

View from the Chair' article by Chief Commissioner Geraldine McGahey

What can employers learn from last year's discrimination cases?



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While everyone learns a lot from their own mistakes, it's important to learn from others as well.

This month's 'View' is about the complaints of potential discrimination made to the Commission in the last financial year. Most of the nearly 3000 people who called our discrimination advice line were able to resolve their issue, with our help, at an early stage. Just under 200 of these people applied for our assistance with taking a case and of those around a quarter were granted assistance.

As an employer, you should know that last year nearly three quarters of all calls to our advice line were about discrimination at work. This matters. It's not just the possibility of an employer discriminating against an employee, intentionally or not – it's that employers have a legal duty to protect employees from discrimination at work, for example, by other employees. A discrimination claim can both damage your reputation and finances.

You might be surprised to learn that over half of all calls to our discrimination advice line last year were about disability discrimination. Of these, 42% were

about discrimination in the workplace. Of the 27% that were about sex discrimination, 35% were about discrimination at work.

Like everything, there was the COVID factor. Nearly a quarter of all calls to the helpline last year were COVID-related and over half of these concerned disability discrimination. Roughly two thirds related to employment. The most common employment enquiries were about reasonable adjustments around issues such as working from home, access to the furlough scheme, working conditions for key workers and those classified as clinically vulnerable.

The other third were enquiries about access to goods, facilities and services, including a large number about mandatory face coverings in various settings, including shops, health care providers and transport.

After disability, sex discrimination enquiries made up the next largest group of COVID-related enquiries (30%). An amazing 97% of these were employment related and most were about either pregnancy/maternity or work life balance/family status.

Pregnancy/maternity enquiries were generally around the health and safety of pregnant employees and risk assessments or the impact of COVID measures, such as furlough, on maternity pay and leave. Work life balance/family status enquiries included many about childcare issues, for example for key workers where schools and childcare providers were closed, or where those with young or disabled children were working from home and no account was taken by employers of the obvious difficulties presented by this.

As well as the discrimination advice team which deals with members of the public calling with individual complaints of discrimination, we have an employer advice team which supports employers with information and advice tailored to their specific circumstances. This service is free and confidential, just give us a call or drop us an email. We have substantial guidance for employers online on equalityni.org or you can contact us by phone 028 90 500 600 or email edenquiries@equalityni.org

We support and publicise discrimination cases so we can use the learning from them to help keep employers on the right side of the law. So, as Eleanor

Roosevelt said: “Learn from the mistakes of others. You can't live long enough to make them all yourself.”

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