



An initiative of the European Union

What you can do

if you have suffered discrimination



Guidance for victims

For Diversity



Against Discrimination



Have you ever felt that your age, disability, ethnicity, sexual orientation or religion has prevented you from getting a job? Have you felt that decisions about participation in training, your work conditions, pay or promotion, were based on who you are rather than how well you perform? Have you suffered abuse, harassment or just a feeling that something isn't fair? All too often these are the result of discrimination.

This Fact Sheet summarises new Europe-wide legislation banning discrimination. It provides practical advice about what you can do if you believe that you have suffered from discrimination, harassment or victimisation. It also suggests how to react if you are confronted with discrimination in the workplace.

Understanding your rights

New European laws prohibit discrimination, harassment and victimisation on the grounds of racial or ethnic origin, disability, age, sexual orientation, and religion or belief, in the areas of employment and training. Other laws also cover racial discrimination in areas like education, healthcare, housing and access to goods and services. These laws are in addition to those already covering discrimination on the grounds of sex.

Many European countries already have legislation against discrimination, but the new laws aim to give a consistent set of rights across Europe. If you are a victim of discrimination, harassment or victimisation you can now take action, although how you can do this will vary between different countries.

What should you do if you have suffered discrimination

It is not your fault!

It is important to remember: You are the victim. You are not responsible for the behaviour of those that discriminate.

Get to know your legal system

Each country has a different legal system for dealing with discrimination. Try to find out about:

- > Official organisations that are supposed to help victims of discrimination.
- > The judicial and administrative procedures you can use.
- > The financial support available to you to follow the legal process.
- > The kind of legal remedies available, such as financial compensation or re-instatement.
- > The process for proving discrimination has taken place.
- > Other sources of advice and assistance.

Prepare your case

- > Keep a note of examples where someone from a different group has been treated more favourably than you, especially if there seems to be no good reason.

- > Keep a record or notes of what has occurred. For example, if you are subjected to verbal or physical insults or abuse, take a note of what was said or done, when, by whom and who may have witnessed the events.
- > Keep any relevant information, for example, your job application, job details and advertisements, requests for services etc.
- > If you think you are not the only victim try and get others to keep their own records and information.

Taking legal action

Pursuing a legal case may be potentially stressful, expensive and also time consuming, although this should not deter you from taking such action.

There are also a number of agencies that can provide you with advice and support. In some cases, they may also be able to give you legal assistance to help bring your case. You should obtain advice about your complaint from:

- > A local advice or legal support agency.
- > Your Trade Union or a professional association.
- > Any confidential employment "help-lines" where they exist.
- > The national body in your country that is responsible for dealing with discrimination cases.
- > NGO's that are working to protect particular groups and tackle discrimination.

If you do proceed with a legal case, you might be able to explore the possibility of it being resolved before it reaches court. In some countries you may be able to agree, for example, to settle your complaint by accepting a sum of money, or an apology instead of going to the legal forum (court, tribunal. Ombudsman etc.).

Resolving problems without taking legal action

Where discrimination or harassment is coming from a particular person, rather than the wider organisation, you might be able to confront the person concerned and tell them that you do not like their behaviour and to stop. In

some circumstances you could get the support of colleagues to accompany you. You can let the person know that you will take the matter further if they continue their behaviour.

Increasing numbers of organisations have procedures for dealing with complaints from employees, customers, clients etc. So before you get too far with the legal process make sure you know whether this is the case. In some countries it may be expected that you use these procedures to try to resolve a problem before taking the legal route.

On an employment matter you should usually raise it first with the employer, and make full use of any existing procedures and agreements. You can also involve your Trade Union if you are a member. For example, a harassment case may be dealt with by the use of an agreed procedure, and action taken to ensure that it does not happen again, including taking possible disciplinary action against the perpetrator.

Witnessing discrimination or being told to discriminate

You may not be subject to discrimination yourself but you may be a witness to, or aware of, discrimination or harassment being suffered by other people. You might see, for example, unwelcome sexual advances being made to a





New rights for disabled people

If you are a disabled employee or job applicant you have further rights to expect that employers and training bodies “reasonably accommodate” your specific individual needs. You should expect an organisation to consult with you about how to accommodate your specific needs. You should ensure that a wide range of issues are discussed, such as flexibility in working hours, working methods, physical environment, access and transport, using adapted devices and technologies to assist in carrying out normal work tasks, participation in training and career development and ensuring you take part in all the usual social aspects of the workplace.

There are many organisations that can provide advice about all these aspects of accommodation for disabled people. You can encourage an employer to access this advice and look around at the work of other organisations.

Remember, it is a fact that most “reasonable accommodation” costs an organisation nothing!

If an organisation fails to adopt this approach you can consider pursuing your legal rights under the new legislation.

colleague, people gaining promotion with no obvious merit or certain types of people being denied services that are available to others. You might also be told to discriminate by a more senior person, such as not recruiting someone because of their ethnic origin even though they may be qualified for the job.

There may be a temptation to ignore these problems. You may feel uncomfortable in confronting the issue, or because you believe the problem may go away.

However, you should not ignore it; discrimination and harassment create a damaging environment and can also lead to adverse effects on the organisation and its personnel. At the very least you should take steps to support your colleague, and/or raise it with your organisation. You can also seek advice about how you can do this effectively.

The law protects you if you have made a complaint, or supported other people in connection with a complaint of discrimination. You can follow the same legal procedures if you are victimised or instructed to discriminate.

This is one of a series of fact sheets aimed at providing basic information on European Union Anti-Discrimination Policies, and giving practical advice on how organisations and individuals can avoid and combat discrimination. To find out more about the EU-wide campaign "For Diversity. Against Discrimination.", and information about the situation in your Member State, visit our website: www.stop-discrimination.info

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