

Employment Law Do's & Don'ts

Sex Discrimination

DO

- Do have up to date policies and procedures in place including: equal opportunities, grievance, disciplinary, bullying & harassment.
- Do ensure your employees are aware of the standards of behaviour expected from them and that you carry out regular equal opportunities/awareness training for them.
- Do recruit, incentivise and reward all employees regardless of sex (or any other protected characteristic for that matter).
- Do consider whether an action/policy/provision you're planning to introduce will put groups of people protected by a shared characteristic (like sex) at a particular disadvantage. For example, will a certain bonus scheme not work as well for part-timers (a large majority of which are women).
- Do bear in mind that there could be occasions where discrimination is justified. It's a fine line though and you should always take specialist advice.
- Do remember that there is only one characteristic for which direct discrimination might attract the objective justification defence: age.

DON'T

- Don't ignore what some may class as "harmless banter". Someone could be offended and you could find yourself facing a Tribunal claim.
- Don't go too far the other way and engage in positive discrimination, which is not permitted (although very limited positive action might be – confusing right!?)
- Don't make the mistake of assuming that only women can or will complain about sex discrimination, it affects men too.
- Don't forget that the Equality Act 2010 protects nine different characteristics from unlawful discrimination: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.