

Sexual Orientation Discrimination



An overview

Police officers have been protected from discrimination because of their sexual orientation since December 2003. This means you are protected from being treated less favourably because you are gay, lesbian or bisexual. The law also protects you from discrimination on the grounds of perceived orientation. This means it is illegal for someone to treat you less favourably because they thought they were gay, whether or not you actually are.

Protection from discrimination

The law protects you from discrimination through the whole employment process, including recruitment, terms and conditions and dismissal. This means it is illegal for the force to decide not to give you a job or to dismiss you because, for example, you are gay, appear to be gay or have gay friends.

You are even protected if you have left a job. For example, it would be illegal for your ex-force to refuse to give you a reference because you are gay.

It is also illegal for the force to have policies or practices that put you at a disadvantage compared with people of a different sexual orientation, unless they can give a good reason for it. This is called 'indirect discrimination': The law also covers philosophical discrimination.

Harassment and victimisation

You are also protected from harassment. This is unwanted behaviour which violates your dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This can include teasing, name-calling or other behaviour you find upsetting, regardless of the other person's intention.

It is also illegal to treat you less favourably because you have made a complaint about discrimination. The legal term for this is "victimisation".

Exceptions

There are some exceptions where a genuine occupational requirement justifies a difference in treatment. However, the circumstances where this applies are likely to be rare. The force will have to be able to prove, for example, that a particular job function can only be carried out by a heterosexual person.

What should you do if you are discriminated against?

You can make a complaint about sexual discrimination however long you have been in your job. Normally you have to send your claim to the Employment Tribunal within three months less one day of the act of discrimination. However, the time limits are complicated and you could be prevented from bringing a claim if you do not complain in time. You can ask your force to fill in a questionnaire to give you information about matters relating to your complaint. You must do this within 21 days of sending your claim to the Employment Tribunal. If your force doesn't reply within eight weeks or doesn't reply fully, the Tribunal may assume there has been unlawful discrimination.

Remedies

If a complainant is successful in their complaint of unlawful discrimination, the Tribunal may grant whichever of the following remedies it considers "just and equitable":

- A declaration on the rights of the parties
- A recommendation that the Respondent takes a particular course of action
- Compensation (plus interest).

Compensation may include awards for injury to feelings, aggravated damages, loss of congenial employment, and any actual and/or future financial loss, for example loss of earnings and pension losses. There is no limit on the amount of compensation that can be awarded, but a complainant will only be compensated for the losses which they can show were directly caused by the unlawful discrimination as found by the Tribunal.

Contact Us

If you need further assistance, please contact your JBB in the first instance.

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This fact sheet is for general guidance only and should not be treated as a definitive guide or be regarded as legal advice. If you need more details or information about the matters referred to in this fact sheet please seek independent formal legal advice. This information was correct at time of going to press October 2009.