

Racism at work - a crime in anyone's language

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Racism at work can be direct or subtle, conscious or unwitting.

It can come from your boss, from the people you work with or be built into the way your organisation works.

Racist behaviour can be against the law, and this page explains your rights if you think you have been a victim of racial discrimination.

It takes a positive commitment from the whole organisation - managers and staff. When employers and unions work together it can make a real difference.

Racism at work

Racism occurs when you are treated differently to your colleagues because of your race or ethnic origin.

Common examples are when someone is

- called names
- overlooked for promotion
- denied training
- denied overtime and other benefits
- only offered unpopular shifts
- shouted at
- bullied
- selected for redundancy
- denied holiday entitlement

Racism is bad for workers...and employees

You can suffer from

- loss of confidence
- stress
- humiliation
- insomnia
- low morale
- anxiety
- physical sickness
- bad work performance

You may need time off work and even long-term sickness leave.

And the price to your employer:

- disharmony in the workplace
- unhappy workers
- reduced output
- reduced profits
- high sickness levels

And if found guilty of race discrimination damages are unlimited.

What the law says

The legal definition:

Race discrimination occurs when a person is treated less favourably on the grounds of race, colour, nationality, ethnic or national origin.

It is unlawful to discriminate against any worker on racial grounds. The Race Relations Act 1976 (RRC76) makes it unlawful to discriminate in:

- recruitment
- pay (including bonuses and shift premiums)
- other terms and conditions (e.g. holidays)
- access to opportunities or benefits (e.g. promotion, training, bonuses)
- dismissal
- or by disadvantaging a worker in any other way on racial grounds

There are three different kinds of discrimination forbidden by law.

1) Direct Discrimination occurs when a worker is treated less favourably on the grounds of race, colour, nationality, ethnic or national origin. Direct discrimination is relatively easy to identify but can be more difficult to prove.

2) Indirect Discrimination is more complicated and can be difficult to prove in a court or tribunal. Indirect discrimination flows from some condition put on applicants for a job if the condition:

- is likely to lead to preference being given to one or more racial group rather than others;
- it cannot be justified by the requirements of the job

To explain this further it is best to take an example. If a condition in a job ad was that all applicants must have high standards of spoken English then it would clearly discriminate against non-native English speakers. But if the job was working in a call-centre, good spoken English is needed to do the job properly. This would not therefore be indirect discrimination. But if the ad were for a job on an assembly line, it would be likely to be indirect discrimination because you do not need high standards of spoken English to operate routine machinery.

Many cases are not as clear-cut as this, and you will need expert advice if you think you are suffering from indirect discrimination.

3) Victimization is straightforward and occurs if you are treated less favourably because you have taken action under the Race Relations Act.

Instructions to discriminate

Any manager who tells someone to discriminate on racial grounds, or pressurises them in any other way, to do so is breaking the law. If you are victimised in some way because you do not follow an instruction to discriminate (as it is known in legal jargon) then you are likely to have a strong case to take to an Employment Tribunal. Take advice.

Who is legally liable?

The discrimination you face at work might flow from the actions of your workmates rather than your boss. But your employer is still legally liable. They are responsible for ensuring that there is no racism in the workplace.

In legal jargon this is known as 'vicarious liability'. The employer can only avoid taking the blame if he or she can show that they have taken reasonable practical steps to prevent discrimination. This should include taking disciplinary action against anyone guilty of racist behaviour.

Your employer has a general duty to provide a safe and healthy workplace. If there is bullying of any kind, or other behaviour which affects your health or ability to do your job, you may be able to use the law to make your employer change their approach.

But individual employees can also be held legally responsible.

An employee who knowingly discriminates against another employee or applicant on the grounds of race, or who aids discriminatory practices, is acting unlawfully. The Commission for Racial Equality's Code of Practice states that employees have a duty to comply with measures introduced by their employer to ensure equality of opportunity and non-discrimination.

What to do if you have suffered discrimination

While this page stresses your legal rights, going to law is not always the best way to resolve problems and you should always take advice at an early stage. Court or tribunal cases can be stressful and while we encourage people to stand up for their rights, you should think through carefully what you want to do. You can win compensation but it will not necessarily be the kind of large figures sometimes reported in newspapers. The average settlement in a race discrimination case at an Employment Tribunal is £5000.

These are some of the steps you may take:

- Talk to colleagues who might be suffering the same problems. If they are, work out together what you want to do about them. Talk to friends who might have suffered similar problems where they work. It's always helpful to share a problem and trying to cope with pressure on your own can be particularly stressful.

- Keep a diary of events of who said what, when, circumstances and any witnesses. This will give a vital record of the nature of racism.
- Find out whether your employer has specific rules about racism at work or a grievance procedure you can use to raise a problem. Since the summer of 2000 the law has changed to allow you to bring a colleague or trade union officer with you to such hearings. Good employers already do.
- If you are in a union, contact your union rep or shop steward to assist you with talking to management or approaching any harasser.
- If your local union rep is unable to help, then contact your local union officer responsible for equality matters, the equality officer, in the union's head office or a member of the union's race relations committee or group. (Different unions will have different structures.)
- If there is no trade union at your workplace contact the TUC know your rights telephone line on 0870 6004 882 to find the one that is most appropriate.
- The TUC know your rights line can also provide leaflets on other workplace issues such as bullying, and a general leaflet on your job and the law which explains how employment tribunals work.
- The Commission for Racial Equality is a national body that can help victims of race discrimination.
- Your local Citizens Advice Bureau or Law Centre may be able to help. You can get their details from the phone book or a local library.
- You may want to talk to a private solicitor - although you should be aware that it is very unusual to be awarded costs in an employment tribunal. The Law Society can provide a list of law firms that specialise in discrimination issues.

Useful contacts

The TUC know your rights line 0870 600 4 882

The Commission for Racial Equality

Elliot House, 10-12 Allington Street, London SW1E 5EH Telephone - 020 7828 7022

ACAS This is a public body that promotes good workplace relations. They can provide advice and information to employees and employers.

These are their local enquiry points.

Birmingham 0121 456 5856

Bristol 0117 946 9500

Cardiff 029 2076 1126

Fleet 01252 811868

Glasgow 0141 204 2677

Leeds 0113 243 1371

Liverpool 0151 427 8881

London 020 7396 5100

Manchester 0161 833 8585

Newcastle 0191 261 2191

Nottingham 0115 969 3355

National Association of Citizens Advice Bureaux

Consult Yellow Pages or local authority for contact number.

National Law Centres Federation

18 Warren St, London W1P 5DB. Telephone - 020 7833 2181

The Law Society

113 Chancery Lane, London WC2A 1PL Telephone - 020 7242 1222

Unions Today

Your friend at work

Everyday unions help thousands of people at work. Last year unions won a record £330 million compensation for their members through legal action. They won £1 million in equal pay claims - an average of £15,000 per member.

And of course unions help negotiate better pay and conditions. Black and Asian workers in union workplaces get paid a third better than in non-union workplaces.

But unions are not just there when something goes wrong. Union workplaces are safer, and more likely to help employees get on with better training and development programmes. Unions themselves provide training and services like legal advice.

And in the best workplaces employers and unions have put behind them outdated ideas of confrontation and work together in partnership.

Partnership employers recognise that staff morale and commitment are improved when they are treated well, have their views taken into account and enjoy job security. And in return staff take more pride in their work and are more ready to embrace the changes modern firms often need to compete.

Unions take on the bad employers, and work with the good to make them better.

To find out more about joining a union call the TUC know your rights line 0870 600 4 882 or [complete our form](#).

Unions today - your friend at work.