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Minority Focus article

Facing up to race discrimination

If you experience discrimination because of your race, the law in Northern Ireland will protect you.

The Equality Commission is here to promote and ensure compliance with race discrimination laws. The law protects you at work and when you are using services, such as health, education or housing or shops, restaurants and bars.

Race discrimination is when you are treated worse than someone else because of your race, for example in recruitment, promotion or training at work or selection for redundancy. Race discrimination at work can also include threats, graffiti, name calling, racial slurs, or persistent jokes made about your race or nationality – you may hear these jokes called ‘banter’.

If you are experiencing discrimination, you can take action to protect yourself. Ring a discrimination advice officer on 028 90 500 600 or email information@equalityni.org – you need to find out what your options are. If you cannot resolve the problem through your manager or your employer’s HR department, the officer will be able to advise you on what you should do.

You need to make sure that what has happened to you is race discrimination and that the law covers your situation. You must act quickly as there are time limits on taking a case to court. Ring us or email us, or make an appointment to call in to discuss what has happened to you. You can book a translator to be present, or bring someone with you.

We get about 3,000 complaints of discrimination every year, and about 12% of those are complaints of racial discrimination, mostly at work. We help everyone who calls us by giving advice and information, and about 100 cases every year are supported by the Commission to go to the Tribunal or the County Court.

Some examples of people we have helped to resolve discrimination at work.

A Polish man was suddenly dismissed by his employer after he injured his hand at work. He believed that he was treated in a way that the company's Northern Irish workers would not have been treated. He came to the Equality Commission for help and was able to settle his case against his employer for £17,500.

A mixed-race man who has lived in Northern Ireland all his life came to the Commission after he experienced racist verbal abuse and threatening behaviour from his employers over a period of around two years. His case alleging racial discrimination was settled with a payment of £30,000.

An Indian nurse employed in private health care brought a claim of racial discrimination against her employer after her manager insisted that she attend work when she was ill and suggested that her work permit could be at risk. When she applied for another job and was offered it, her employer provided a damaging reference to her new employer, who withdrew the offer of work. With the support of the Equality Commission, the nurse was able to settle her case for £5,000, secure an accurate reference and consequently move to her new job.

A case taken by a Polish worker against a mushroom growing company focused on the company's failure to ensure that the man, a migrant worker, was afforded his rights and protections under the race equality legislation and indeed under general employment law in Northern Ireland. The dispute concerned pay and terms and conditions of employment. His employers settled with a compensation payment of £4,250.

A Slovakian woman working as a cleaner claimed that she was subject to verbal harassment because of her race and her employment contract was terminated. She came to the Equality Commission for help with her claim of racial discrimination and received £2,000 in compensation.

Anne McKernan, Director of Casework with the Equality Commission, explains: "People who come to Northern Ireland to work are entitled to be treated fairly and with respect. They have rights against unfair dismissal, as all workers have, and the Race Relations Order protects them against discriminatory treatment on grounds of their race or nationality. The law on equality in employment is not something that employers can simply disregard. Sometimes people experience discrimination not just because of their race, but because of another reason as well, for example, pregnancy or disability. Unfair treatment can blight the lives of those who experience it and it can also be expensive and damaging for employers.

“When the Commission settles or wins a case, we work with employers to try and ensure that they improve their policies and practices so that no employee need suffer racial discrimination again.”

Next time: Discrimination when you try to use services.

Policy Update: Commission to seek communities’ views on racial equality policy

In July 2013 the Commission decided on its priorities for racial equality policy in Northern Ireland. These areas will guide our work to influence Government and other stakeholders, particularly the content of the Government’s forthcoming Racial Equality Strategy.

We will be asking the Government to focus on

- law reform
- advancing equality in education and employment
- tackling hate crime, prejudicial attitudes and institutional racism
- advancing equality in access to accommodation, healthcare and social welfare.

We also made recommendations to the Executive about considering race together with other issues, such as age, sex or disability, and about the monitoring and evaluation of their strategy.

The Commission will also focus its own efforts to achieve changes in the law and to advance equality in education and employment.

We will arrange a series of events during the autumn to listen to the views and opinions of our key stakeholders, including members of black and minority ethnic communities, NGOs and public authorities.