

Key Considerations When Managing Workplace Discrimination

Reviewing the facts carefully and taking prompt, proportionate action can help employers protect those involved and reduce the risk of a complaint escalating.



The Protected Characteristic

Identify whether the concern relates to one or more protected characteristics. Discrimination may also arise because of a perceived characteristic or an employee's association with another person.



The Type of Discrimination

Consider whether the allegation involves direct discrimination, indirect discrimination, harassment or victimisation. The legal and practical issues may differ depending on the nature of the complaint.



Immediate Safeguards

Assess whether temporary changes are needed to protect those involved while the matter is investigated. This might include changing reporting arrangements or limiting contact without reaching premature conclusions.



A Fair Investigation

Gather relevant documents, interview the individuals involved and give the person accused an opportunity to respond. The investigation should be impartial and proportionate to the seriousness of the allegation.



Reasonable Adjustments

Consider whether disability may be relevant and whether workplace adjustments could remove or reduce a disadvantage. Failure to make reasonable adjustments can itself amount to disability discrimination.

Consistent Decision-Making

Review how similar circumstances have been handled while considering the facts of the individual case. Consistency is important, but applying a policy mechanically can create indirect discrimination risks.

Confidentiality

Share information only with those who need it for the process. Employers should avoid promising complete confidentiality where disclosure may be necessary to investigate the complaint fairly.

Victimisation

Protect employees who raise concerns, provide evidence or support another person's complaint from retaliation or disadvantage. Victimisation is a separate form of unlawful discrimination.

Training and Prevention

Check whether managers understand their responsibilities and employees know how to report concerns. Regular, practical training can help prevent inappropriate conduct and demonstrate that equality policies are actively implemented.

Sexual Harassment Risks

Employers currently have a proactive duty to take reasonable steps to prevent sexual harassment. From 30 October 2026, this will strengthen to a duty to take all reasonable steps, alongside new protection relating to harassment by third parties.



Chester Office
Knights Court
1 Weaver Street
Chester, Cheshire
CH1 2BQ
01244 354 800



Liverpool Office
3rd Floor
No. 4 St Paul's Square
Liverpool
L3 9SJ
0151 321 0000