

## **Discrimination Guidelines for Freelance Workers**

Following new legislation introduced on the 1<sup>st</sup> October 2006 it is now illegal to discriminate on the basis of age unless expressly allowed by the Age regulations.

This is in addition to existing legislation regarding discrimination on the grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or membership or non-membership of a Trade Union or spent convictions.

It is essential that you do not engage in any of the activities detailed below within the workplace or follow instructions to discriminate given to you by another. It is important that you are aware that a claim of discrimination can be made by an individual against you personally as well as the organisation that you work for and Minerva Appointments as your agency. Depending on the outcome of the court case, an unlimited fine could be imposed on each party found to have been acting in a discriminatory manner.

The following is not an exhaustive list, but designed as basic guidelines as to what circumstances and conduct are defined as discriminatory:

### **Direct Discrimination:**

This occurs when one party treats another less favourably than another. An example of which would be giving a female a prestigious project to work on over an equally well qualified and suitable experienced male employee.

### **Indirect Discrimination:**

This occurs when a practice or criteria is apparently neutral, but adversely affects a certain group such as specifying a certain number of years experience (ladies or people who have lived overseas are typically affected by this) or specific qualifications are required (this can typically affect older people and those who have lived overseas).

### **Harassment:**

This is defined as unwanted conduct or actions which have the purpose or effect violating an individuals dignity or creating a hostile, humiliating, intimidating, offensive or degrading environment for that person.

Examples of which are:

- Engaging in inappropriate physical contact
- Describing others as being “bright young things”, “long in the tooth” or making other comments which could be interpreted as derogatory

There is no defence that you can use if you are accused of harassing or allowing harassment in the work place. Be aware that comments or actions meant as being friendly or in jest can be taken in a way that was not intended.

**Victimisation:**

Is considered to have occurred or be occurring when an individual has brought about a discrimination claim themselves, alleged that discrimination has taken place or given information/evidence as part of someone else's claim and are treated less favourably because of it. If someone is suspected of intending to or actually doing the above and treated differently because of it, a victimisation claim could also be made by them.

Examples of victimisation are not talking to a colleague who has brought about a claim of discrimination or making sarcastic comments to them.

Like harassment, there is no justification which would be accepted in court as a defence should a claim of Victimisation be made against you or as a result of your actions.

There are instances when you can defend against a claim of discrimination, but unless you are certain your actions are permitted by all relevant legislation, it should be avoided where possible to comply with best practice and to ensure your reasons are not being examined as part of a discrimination claim.

Any complaint made by a client about the conduct of a temporary worker engaged through Minerva Appointments Ltd. will be investigated fully. While the investigation is carried out your contract will be suspended and it is possible that your contract will be terminated if it is found that you have acted in an inappropriate manner or illegally.

If you feel that you are being discriminated against while on contract through Minerva Appointments, you should make your consultant aware of the situation immediately so that they can take appropriate action.

Similarly, if you have been asked to carry out instructions which you feel to be discriminatory you must contact your Minerva Appointments consultant **prior** to carrying out the task. Failure to do so could put you in the position of being personally liable should a discrimination case be brought about.

I confirm that I have read and understood the above information:

**Name:** .....

**Signature:** ..... **Date:** .....

Please note: Submission of timesheets will be taken as your acceptance and understanding of the above should you not return a signed copy of this document to Minerva Appointments Ltd.

This document is not intended to be providing legal advice, merely guidance to the legislation. If you are sure about any of the terms used you should contact a solicitor for advice.