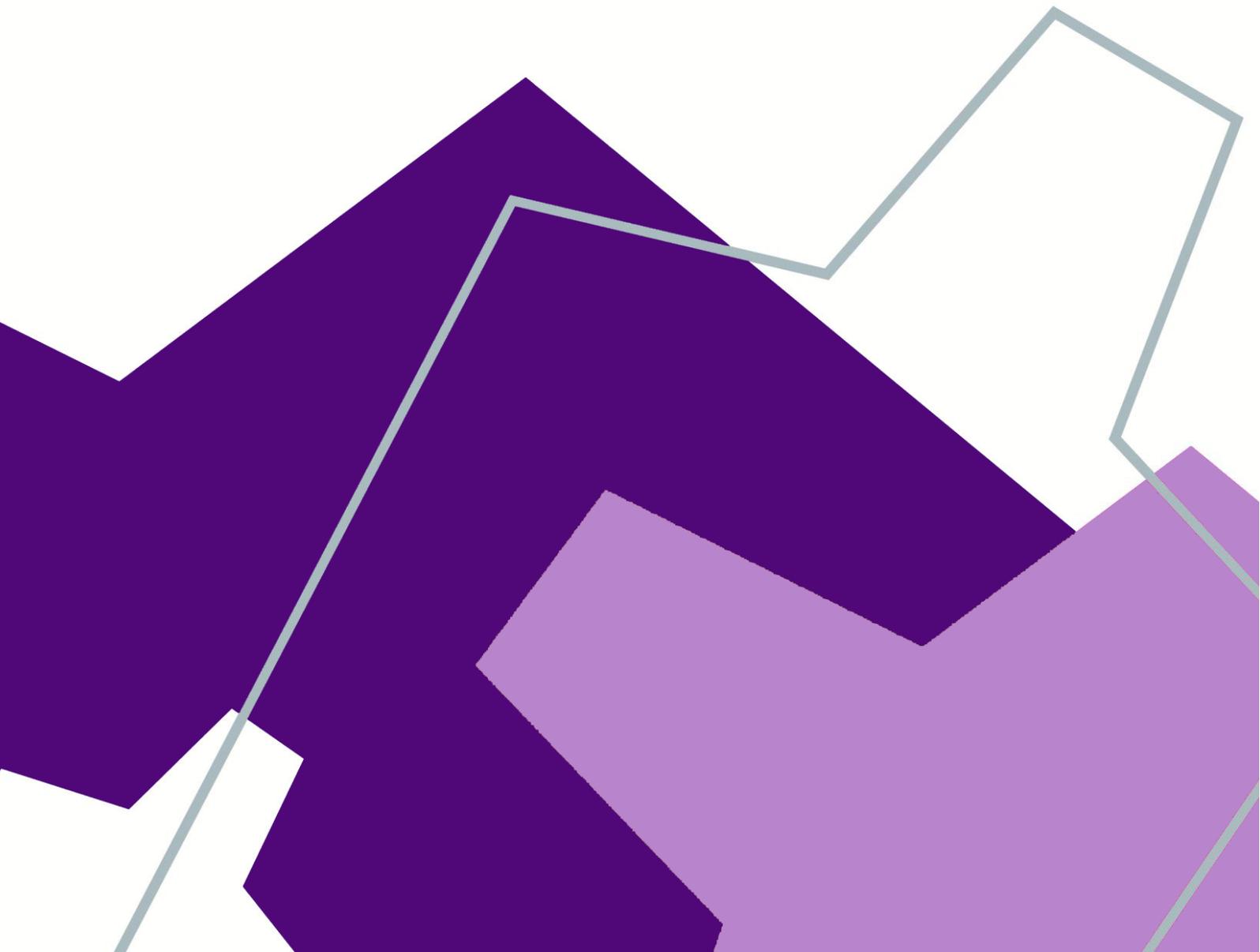




The Scottish Parliament  
Pàrlamaid na h-Alba

# Defining Discrimination





Discrimination can take place for the following protected equality groups:

- Men and women
- Black and minority ethnic groups (which includes colour, ethnic origin, race and nationality)
- Disabled people
- People of faith and non faith
- Age
- Lesbian, bisexual and gay people
- Transgender people (in relation to gender reassignment)
- Women who are pregnant or on maternity leave and
- Marriage and civil partnerships

Discrimination on this basis is prohibited by the Equality Act 2010. It can take a variety of different forms which include:

**Direct discrimination:** occurs when a person is treated less favourably because of a protected characteristic. For example, you treat someone less favourably because of the colour of their skin or because they are a woman.

**Indirect discrimination:** occurs where you have a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic, and which cannot be justified under the Act.

**Discrimination arising from disability:** occurs when a disabled person is treated unfavourably because of something connected to their disability and where this cannot be objectively justified. This only applies if you know or could reasonably have been expected to know that the staff member is a disabled person.

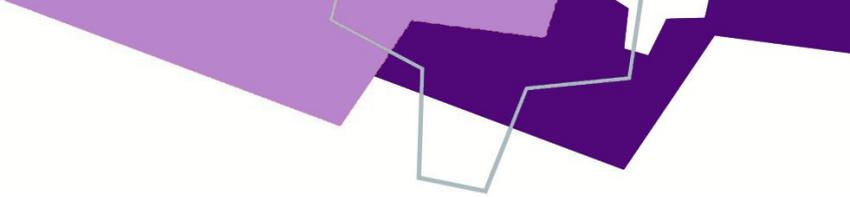
**Harassment:** occurs where a member of staff is subjected to unwanted conduct related to a protected characteristic that violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment (having regard to all the circumstances, including the perception of the victim).

**Victimisation:** occurs, broadly, where a member of staff is treated less favourably as a result of making or supporting or assisting, a complaint of discrimination.

**Discrimination by perception:** occurs when a person is treated less favourably because they are perceived to have one of the protected characteristics. For example you treat someone less favourably because you believe they are gay or have a particular religious belief.

**Discrimination by association:** occurs when a person is treated less favourably because they are associated with someone who has one of the protected characteristics. For example someone is discriminated against because they have a disabled child or because they are friends with someone who has gone through gender reassignment.

**Failure to make reasonable adjustments:** applies to people who are disabled as defined in the Equalities Act 2010 and which occurs where an employer does not take reasonable steps to prevent any provision, criterion or practice it applies, or any physical feature of its premises, from placing a disabled member of staff at a substantial disadvantage in comparison to those who are not disabled.



The SPCB will treat all staff fairly. During their course of employment staff will be assessed purely on the basis of their abilities, competencies and merit irrespective of their background or circumstance. This applies to all aspects of employment including:

- Recruitment and Selection
- Pay
- Terms and Conditions of Service
- Promotion
- Training and Development
- Transfer
- Managing for Excellent
- Grievance and Disciplinary Procedures
- Termination of Employment
- Working Environment (see [Dignity at Work Policy](#))

If there is any evidence of disadvantage, the SPCB will take immediate action to remove it so that everyone can fully access our policies and practices.

The policy applies to all job applicants and parliamentary staff employed by the SPCB, irrespective of length of service, hours worked or whether the employment is on a temporary or permanent basis.

# Defining Discrimination (English only)

***For further information contact:***

*HumanResources@parliament.scot*

*0131 348 6500*

