

DISCRIMINATION

A summary to help employers understand the Discrimination (Jersey) Law 2013. The Law provides legal protection against defined 'protected characteristics'. In simple terms, Discrimination law is a 'social' law – it is much wider than employment law.

What you need to know...

TYPES OF DISCRIMINATION



Discrimination legislation includes both direct and indirect discrimination if we treat someone less favourably or they are disadvantaged on the basis of a protected characteristic. Equally, harassment and victimisation are prohibited.

This also applies to discrimination by association – where someone is treated less favourably because they are associated with someone with a protected characteristic.

- **Race:** Ethnic origin, Colour, National Origin, Nationality
- **Sex:** Sex, Sexual orientation, Gender reassignment, Pregnancy and maternity
- **Age:** Actual age, those who share the same protected characteristic in the same age group
- **Disability:** Physical, Mental, Intellectual, Sensory, Impairment or Disfigurement which adversely affects ability. Remember that not every disability is visible!

PROTECTED CHARACTERISTICS



- Employers are liable for acts of employees or even suppliers, but claims can be made against a Company plus a named employee. Your employees must understand they are liable too.
- The Jersey Employment & Discrimination Tribunal are hearing more and more cases. Ignorance is no defence. Understand what this means for your business and educate your employees. If you do, you protect your business.
- Case law is evolving all the time which informs what is expected as best practice as well as how far the law applies or can infer or interpret discrimination.



GENERAL CONSIDERATIONS

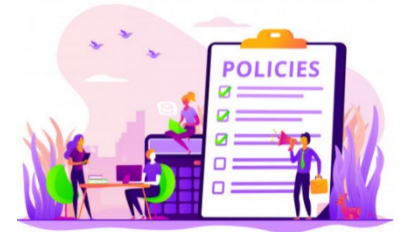
What you need to do...



BELIEVE IN EQUALITY

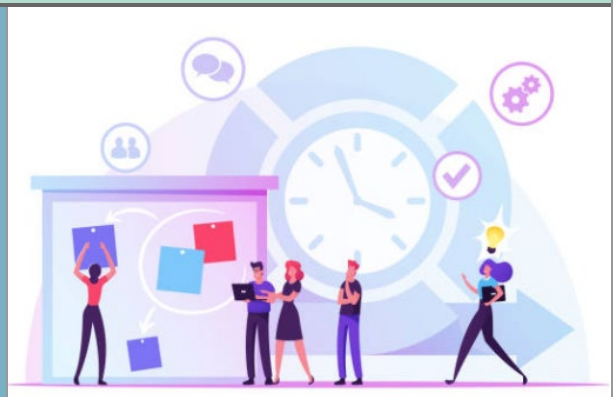
Leadership leads commitment and culture change

- Update and implement your policies, handbooks & processes - include diversity & inclusion, anti-harassment, flexible working, maternity, disciplinary, adoption & parental and equal opportunity policies
- Review your contracts – specifically retirement and benefits policies



- Communicate **with** and educate Employees – be really clear about desired behaviours and **train** all your staff! It protects you.
- Deal swiftly and effectively with complaints
- Adopt a Zero Tolerance policy

- Be Mindful at all stages of the employee lifecycle – and the decisions you make from recruitment to retirement
- Review job descriptions and person specifications – are they fit for purpose?
- Ensure training selection and promotion decisions are fair
- Consider reasonable adjustments – e.g. application process, access to the business



DO NOT IGNORE IT!

- You must deal with issues, even if there is no complaint. Ignoring the matter should not be accepted
- When dealing with a complaint, investigate fairly and ensure you have someone independent running with it.

SEEK ASSISTANCE

If you are unsure how to act, make sure you get advice. This could mean the difference between handling the situation correctly or a tribunal claim!

