



## Sex discrimination: obligations for employers

Sex discrimination is one of the most common forms of workplace prejudice, and is where employers and employees can struggle to understand the law. This document outlines some of the key obligations for employers. Remember, how these are handled is often just as important as making sure they happen:

1. Make sure employees are **not discriminated against because of their sex**, because they are associated with someone of a particular sex or because they are thought - correctly or incorrectly - to be male or female.
2. Make sure employees are **not subjected to comments and behaviour regarding sex** which they find offensive.
3. Make sure **policies and practices** in the workplace don't put employees at a disadvantage because of their sex. Often this is unintentional.
4. Be clear that it is not uncommon for a complaint of sex discrimination to also involve separate or overlapping complaints of **pregnancy and maternity**, and/or **marriage and civil partnership** discrimination.
5. If employees make, support or give evidence about sex discrimination, make sure they **don't suffer disadvantage, harm or loss** for doing so.
6. Do not ask a job candidate **questions of a personal nature** unrelated to the role and their application. They may imply potential discrimination.
7. Do not suggest to a **recruitment agency** that candidates of a particular sex would be preferred – if this happened, both the employer and the agency would be liable in a claim of discrimination.
8. Any employee can be dismissed for the correct reasons and with the correct process, but **make sure that dismissals are not influenced by the employee's sex**.
9. Be very careful in managing a process to restructure an organisation where employees absent because of statutory adoption, maternity or shared parental leave are being considered for **redundancy**.
10. Only consider making use of the complicated legal provisions of taking **'positive action'** or claiming a **'core occupational requirement'** when managers fully understand the law in these areas.

Want to learn about these areas and more? Download the free Acas guide **Sex discrimination: key points for the workplace** from:

[www.acas.org.uk/sexdiscrim](http://www.acas.org.uk/sexdiscrim)