability, although it is more helpful for an employer when considering reasonable adjustments.
- Employers must consider reasonable adjustments in the recruitment process for a job applicant with a disability and they are allowed to ask questions to do this. Reasonable adjustments could include adjustments such as assistance with completing forms or CVs, adjustments to tests or interviews, and adjustments to time-scales or formats.
- Employers generally cannot ask questions about a job applicant's health, sickness absence from work or disability before they make a job offer.
- Employers must also consider reasonable adjustments throughout the work cycle e.g. from recruitment, to being at work or off work, returning to work, promotion, when the organisation is making changes or considering redundancies, leaving voluntarily, through retirement, redundancy or dismissal, being given suitable references after leaving work.

What can you do if you think you've been discriminated against?

If you think you have been discriminated against, you have legal protection through the courts and employment tribunals.

What protection do employers have?

Employers can dismiss an employee on grounds of capability whether or not they have a disability. It is more likely to be an unfair dismissal if reasonable adjustments have not been considered or made.

