

Sex discrimination

1 . The law on sex discrimination

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

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

Sex discrimination can happen in any area of work. It can result from decisions made at work or from sexist behaviour.

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

How the law defines sex

The law (Equality Act 2010) defines sex using the terms man and woman.

Someone's legal sex is the sex recorded on their birth certificate or a Gender Recognition Certificate (GRC).

Who is protected by sex discrimination law

Sex discrimination can happen to both men and women.

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 sex 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 sex discrimination at work, you can [contact the Acas helpline](#).

2. Types of sex discrimination

Sex discrimination includes:

- direct discrimination
- indirect discrimination
- harassment
- victimisation

It's important to understand the different types of sex 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](#).

Equal pay is also covered by the law. Men and women must get equal pay for doing 'equal work'. Find out more about [equal pay](#).

Direct discrimination

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

- they're a man or a woman
- they are wrongly believed to be a man or a woman – this is called 'discrimination by perception'

In some circumstances, direct discrimination can happen because of a connection with someone of the other sex. This is called 'discrimination by association'.

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

Example of direct discrimination

Rowan is the only woman in the sales team. Rowan's manager thinks men are better at sales than women. Rowan is given less important contracts to work on and is not able to earn as much commission. This is direct discrimination because of sex.

Example of discrimination by perception

Charlie applies for a job and does not get an interview. The recruiting manager thinks Charlie has the right skills and experience. But they assume Charlie is a man and they would prefer to hire a woman. As Charlie is a woman, this could be sex discrimination by perception.

Example of discrimination by association

Amal starts a new job and is asked to attend a trade fair abroad. Amal's partner is due to give birth on the day of the trade fair, so Amal says no. The employer dismisses Amal for 'lack of commitment'. This could be sex discrimination by association. Amal is a man but the discrimination is because of their connection with a woman.

Indirect discrimination

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

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

Example of indirect discrimination

Dayo is a woman and works part time. They do not get a promotion because the organisation has a policy that supervisors must work full time. Dayo cannot do more hours because of childcare. As women are more likely to have childcare responsibilities, this is likely to be indirect sex discrimination.

The organisation might be able to defend their decision. They would need to show that their business need is important enough to justify the possible discrimination.

When a decision might not be discrimination

In certain circumstances, an employer might be able to make or justify a decision based on sex. For example:

- positive action – to address a situation where men or women are at a disadvantage or underrepresented
- occupational requirement – when being a man or a woman is essential for a job
- objective justification – for example when there's a genuine business need

Find out more about:

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

Harassment

There are 3 types of harassment that can happen because of sex. These are:

- harassment related to sex
- sexual harassment
- less favourable treatment as a result of harassment

Harassment related to sex

Harassment related to sex is when someone experiences unwanted behaviour that's related to them being a man or a woman.

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

Nikola manages a team of men. Some of them do not like being managed by a woman. They make negative comments about women and undermine Nikola's authority. This creates an intimidating and hostile environment for Nikola.

Example of harassment not directed at a specific person

A manager regularly comments that men should not take time off to look after their children because women ought to do it. Some people in the team are offended by these comments. This could be harassment, even though the comments were not directed at a specific person.

Sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature.

[Find out more about sexual harassment](#)

Less favourable treatment as a result of harassment

This type of harassment is when someone is treated less favourably because of how they responded to previous:

- harassment related to sex
- sexual harassment

[Find out more about less favourable treatment as a result of harassment](#)

Victimisation

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination 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

Indy is supporting a friend at work who's making a sex discrimination complaint. A manager threatens Indy with dismissal if they continue to support the claim. This is victimisation.

Contact the Acas helpline

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

3. Making and handling complaints

If someone has experienced or witnessed sex 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.

Sex discrimination can be very distressing. It can have a severe impact on someone's mental health and wellbeing.

Employers should make sure that:

- reporting sex discrimination is as easy as possible
- anyone who's experienced or witnessed it feels safe, protected and supported

- anyone accused of sex discrimination is treated in an impartial and fair way

If you've experienced sex 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 sex 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 discrimination

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

Related content

[/equal-pay](#)

[/sexual-harassment](#)

4. Preventing sex discrimination

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

As an employer, you should:

- aim for a culture where everyone accepts that sex discrimination is not acceptable
- recognise and promote the benefits of a diverse and inclusive organisation

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

Steps for preventing sex 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 sex discrimination include:

- stopping inappropriate behaviour

- being aware of common stereotypes
- considering issues that can particularly affect women
- creating ways for employees to be heard
- providing equal pay
- gender 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.

Stopping inappropriate behaviour

Managers have a responsibility to tackle any inappropriate language or behaviour in their teams.

You should make it clear that sexist language and behaviour is not acceptable. This includes:

- inappropriate, offensive or negative terms about women or men
- things some might consider as 'banter' or jokes

Avoid words and phrases that reinforce negative stereotypes about women or men.

Being aware of unconscious bias and stereotypes

Avoid making decisions based on assumptions. This can include:

- [unconscious bias](#) – when someone's thoughts or decisions are influenced by beliefs or assumptions they might not be aware of
- sexist stereotypes – having a fixed view of what someone's like or what they can do because they're a man or a woman

Examples of unconscious bias could include:

- a manager not realising they've ignored an idea from a woman then accepted the same idea from a man
- automatically asking a man to do any lifting that's needed, without considering if a woman could do it equally well

Examples of stereotyping could include:

- being surprised when a man asks to work part time so they can look after their children
- thinking that women are less suited to leadership roles than men

Considering issues that can particularly affect women

Sex discrimination can happen to both men and women. However, some work decisions are likely to affect more women than men.

For example, women are generally more likely to have childcare or other caring responsibilities. If you do not offer flexible working or different working patterns, that's more likely to affect women.

Check your policies

You should check all relevant policies to make sure they do not discriminate. For example:

- absence
- dress code
- flexible working

- part-time working
- performance and reward
- recruitment

Having up-to-date and inclusive policies can help to:

- prevent discrimination
- improve your reputation as an employer

For example, you could consider including a statement about flexible working in job adverts. This would let applicants know you're open to different ways of working.

Consider new policies

You could develop new policies to help remove any disadvantage that women might experience. For example policies around:

- menopause
- pregnancy and maternity, including breastfeeding

Creating ways for employees to be heard

This can include setting up ways for people to share experiences, raise concerns and support each other.

For example:

- setting up a support network, for example a women's network or carers' network
- holding activities and events for everyone, for example around the menopause or men's health
- having a menopause and wellbeing champion – find out more about [supporting staff through the menopause](#)

If you do these things, make sure you:

- give people the time to be involved
- actively listen to concerns raised
- take steps to resolve issues

Providing equal pay

Make sure you know your responsibilities around equal pay.

By law, men and women must get equal pay for doing 'equal work'. The law also applies to contractual terms and conditions.

[Find out more about equal pay](#)

Gender pay gap reporting

The 'gender pay gap' is the difference in average earnings between women and men. Employers with more than 250 employees must report their organisation's gender pay gap.

[Follow the gender pay 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](#)