



**DISCRIMINATION  
AND HATE CRIME**

**Diversity**

**Dignity**

**Respect**

**Equality**

**Fairness**

**Inclusion**

**Justice**

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# What is Discrimination?

Discrimination is what happens when you are treated unfairly or unequally based on certain characteristics such as your religion or belief, sex, race (which can sometimes include caste), marital status or a limited number of other 'protected characteristics'. It is against the law (Equality Act 2010) to discriminate against anyone because of these 'protected characteristics'.



## The Equality Act 2010 protects you from discrimination by:

- Employers
- Businesses and organisations which provide goods or services like banks, shops and utility companies
- Health and care providers like hospitals and care homes
- Schools, colleges and other education providers
- Someone you rent or buy a property from like housing associations and estate agents
- Transport services like buses, trains and taxis
- Public bodies like government departments and local authorities.

# Types of Discrimination

## Direct Discrimination

This is where someone treats you badly (less favourably) because of your race / religion / sex

**Example:** You are a Muslim woman who wears a niqab. You are in a large group of friends (you are the only Muslim) that walks into a restaurant and asks to be seated. The manager says “*sorry, but I don’t serve people like her*” (pointing at you). A valid assumption might be that the manager meant ‘Muslims’ when he said people like you. If this can be proven this would be unlawful direct discrimination.

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## Indirect Discrimination

This is where there is a rule in place that affects everyone, but which causes a particular difficulty for people from one race / religion / sex. Sometimes this type of discrimination can be justified.

**Example:** Just before Ramadhan an employer changes the shift pattern so that all employees have to work Fridays, late afternoon/early evening once every two weeks. Unless the employer has a vital business reason for doing this, it will be unlawful indirect discrimination against Muslims.

## Harassment

This is where you are subjected to treatment (which may or may not include words) that leaves you feeling intimidated, degraded, humiliated or distressed.

**Example:** A girl goes into the library at college. The male security guards try and touch her breasts when she walks past them. She tells them to stop it but they think it’s funny and try to do it again when she walks out. This amounts to unlawful harassment on the grounds of sex.



## Victimisation

This is where you have complained that you think you have been discriminated against and you are treated badly because you made the complaint.

**Example:** You are an Asian man working in a supermarket. You complain that two colleagues – a white woman and a black man – have loudly been making derogatory remarks about your race. You complain about it to your boss, but nothing is done and later that week your overtime hours are cut. No one else's are. This could be unlawful victimisation.

## Failure to Make Reasonable Adjustments

This is just for disabled people. This is where, if you are disabled (mentally or physically), you can only do your job, or access goods and services, if special adjustments are made to accommodate you. If the adjustments are not made it could be discrimination.

**Example:** A woman who is a bookkeeper in a small company has an accident meaning she will permanently have walking difficulties and will need a stick. Her office is upstairs but there is no lift. A reasonable adjustment would be to move her office downstairs.

## Discrimination because of someone arising in consequence of disability

This again is just for disabled people, where something that comes about because of their disability causes them to be treated poorly.

**Example:** A woman has serious depression and finds it very difficult to concentrate at work. She can only deal with processing 10 orders a day instead of the 15 required. Her employer dismisses her without enquiring into why she has low productivity. This could be discrimination.

## Examples of discrimination

- Being paid less because you are a woman (sex discrimination)
- Being told that one cannot wear a symbol of your faith e.g. headscarf (religious discrimination)
- When a disabled person in a wheelchair cannot get access into a building (disability discrimination)

## Other Types of Discrimination

- In some cases it will be discrimination if you are treated badly because someone thinks you are a particular religion or race even if you are not.
- In some cases it will be discrimination if you are treated badly because of someone else's religion, race or sex e.g. if you are treated badly by your employer because you have a disabled child that you need to care for, or because as a black woman you stood up for a colleague of Asian origin who was being abused because of her race.
- If your fellow employees or customers are being abusive to you because of your sex, race or religion and your employer does nothing to stop it, your employer's failure to act may be unlawful discrimination.
- Hate crimes (Although not usually referred to as being discrimination) are criminal acts that have been motivated by the victim's race, religion or disability (see page 14 for more details).

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**Muslim women and girls may face discrimination on multiple fronts e.g. due to their gender, ethnicity, religion and their clothing.**

# Discrimination at Work

## Example

*Shazia is a receptionist at work. She is Muslim and wears a jilbab. She has four receptionist colleagues who are not Muslim. She is told by a non Muslim colleague, Kathryn, that the manager, Liz, had said "I wish Shazia would start wearing normal clothes and not a jilbab to work. She gets some really strange looks from customers." Shortly afterwards redundancies are announced and Shazia is the one receptionist who is selected for redundancy because she is given a low mark for whether she gets on with customers. Shazia has a claim for religious discrimination that she could take to an employment tribunal.*

According to the law everyone is entitled to be treated the same at work regardless of their sex, race, religion or any other protected characteristic. You do not have to accept discriminatory treatment, which may occur:

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- During recruitment and selection
- When determining pay and benefits
- When determining terms and conditions e.g. working practices such as hours of work, dress codes, the physical conditions of the workplace, the atmosphere and environment, holidays, etc.
- During training, development, promotion and appraisals
- During dismissal, redundancy and retirement
- When undergoing discipline and grievances
- Due to bullying and harassment

## Case Study

### **Muslim woman sacked for refusing to wear headscarf (2009)**

*In 2009, Ghazala Khan, 31, was sacked after only two weeks of working at an Estate Agent. Her Muslim boss claimed she was "not respectable" because her hair was not covered and told her to wear a headscarf even though her non-Muslim women colleagues were not asked to wear headscarves. He also told Miss Khan that his wife and female relatives all wore veils and said her parents had given her far too much freedom and that if she had been his daughter she would have been long since "married off". - An industrial tribunal ruled she had been the victim of sexual and religious discrimination (due to her lack of religion or belief) and awarded more than £13,500.*

# Frequently Asked Questions

## Can an employer prevent a woman from wearing hijab?

An employee who is forced to or prevented from wearing clothing which offends their religion or belief could give rise to a claim of indirect discrimination if the employer does not have a reasonable justification for the rule. Your employer should make sure any dress code does not discriminate against you. A flexible dress code is usually possible, as long as health and safety requirements are not at risk.

## Does an employee have a right to ask for prayer facilities?

There is no specific requirement for an employer to provide prayer facilities. Your employer does not have to give you time off or provide facilities for religious observance. However, it is good practice for employers to try and provide such facilities if possible. For example, if you need a prayer room and there is a suitable room available your employer should consider your request seriously provided it does not disrupt others or your ability to do your job properly.

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## Does an employee have a right to take religious holidays?

If an employee is prevented from taking a religious holiday even though they have followed the proper procedures for requesting holidays providing taking time off does not interfere with the smooth running of the organisation, then an employee could have a claim for indirect discrimination. However, the employer can argue an objective reason as to why the holiday was refused.

## Can I refuse to handle certain foods?

A person may not want to handle certain foods as it is forbidden to be eaten in their religion. For example, if you work in a supermarket, you may not want to handle pork. You should speak to your employer and ask if your work schedule could be arranged so you do not have to do this. An employer does not have to agree but may be able to manage your request, provided it does not affect the business.

**Note:** Sometimes treatment that looks discriminatory is not, e.g. it is unlawful to advertise a job stating that you will only employ someone who is a man, or a woman, or of a particular racial background, but if there is a particular occupational requirement for the job holder to have that protected characteristic, this is not unlawful. So, for example, jobs at women's refuges can be advertised for just women, or jobs as ministers of religion may be reserved solely for men (depending on the religion).



# Taking action

## Think about the following questions

- Why do you believe you have been discriminated against e.g. because of gender, race, religion etc. or combination?
- How were you discriminated against?
- When were you discriminated against?
- If dismissal – was grievance procedure followed and warnings given?
- If dismissal – what reasons were given?
- How are others treated?
- What is the composition of the workforce?
- How long have you been employed there?
- Do you have evidence of discrimination? e.g. emails, logged incidents, witnesses etc.

### Speak to Employer

Try and get issue resolved informally, if this does not work, then follow the company grievance procedure.

### Taking Legal Action

To take employer to tribunal you must:

- Take action **WITHIN 3 MONTHS** of employment ending or incident happening
- Contact **ACAS** (Advisory, Conciliation, and Arbitration Service) first.

### Contact ACAS

**ACAS is a FREE SERVICE.** They advise both employees and employers on their employment rights. They will try and resolve the dispute without having to go through an employment tribunal which can be stressful and costly. Their telephone number is: **0300 123 1100**. Also the **Equality Advisory Support Service Helpline** should be contacted on **0808 800 0082**

### Conciliation Successful

Your claim is settled and there is no need for further action.

### Conciliation Unsuccessful

ACAS gives you a certificate number and you have one month to bring claim.

### Employment Tribunal Deal with Claim

It writes to employer, gives them 28 days to respond. Considers claim and may offer mediation. If it doesn't get resolved and goes to full tribunal hearing – the fee is £950 (check latest fees)

### Make Claim to Employment Tribunal

Submit form ET1 with fee of £250 (check latest fees)

# Discrimination when Accessing Goods and Services

Individuals or businesses that sell goods or provide services to the public cannot discriminate against anyone on the grounds of their sex, race, religion etc. These are very wide ranging provisions and cover everything from someone in a local restaurant refusing to serve someone because of their caste to a university not providing the same facilities to men and women.

## Example

*Yasmin and Atoofa were travelling together through London and needed to catch a bus. Yasmin was wearing a hijab, and Atoofa had a niqab. The driver refused to let them on the bus as he said they were “a threat” to other passengers. This was an act of direct discrimination.*

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## Example

*Sadia and Aziz, a Muslim couple of Pakistani heritage were away for the weekend to the Lake District. They were not travelling at a peak time and decided to find a bed and breakfast when they got there. They went to a nice looking bed and breakfast that had a ‘vacancies’ sign in the window. When they went to the reception and asked about a room, the proprietor looked flustered and went red. They could clearly see from the booking sheet on the desk that there was room, but the proprietor said there was nothing available. Sadia and Aziz would be able to make a complaint, and if it turned out that the woman was lying, they would be able to bring a claim of discrimination against her in the county court.*

**Note:** Where there are different, but equal, services provided to – say men and women – there may be no discrimination.

## Exemptions not covered by the Equality Act 2010

Religious acts of worship are not covered by the Act, which gives some limited exemptions to religious and other belief organisations. These exemptions permit them to act in a way that would normally be prohibited which means being able to discriminate because of some protected characteristics in the way they operate. This means they could provide (or even refuse to provide) all or some of their services to people based on a protected characteristic.

For example, mosques may not employ women in certain roles e.g. imam or have separate services for men and women because they could claim they are complying with the doctrines of the religion and to avoid offending a significant number of its followers.

However, gender discrimination does not apply to all services provided by religious organisations. So services that are provided that are not 'for the purposes of religion' e.g. community services or activities, the mosque would need to make equal provision for men and women. Failure to do so could be unlawful.



# Taking Action

## Make a Complaint

You could try to informally resolve the matter by contacting the trader or service provider or asking for their complaints policy and complain formally in writing. They may offer an apology or compensation.



## Taking a Complaint Further

If you are not satisfied with the response or do not receive a reply, you can contact your local citizens advice bureau, the Equality Advisory Support Service (EASS) helpline or an ombudsman for that service.



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## Alternative Dispute Resolution

If the issue is not resolved, you can use Alternative dispute resolution (ADR) to resolve the situation. This is where an independent professional, called a mediator, conciliator or arbitrator, is used to help find a solution to a problem. If you want to take legal action, the courts now generally expect you to have considered the use of ADR, before you start court action. *(You can contact the Equality Advisory Support Service (EASS) helpline for help with finding a mediator or conciliator).*



## Legal Action

You may be able to take legal action against the trader or service provider. If you want to make a discrimination claim you need to apply to the court within 6 months of the discrimination you are complaining about. You should contact a specialist discrimination solicitor or barrister for more advice about whether you can bring a claim in the county court.

# List of Ombudsman Services

To Complain about

## THE POLICE

Independent Police  
Complaints Commission

T: **0300 020 0096**

[www.ipcc.gov.uk](http://www.ipcc.gov.uk)

To complain about

## A LOCAL AUTHORITY

Local Government Ombudsman

T: **0300 061 0614**

[www.lgo.org.uk](http://www.lgo.org.uk)

To complain about

## PUBLIC BODIES

e.g. Government departments  
and health service etc.  
Parliamentary and Health Service  
Ombudsman

T: **0345 015 4033**

[www.ombudsman.org.uk](http://www.ombudsman.org.uk)

To complain about

## THE MEDIA

Independent Press Standards  
Organisation

T: **0300 123 22 20**

E: [inquiries@ipso.co.uk](mailto:inquiries@ipso.co.uk)

[www.ipso.co.uk](http://www.ipso.co.uk)

To complain about

## PEOPLE IN CUSTODY

Prisons and Probation  
Ombudsman

T: **020 7633 4100**

E: [mail@ppo.gsi.gov.uk](mailto:mail@ppo.gsi.gov.uk)

[www.ppo.gov.uk](http://www.ppo.gov.uk)

To complain about

## REGULATED LEGAL SERVICE PROVIDERS

e.g. solicitors, barristers  
Legal Ombudsman

T: **0300 555 0333**

[www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

To complain about

## SOCIAL HOUSING LANDLORDS

Housing Ombudsman Services

T: **0300 111 3000**

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

To complain about

## ESTATE AGENTS

Ombudsman Services

T: **0330 440 1634**

[www.ombudsman-services.org](http://www.ombudsman-services.org)

# What is a Hate Crime?

- Although hate crimes are a type of discrimination, they are not usually referred to as such.
- Hate crime are acts of violence or hostility directed at people because of who they are or who someone thinks they are and can happen randomly or be part of a campaign of continued harassment and victimisation.
- Hate crimes are violence or hostility motivated by prejudice based on one of the following:
  - Disability
  - Race
  - Religion
  - Transgender identity
  - Sexual orientation

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*Note: Some police forces also record hate incidents based on other personal characteristics such as age and gender e.g. Nottinghamshire Police has expanded its categories to include misogynistic incidents. Harassment of women is recorded as a hate crime in a bid to tackle sexist abuse. However, domestic abuse will not be recorded as a misogyny hate crime because it has its own procedure.*

## ISLAMOPHOBIA

Islamophobia is or anti-Islam sentiment i.e. prejudice against, hatred, or bigotry towards the religion of Islam or Muslims. Islamophobia already falls under the Racial and Religious Hatred Act of 2006, whereby it is punishable by up to seven years imprisonment. However, there are calls to make Islamophobia an aggravated crime allowing authorities to hand down tougher sentences.

*Note: The term Islamophobia was first introduced as a concept in a 1991 Runnymede Trust Report and defined as "unfounded hostility towards Muslims, and therefore fear or dislike of all or most Muslims." It also included a list of the key components of Islamophobia, including: viewing Islam and Muslims as a monolithic whole, as opposed to being spiritually, culturally and politically diverse; believing that Islam is inferior to the West, and that Muslims by nature are primitive, barbaric and sexist; believing Muslims to be fundamentally predisposed to violence; and understanding Islam foremost as a political ideology as opposed to a genuine religious faith.*

# Types of Hate Crime

The following are examples of hostility or violence that can amount to a hate crime:

## Physical Abuse

Spitting, punching, kicking, slapping, pushing, sexual abuse or behaviour which leads to physical injury

## Threats

Stating intentions to abuse or attack which may be verbal, recorded, in writing or abusive gestures

## Verbal Abuse

Name calling, swearing, abusive telephone calls, offensive jokes etc.

## Written or Printed Abuse

Using prejudiced or abusive language in letters by post, leaflets, posters, postings on social media, text messages etc.

## Damage to Property

Vandalism, graffiti, throwing rubbish, arson etc.

## Harassment

Persistent intimidating or threatening behaviour, which is spread over a period of time e.g. malicious complaints against you, hoax calls, etc.

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## Example

*Essa, a man of Pakistani heritage works in a restaurant. He is used to groups of white customers coming in, drinking alcohol and being loud, but usually they are just laughing amongst themselves. On one occasion they start to have a loud argument between themselves about immigration, and some of the men start shouting at Essa, telling him to go back to 'his own country'. Essa feels threatened and scared they will assault him and the police are called. The men carry on being abusive.*

*Note: Inciting others to commit hate crimes is also against the law*

## Example

*Susie, a white woman, works at a nursery in a predominantly Asian area of a large city. She is waiting at the bus stop to go home and a group of three Asian men verbally abuse her and spit at her for not wearing a headscarf. If Susie had been Asian this could amount to a religiously aggravated crime.*

## Safety Advice

Here are some safety tips to follow if you are out and about:

1. Stay alert and be vigilant so you are aware of your surroundings e.g. try to avoid using headphones while walking or if you have parked in a car park and look around you before getting in your car and immediately lock your doors.
2. When using public transport, try not to use the window seat so you cannot be blocked in and alert driver and asks others for help or ask them to call the police.
3. When using crowded railway stations stand away from the edge of the platform and be aware of people around you.
4. Try and stay in well-lit areas.
5. Avoid taking short cuts through unsafe areas e.g. parks, isolated areas etc.
6. Dangerous driving - do not sacrifice your own so don't respond by swerving, breaking suddenly or breaking your speed limit - concentrate on your driving. Memorise the number plate and make a note of it when you stop driving. Drive to a public place or police station and report to the police. Keep car doors locked and windows closed.

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## Emotional Impact of Hate Crime

Annoyance	Anger
Shock	Loss of confidence
Feeling vulnerable	Fear
Difficulty sleeping	Crying
Anxiety / panic attacks	Depression



# Taking Action and Reporting

You should take the following steps if you think you have suffered a hate crime:

- **Call them out:** You can ask the perpetrator to stop. In some circumstances the person may not realise what they've said is offensive and they will stop if asked. Never miss an opportunity to challenge the stereotypes that lead to discrimination.
- **Do not retaliate:** if you respond and use words that are equally offensive you may damage your chances of making a successful claim (e.g. of harassment), or damage the chances of a successful prosecution (hate crime).
- **Gather evidence:** it is very important that gather as much evidence as you can, quickly. This might be:
  - **Getting witnesses** - if someone was nearby when the incident happened, ask them immediately if they can confirm what happened and ask if they would be willing to be a witness. Ask for their name and phone number.
  - **Writing it down** - as soon as possible write down your account of what happened. The sooner you can do this, the better as if all ends up in court, judges are more likely to believe the person whose statement was written soonest after incident.
  - **Keeping evidence** - keep copies of texts, emails and online abuse (which could also be reported to social media companies). Also take photos of injuries and damage to property. You could even discreetly film incidents.
  - **Keep a diary** - if there is a series of incidents taking place, you should write down the dates and details of what happened. This is a particularly strong bit of evidence that police and lawyers would find very useful.
  - **Reporting through third party centres** - If you do not feel comfortable reporting directly to the police, you can contact other agencies such as the Citizens Advice Bureau or other Community Services etc. (see page 18) which can report the incident on your behalf and provide you with advice and support.
  - **Reporting to the Police** - If you or anyone you know feel you have suffered a hate crime, then you should report it as a hate incident by contacting the police on 101. Even if you don't want it to be investigated further you should report it to the police as they are keen to build up a picture of how many incidents are happening and where. You can also report on line at [www.report-it.org.uk](http://www.report-it.org.uk). However, not all hate incidents will amount to criminal offences but those that do will become hate crimes.

# Further Support and Advice

## **Equality and Human Rights Commission (EHRC)**

Contains lots of guidance about discrimination and your right as an individual not to be discriminated against.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## **Equality and Advisory Support Service (EASS)**

A telephone helpline that will give advice if you believe you have been discriminated against, not just in relation to employment, but also if the discrimination took place in a shop or when trying to access services. They can advise you how to access legal help.

T: **0808 800 0082**

[www.equalityadvisoryservice](http://www.equalityadvisoryservice)

## **Advisory, Conciliation and Arbitration Service (ACAS)**

Provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.

T: **0300 123 1100**

[www.acas.org.uk](http://www.acas.org.uk)

## **Citizens Advice Bureau (CAB)**

Provides general advice on discrimination matters and offers a face to face service if you need to speak to someone directly. They are able to recommend how you should proceed and suggest where to go for further help if needed.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## Law Centres Network

There are currently 44 Law Centres across England, Wales and Northern Ireland and they offer legal advice and may be able to take on casework and representation for those who cannot afford a lawyer.

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

## Muslim Women's Network Helpline

National helpline for a range of issues including discrimination.

T : **0800 999 5786** E: [info@mwnhelpline.co.uk](mailto:info@mwnhelpline.co.uk)

[www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)

## Stop Hate UK

One of the leading national organisations working to challenge all forms of hate crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties.

T: **0113 293 5100** E: [info@stophateuk](mailto:info@stophateuk)

[www.stophateuk.org](http://www.stophateuk.org)

## Tell MAMA

Service that allows people from across England to report any form of Anti-Muslim abuse.

T: **0800 456 1226** E: [info@tellmamauk.org](mailto:info@tellmamauk.org)

[www.tellmamauk.org](http://www.tellmamauk.org)

## True Vision

A support organisation for victims of hate crime. They have a page specifically on how to report hate crime:

[www.report-it.org.uk/report\\_a\\_hate\\_crime](http://www.report-it.org.uk/report_a_hate_crime)

E: [enquiries@report-it.org.uk](mailto:enquiries@report-it.org.uk)

[www.report-it.org.uk](http://www.report-it.org.uk)

**Don't suffer in silence  
Please tell someone**



**MWNUK**

Muslim Women's Network UK

Muslim Women's Network UK

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**[www.mwnuk.co.uk](http://www.mwnuk.co.uk)**

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