

## Questions about discrimination at work

### 1 . Asking your employer

If you believe you have been discriminated against at work, you can use a question and answer process to try and resolve the issue with your employer.

To start a question and answer process you should send your employer a statement explaining what happened and what led you to think that you were discriminated against. In the statement you can also ask your employer any questions you might have about what happened.

Sending your employer a statement can help them investigate what happened before answering your questions. Using this process could help you to resolve the issue without having to make a claim to an employment tribunal.

### Preparing your statement

Your statement should include:

- what happened, including the events, the details of those involved and the type of discrimination you've experienced
- the questions you would like to ask your employer

You should send the statement to your employer in an email or letter. You can also ask a trade union representative, if you have one, to send it on your behalf.

If your organisation has a policy on discrimination, bullying and harassment, you should check the policy to see if it says:

- who you need to send your statement to
- whether there are any time limits for raising a complaint
- any other steps you need to take

### What to include in your statement

In your statement you should try to give as much detail as possible about what happened so your employer can investigate anything they need to.

#### Give details of those involved

Give the names of the people who you think may have discriminated against you. This could include individual people at work or your employer as a whole.

#### Describe what happened to you

Give a brief description of what happened to you, including:

- the date, time and place
- how you were discriminated against and how many times this happened
- any circumstances or events that led to the discrimination
- why you think the people involved acted in the way they did
- why you think what happened might be discrimination and against the law

## Try to identify the type of discrimination you've experienced

You should try to work out the type of discrimination you've experienced.

The Equality Act 2010 protects people against discrimination at work. Discrimination can include:

- [direct discrimination](#)
- [indirect discrimination](#)
- [harassment](#)
- [victimisation](#)

You should also try to work out which of the [9 protected characteristics](#) describe the type of discrimination you've experienced:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, ethnic and national origin)
- religion or belief
- sex
- sexual orientation

If you need some help to understand what type of discrimination has happened to you, speak to your trade union representative, if you have one.

If you need further help you can contact:

- [Acas helpline](#)
- [Equality Advisory and Support Service \(EASS\)](#)

## Set out the questions you would like to ask

Ask if your employer agrees with your statement. If they do not agree, ask them to explain why.

Ask any other appropriate questions that you think might be important to the events that have happened to you.

For example, you could ask questions about:

- why you did not get a promotion, including any notes from the interview panel on the decision made
- why you were the only person disciplined for something other staff were also doing
- statistics about the gender or ethnic make-up of particular levels of management
- policies, for example on recruitment or equality and diversity, and whether the policies have any information on training for managers
- the number of promotions that have been given to female or disabled candidates in the last 5 years

## Sending your employer the information

Send the statement to your employer in an email or letter. You can also ask a trade union representative, if you have one, to send it on your behalf. Depending on your situation you could send it to, for example, your line manager, supervisor, or someone in Human Resources.

If your organisation has a policy on discrimination, bullying and harassment, you should check the policy to see if it says who you need to send your statement to.

Keep a copy of the information you've sent in a safe place.

Tell your employer where to send their answers, for example your home address, your email address or to your trade union representative.

Make it clear that you need a reply from your employer. Set a date for them to reply by. There are strict time limits for [making a claim to an employment tribunal](#) so you should consider this when setting a date.

You could also have a conversation with your employer to talk through what happened. If you do, make notes and keep a copy of them.

## How your employer should reply

Your employer should take your request seriously and reply as soon as possible. However there's no law that says they have to answer your questions.

If you feel the problem has not been resolved, you can:

- [raise a formal grievance](#)
- [make a claim to an employment tribunal](#)

If you decide to make a claim to an employment tribunal, your employer might need to provide their response as evidence to the tribunal.

The employment tribunal will look at if, and how, your employer answered questions. This could help the tribunal make a decision on your case.

## Example statement sent to employer

I attended an interview for a supervisor position on 8 February with my manager and another senior manager. After they asked questions about my current job and why I think I'd make a good supervisor, I was asked what arrangements I'd made to care for my child. Even though I gave a satisfactory answer, they returned to this later in the interview with other questions, for example, "as a mother, how would you cover school holidays?"

I felt uncomfortable as they did not appear to want to discuss what qualities I could bring to the job. The next day I found out I did not get the promotion and was told someone else got it.

A few days later, a colleague told me they'd heard my manager saying that he could not give me the job because I'm a single mother and I might let the business down by having time off work to care for my child. I do not know if my manager really said that, but in recent performance reviews my work has been regarded as excellent as well as my timekeeping and reliability.

I think the treatment I experienced at the interview was discriminatory because I was asked questions about childcare that would not have been asked of a man applying for the same job. I also think I was turned down for the job because my manager had concerns about my childcare arrangements. I believe he would not have asked these questions if I were a man applying for the role.

I believe I was treated this way because I am a woman and I consider this direct or indirect sex discrimination.

Do you agree with my description of events? If you do not, please would you set out your reasons?

I'd also like to ask some other questions:

- What questions did the panel ask the other candidates?
- Have the managers who interviewed me been trained in how to make sure they do not discriminate when recruiting someone?  
If so, please can you tell me the dates of this training?
- In the last 5 years, how many women have been promoted to a supervisory role compared to men?

Please send your response to this email address within 10 working days.

## 2. Answering your employee

If an employee or worker believes they have been discriminated against at work, they might send you a statement by email or letter explaining what happened and asking you some questions. They might ask their trade union representative to send the statement on their behalf.

As an employer, you should take any complaint seriously. You should follow the steps below if an employee, worker or their trade union representative sends you a statement and asks questions about possible discrimination.

By law you do not have to answer their questions about discrimination. However, you should do so to try to resolve the problem and avoid possible legal action.

If the employee or worker makes a claim to an employment tribunal, the judge might use your answers as evidence. If you did not provide a response, the tribunal might also take that into account.

### What you should do

You should:

- reply as soon as possible to the statement – if you cannot meet any deadline set by the employee or worker, let them know and agree an alternative date
- carefully consider the most appropriate way to respond to avoid a possible claim to an employment tribunal
- talk to the employee, worker or their trade union representative about ways to resolve the dispute
- send the answers to the employee, worker or their trade union representative in the way they requested, for example by post or email
- keep a record of how you responded

### Make sure you do not treat someone differently or less favourably

You must not treat the employee or worker differently or less favourably as a result of them sending you the statement and questions. For example, by refusing to promote them or not inviting them to social events they would usually be invited to.

This could be victimisation. This is against the law (Equality Act 2010) and the employee or worker could make a claim to an employment tribunal. It could also affect someone's wellbeing and damage the working relationship.

## Step 1: Read and investigate the person's statement and questions

Read the person's statement. This will probably include:

- a description of what's happened to them
- what type of discrimination they think they've experienced
- any questions they have

Get as much information as you reasonably can. For example, you might need to carry out a [workplace investigation](#).

### Identifying the type of discrimination

Investigating the issues raised might help you identify whether the behaviour the employee or worker experienced was discrimination and against the law (Equality Act 2010).

Discrimination can include:

- [direct discrimination](#)
- [indirect discrimination](#)
- [harassment](#)
- [victimisation](#)

The discrimination will also relate to at least one of the [9 protected characteristics](#):

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, ethnic and national origin)
- religion or belief
- sex
- sexual orientation

If you need some help to understand the different types of discrimination, you can contact:

- [Acas helpline](#)
- [Equality Advisory and Support Service \(EASS\)](#)

### When a decision based on a protected characteristic might not be discrimination

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

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

## Step 2: Respond to the employee or worker

Consider the information you have found out through your investigation and:

- confirm if you agree, partially agree or disagree with the employee or worker's description of the events
- answer all of their questions, sharing as much information as you can

You should send your response back to the employee or worker in the way they requested it, for example by email, letter or through their trade union representative. You can also have a meeting with them in person to go through your response if they want to.

If you do not understand the person's questions, ask them for more information.

If you decide not to answer a question, explain why.

If the employee or worker has asked you to provide statistics or policies, you should give them as much information as you can. For example they might ask you to provide:

- information on the percentage of the workforce who are male or female
- copies of recruitment or equality and diversity policies

### Sharing sensitive or confidential information

If any of the information requested is commercially sensitive or confidential, you should make sure it does not identify the people involved.

Explain your reasons if you're unable to provide this information. For example, you might only be able to disclose confidential information with the consent of the person involved, or because of a legal duty. Make sure you follow data protection law (UK GDPR).

## Example of good practice: dealing with a complaint of religion or belief discrimination

Every Thursday after work Jay's manager takes everyone to the pub for a drink. Everyone on the team drinks alcohol except Jay.

Jay is Sikh, which means they are not allowed to drink alcohol. Having all team socials at the pub makes Jay feel uncomfortable and excluded. Jay will often make excuses to not go to the pub and on Friday mornings feels out of the loop and isolated from the rest of the team.

Jay emails their manager some questions and explains why they think having all team socials at the pub could be indirect discrimination based on religion or belief.

Jay asks:

- what diversity training managers have been given
- if there is a policy on inclusive work socials and how to avoid discrimination
- if the organisation has diversity data about the workforce, specifically about people's religion and belief

Jay's manager investigates and invites Jay to a meeting to talk further. During the meeting Jay's manager explains:

- they have done diversity training but it was a long time ago
- they do not have a policy on inclusive work socials
- nobody has asked about diversity information for the workforce before and they do not have it

Jay explains why socialising with alcohol makes them feel like they are isolated from the team and unable to participate fully. Jay explains that they do not expect socials to stop being held at the pub but would like socials to be more varied.

Jay's manager explains that they did not appreciate this would be a concern, but they understand how Jay feels. Together they agree managers need refresher training on diversity and inclusion and that socials should be varied and not always be centred around alcohol.

This solution means:

- managers are given further training which includes how to make sure everyone is included in team socials
- the organisation takes advice about diversity monitoring and creates a diversity monitoring form
- managers are told to make sure social events are varied and not always centred around alcohol

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