

Racial discrimination

Your employer and colleagues can't treat you differently from others because of your colour, race, nationality, ethnic or national origin, or for belonging to the Irish Traveller community.

Unlawful discrimination explained

It is unlawful for an employer to discriminate:

- in recruitment and selection - this includes arrangements for deciding who should be offered employment; which employment is offered; or by refusing or deliberately omitting to offer a person employment
- in the terms and conditions of employment
- in relation to access to benefits - this includes opportunities for promotion, transfer, training or any other benefits, or the refusal of those opportunities
- by dismissing an employee or causing them any other detriment and after the employment relationship has ended

Employers are also liable for acts of discrimination committed by their employees in the course of their employment, whether or not the acts were done with the employers knowledge or approval, unless the employer can show that they took such steps as were reasonably practicable to prevent the discrimination occurring.

This applies to all employers, other bodies and organisations, regardless of size. Other bodies and organisations include:

- those with statutory power to select employees for others
- employment agencies
- vocational organisations, including trade unions
- training providers and those who have power to confer qualifications
- contract workers
- partnerships
- barristers

When discrimination isn't unlawful

Racial discrimination by an employer in recruitment, promotion, transfer or training is not unlawful where a person's race or ethnic or national origin is a genuine occupational requirement (GOR).

Employers will be able to recruit staff on the basis of a GOR if it can be shown that it is a genuine and determining requirement of the job to be of a particular race or of a particular ethnic or national origin.

In addition, racial discrimination is not unlawful where a person's colour or nationality is a genuine occupational qualification (GOQ) for the job, or where training is given to people from abroad who will return to their home countries on completing the training.

Racial harassment

Racial harassment or abuse in the workplace is a form of direct discrimination. Racial harassment occurs when unwanted conduct that is based on race, has the purpose or effect of violating someone's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive.

Positive action

Employers and training bodies can take positive action to help members of under-represented racial groups compete on equal terms with others in the labour market. An employer or training body may, for example, encourage members of a particular racial group to apply for particular work.

They may give a particular racial group access to facilities and services for training to help to fit them for particular work. These provisions apply where a particular racial group is under-represented in that work.

Enforcement

The Industrial Tribunal decides on individual cases of discrimination in the employment field. Complaints must be made within three months of the date of the alleged discrimination. The tribunal can award unlimited compensation or order remedial action.

Appeals against decisions of a tribunal here can be made on a point of law to the Court of Appeal.

The County Court deals with all other cases under this legislation and complaints must be made within six months of the alleged discrimination.

The information on this page is a brief summary only. If you have further queries you should seek legal advice.

Where you can get help

[Advice NI](#) and the [Equality Commission for Northern Ireland](#) can provide free and impartial advice.

If you are a member of a [trade union](#), you can get help, advice and support from them.

Useful links

- [Race discrimination at work](#)(external link opens in a new window / tab)
- [The Race Relations \(Northern Ireland\) Order 1997](#)