



See Me in Work Preventing Unlawful Discrimination A Checklist for Employees

What can I do if I think I have been discriminated against unlawfully by my employer?

If you think you have been discriminated against by your employer, there are a number of things you can do:

- ✓ Resolving the matter directly with your employer through a grievance procedure should be considered as your first option.
- ✓ Some organisations have policies covering **harassment** or **dignity at work**. Find out what is covered and the relevance to your situation.
- ✓ Get advice from a range of sources including your trade union representative, Citizens' Advice Bureau, Advisory Conciliation and Arbitration Service (ACAS), the Equality Advisory Support Service (EASS) and community law centres.
- ✓ If you decide to take legal action against an individual or against your employer organisation, employment complaints must be lodged with an Employment Tribunal. www.employmenttribunals.service.gov.uk/apply/guide

Taking Legal Action: Things to Note

There are very strict time limits around this (**usually 3 months less one day** from the incident being complained about) so you should **take advice as soon as you can** and make sure that you put in your complaint within the prescribed time limits even if you are seeking resolution through any other route.

You are also required to contact ACAS www.acas.org.uk to use their free Early Conciliation service before putting in an employment tribunal application in most cases. This does not change the time limits for putting in an application.

The law requires fees to be charged for making an application to an employment tribunal, and a second set of fees is chargeable for taking the case forward to a hearing. Fees are currently set at different amounts depending on a range of factors. In some circumstances, you can apply for refund of the fees. This depends on income and savings. You should check rules about fees and remission in plenty of time before making an application so that your application does not get rejected because you have failed to pay the fees.

www.employmenttribunals.service.gov.uk/apply/guide/#fees-and-payment

If the complaint is found in your favour, you may be awarded compensation for any financial loss, and you may also get an additional award for “injury to feelings”. However, if you lose, you would lose any fee you had paid, and your employer could seek some costs against you in certain circumstances.

It is therefore important that you get advice about lodging a complaint and what you need to do to make sure any application has all the required information and is valid.

Of course, it's better if you are able to resolve things informally so you don't have to take legal action. You may be able to do this with your employer directly, or by getting assistance from ACAS. www.acas.org.uk

