

# Race discrimination

## 1 . The law on race discrimination

Race is one of 9 'protected characteristics' covered by discrimination law (Equality Act 2010).

Race discrimination includes direct and indirect discrimination, harassment and victimisation.

Race discrimination can happen in any aspect of work. It can result from decisions made at work or from how people behave towards each other.

It could be a regular pattern of racist behaviour or a one-off incident. It can happen in the workplace, at work social events or when people are working remotely.

## Terms used around race

The language around race changes over time. And terms that some people are comfortable with might be offensive to others. There's no one term that everyone will prefer.

In this advice, we use terms that are generally considered acceptable at the time of writing. We use the terms white, black and ethnic minority. We also refer to specific ethnic and national origins.

## What race means by law

The Equality Act 2010 says that people must not be unfairly discriminated against because of:

- colour
- nationality
- ethnic or national origins

Someone's race is made up of a combination of these things. For example:

- white, British, of Polish national origin
- black, British, of African ethnic origin and Nigerian national origin

### Colour

This means skin colour.

Hair colour is not covered by the law.

### Nationality

This means someone's current nationality or citizenship, for example British. This can change. Someone's nationality might not be the same as where they were born.

## **Ethnic origin**

Someone's ethnic origin is defined by the ethnic group they belong to.

An ethnic group is a group of people with a shared history and culture. The group may also share language, religion or geographical origin. People can belong to more than one ethnic group.

Whether an ethnic group is protected from discrimination can sometimes depend on it being recognised by the courts.

Examples of recognised ethnic groups include:

- Irish Travellers
- Jewish people
- Romany Gypsies

English, Irish, Scottish and Welsh people are all recognised as separate ethnic groups within the UK.

Not all ethnic groups have been recognised as protected by the courts, for example some Gypsy and Traveller groups.

## **National origin**

National origin usually means where someone was born or where their parents are from. It can be different from nationality. For example someone could have Chinese national origin and British nationality.

## **Racial group**

This is a term used in the Equality Act 2010 to describe any group of people who share one or more aspects of race.

## **Discrimination because of more than one aspect of race**

Discrimination can happen because of one or more aspects of someone's race.

For example, someone born in the UK with Nigerian parents could be discriminated against because of any combination of:

- their black skin colour
- their British nationality
- their Nigerian national origin

## **Who is protected by race discrimination law**

At work, the law protects the following people against discrimination:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants
- former employees – usually around providing references

## **Understanding more about discrimination**

[Find out about the different types of race discrimination](#)

If you need more general discrimination advice, you can read [discrimination and the Equality Act 2010](#). This includes advice on employer responsibilities and on other protected characteristics.

## Contact the Acas helpline

If you have any questions about race discrimination at work, you can [contact the Acas helpline](#).

## 2. Types of race discrimination

Race discrimination includes:

- direct discrimination
- indirect discrimination
- harassment
- victimisation

It's important to understand the different types of race discrimination. This is so you know what your rights and responsibilities are under discrimination law (Equality Act 2010).

For full definitions of each type of discrimination, read our advice on [discrimination and the Equality Act 2010](#).

### Direct discrimination

Direct race discrimination is when someone is put at a disadvantage or treated less favourably because of:

- their race
- the race of someone they have a connection with – this is called 'discrimination by association'
- their 'perceived' race, which means thinking someone is a certain race when they are not – this is called 'discrimination by perception'

[Read the full definition of direct discrimination](#)

### Example of direct discrimination

Ade is black. After an argument with someone at work who is white, Ade is given a final written warning. The other person gets a first written warning. Both were equally to blame but the person who investigated the incident was biased and assumed that Ade had caused the problem. This is direct discrimination.

### Example of discrimination by association

Robin, who's white British, is not given an opportunity to work with a new client. It could have meant a large commission and a bonus. Robin's partner is from India. The management team said that might jeopardise a deal with the client, because they heard the client's chief executive will only work with people who represent 'white British culture'. This is discrimination by association.

### Example of discrimination by perception

Janina applies for a job and is rejected. The employer thinks the name sounds Lithuanian and is prejudiced against people from Eastern Europe. Janina is actually of Anglo-French national origin. This is discrimination by perception. If Janina was Lithuanian it would be direct discrimination.

## Indirect discrimination

Indirect race discrimination is when a working practice, policy or rule applies to everyone but puts a person or group at a disadvantage because of their race.

[Read the full definition of indirect discrimination](#)

### Example 1 – indirect discrimination

A cleaning company needs to reduce their number of cleaners. The company uses English language skills as one of their redundancy selection criteria.

Two cleaners are from Bulgaria. They speak English well but do not have good written skills. The other cleaners are from the UK and English is their first language. The employer selects the two cleaners from Bulgaria for redundancy based on their lower level of written English.

This could be indirect discrimination. This is because it's likely to put people whose first language is not English at a disadvantage. The employer could only justify their action if they assess people against a standard of English that's essential for the job.

### Example 2 – indirect discrimination

An employer says all employees must start working some Saturdays, because they're changing their opening times. This affects everyone who works for the organisation.

One employee is Jewish and observes the Sabbath, so they cannot work on a Saturday. They are put at a disadvantage because of their ethnic group. If the employer cannot legally justify the change and the need for all employees to work on Saturdays, this could be indirect discrimination.

## When a decision on race might not be discrimination

In certain circumstances under the law an employer might be able to make or justify a decision based on race. Ways they can do this include:

- [positive action](#)
- [objective justification](#)
- [an occupational requirement in recruitment](#)

## Harassment

Racial harassment is when someone experiences unwanted behaviour related to race. A common example is racist language.

To be harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment

[Read the full definition of harassment](#)

## Example of harassment directed at a specific person

Dominique, who's French, moves to a new team at work. Two people in the team regularly make fun of Dominique's accent and make comments and jokes about being French. Dominique is very offended by this and feels humiliated.

When Dominique complains, their manager does not take it seriously and says people are only joking. Dominique feels this is not acceptable and decides to make a formal complaint.

## Example of harassment not directed at a specific person

Danny's colleagues regularly use racialised opinions and racist terms towards Turkish people. Danny is intimidated by this and feels it's created a hostile environment for them at work.

Danny is not Turkish and the language was not directed towards them. However, they could still make a complaint of harassment related to race because of the hostile environment they feel it's created for them at work.

## When harassment can be a crime

Racial harassment can sometimes be a crime. For example if someone has experienced a race hate incident like:

- physical or verbal abuse
- threats of physical violence
- online abuse
- damage to their property

[Find out more about hate crime at work](#)

## Victimisation

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint.

It does not matter if the complaint was made by them or someone else. The law also protects someone from victimisation if someone else thinks they're involved with a complaint.

Ways someone can be victimised include being labelled a troublemaker, being left out, or not being allowed to do something.

[Read the full definition of victimisation](#)

## Example of victimisation

Jordan raised a grievance with their employer because of ongoing racist comments and behaviour towards them that managers have ignored. Jordan's colleague Charlie made a statement to support Jordan's complaint after witnessing some incidents.

Since then, Charlie has received aggressive emails from a manager about the witness statement. And both Jordan and Charlie have not been invited to some important meetings they would usually be invited to. It's likely they are both being victimised.

## When race discrimination might not be obvious

Discrimination is not always obvious and might not be noticed by other people. This can include:

- stereotyping people – having a fixed view of what someone's like or what they can do based on their race

- microaggressions – small comments, questions or behaviours that are inappropriate or can cause offence, sometimes without the person who's doing it realising

## Examples of stereotyping and microaggressions

Examples could include:

- telling someone how good their English is – this suggests thinking the person would not speak good English based on how they look or where they're from
- telling someone their name is too hard to say – this implies it's not worth taking the time to learn their name and suggests they do not fit in

## Contact the Acas helpline

If you have any questions about race discrimination, you can [contact the Acas helpline](#).

## 3. Making and handling complaints

If someone has experienced or witnessed race discrimination at work, they can make a complaint to their employer. The employer should take it seriously and look into it as soon as possible.

Race discrimination can be very distressing and in some cases have a severe impact on someone's mental health and wellbeing.

Employers should make sure that:

- reporting race discrimination is as easy as possible
- anyone who's experienced or witnessed it feels safe, protected and supported
- anyone accused of race discrimination is treated in an impartial and fair way

## If you've experienced race discrimination

It's best to make a complaint as soon as possible. But if you make a complaint a long time after an incident took place, your employer should still take it seriously.

[Find out what to do if you've been discriminated against](#)

## Witnessing race discrimination

If you think someone at work is being discriminated against, there are actions you can take. This could include stepping in to try and stop it happening if you feel it's safe, supporting people or giving evidence.

Witnessing discrimination might also affect you personally. In some circumstances, you could make a harassment complaint yourself.

[Find out more about witnessing discrimination](#)

## Handling a discrimination complaint

If you're an employer or manager, you should look into any discrimination complaint in a way that's fair and sensitive to:

- the person who made the complaint
- anyone who witnessed it
- anyone accused of bullying or discrimination

[Find out how to handle a discrimination complaint](#)

## 4. Preventing race discrimination

All employers should take steps to try to make sure race discrimination does not happen at work.

As an employer, you should:

- aim for a culture where everyone accepts that race discrimination is not acceptable
- recognise and promote the benefits of a diverse and inclusive organisation that does not exclude anyone because of race

[Find out more about improving equality, diversity and inclusion](#)

## Steps for preventing race discrimination

Many ways to prevent discrimination apply equally to all 'protected characteristics'. You can find out more in our advice on [preventing discrimination](#).

Measures that are specific to preventing race discrimination include:

- talking about race
- creating a race equality action plan
- appointing a race champion
- having race allies
- setting up a staff race network
- ethnicity pay gap reporting

If you're a small organisation with limited resources, there's still a lot you can do to prevent discrimination. Making your organisation more inclusive does not have to be costly or complicated.

## Talking about race

It's important to talk to your staff about appropriate language to use when discussing race. This includes when you're speaking with individual staff members and in wider work communications.

You should make it clear that racist language is not acceptable, including things some might consider as 'banter' or jokes.

You should also be sensitive in the terms you use around race and ethnicity. Common terms include:

- BAME (black, Asian and minority ethnic)
- BME (black and minority ethnic)
- ethnic minorities
- minority ethnic
- people of colour

Each of these terms can be problematic and there's no one term that everyone will prefer. Talk to your staff about how they feel about these terms. Language and preferences can also change over time.

People can sometimes cause offence by using the 'wrong' language. If they have not done it maliciously, talking to them about what's appropriate can sometimes be all that's needed. It's important not to excuse deliberately offensive behaviour in this way.

Where there's a genuine need to refer to race, use a specific ethnic identity where it's relevant. For example, if you're discussing issues that specifically affect black employees make sure that's clear – broader terms like 'BAME' or 'ethnic minorities' would not be appropriate.

[Read the CIPD's guide on how to talk about race at work](#)

## Creating a race equality action plan

You may want to create a race equality action plan. This is sometimes called an anti-racism strategy.

If you have good diversity policies and practices, you might not need a dedicated race plan. But it may help if there are particular issues in your organisation that could lead to race discrimination.

A plan should cover:

- all areas of your organisation's work
- what your organisation is doing to prevent racism
- any aspects of your work culture or processes that are particularly problematic, and how you plan to address them
- any issues that arise because of wider events, for example the covid-19 (coronavirus) pandemic
- strong messages that racism, discrimination and harassment are not acceptable
- how you'll use equality monitoring and data
- managing languages at work, if that's relevant for your organisation – for example if a group of employees share a common language other than English, or if there's a Welsh language requirement

You should create the plan in consultation with trade unions or other employee representatives.

[Read the CIPD's guide on developing an anti-racism strategy](#)

## Appointing a race champion

A race champion can be someone of any race who's committed to promoting equality and tackling race discrimination.

They should be:

- willing and able to give time to the role
- senior enough to be able to influence decision-makers and make sure actions are taken

The role could include things like:

- chairing a staff race network
- following developments in law and good practice
- writing a blog or newsletter to promote racial equality and diversity
- challenging other senior leaders to consider issues around race
- raising issues that need addressing at a high level



## Setting up a staff race network

A staff race network is a formal group for ethnic minority staff and their allies to:

- share experiences
- discuss cultural differences
- support each other
- raise issues that need addressing

## Having race allies

Race allies are people from majority groups who want to help make sure their organisation is inclusive. They can be from any part of an organisation, working at any level.

Race allies should:

- help raise the profile of issues around race and how to address and prevent them
- actively listen and try to understand people's experiences
- learn about racism and use what they learn to influence others

## Supporting your staff network and race roles

If you set up a staff race network or any race roles, make sure you support them. This includes:

- giving people the time to be involved
- actively listening to concerns raised
- taking steps to resolve issues

## Ethnicity pay gap reporting

The 'ethnicity pay gap' is the difference in average earnings between all ethnic groups. While it's not a legal requirement, many organisations already report on their ethnicity pay gap. It can help to build transparency and trust.

[Follow the ethnicity pay gap reporting guidance on GOV.UK](#)

## Get more advice and support

If you need help to deal with any challenges in your organisation, you can:

- [contact the Acas helpline](#)
- [get tailored support for your organisation](#)