

EDC17D006J

BRIEFING NOTE 25 – DIFFERENT TYPES OF MARRIAGE AND CIVIL PARTNERSHIP DISCRIMINATION

1.0 Legal Duty

1.1 Under the Equality Act 2010 the University has a legal duty to:

- Ensure that it makes every reasonable effort to promote equality at work for individuals who are married or in a civil partnership;
- The removal of unlawful discrimination at work related to an individual's marriage or civil partnership

2.0 Different Types of Marriage and Civil Partnership Discrimination

2.1 Detailed below are explanations of the three main types of marriage or civil partnership discrimination and examples of how this applies to the workplace sourced from the Equality & Human Rights Commission¹.

2.2 Direct discrimination

This happens when someone treats you worse than another person because you are married or in a civil partnership. For example:

- A woman works night shifts in a distribution warehouse but is dismissed when she gets married because her employer thinks a married woman should be at home in the evening.

¹ Source: the Equality & Human Rights Commission advice and guidance on sexual orientation discrimination <https://www.equalityhumanrights.com/en/advice-and-guidance/marriage-and-civil-partnership-discrimination>

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2.3 Indirect discrimination

This happens when an employer has a particular policy or way of working that puts people who are married or in a civil partnership at a disadvantage.

Indirect marriage and civil partnership discrimination can be permitted if the employer is able to show that there is a good reason for the discrimination. This is known as objective justification. This is legal but the reason must be robust and based on a meaningful rationale.

2.4 Victimisation

This is when you are treated badly because you have made a complaint of marriage or civil partnership related discrimination under the Equality Act. It can also occur if you are supporting someone who has made a complaint of marriage or civil partnership related discrimination.

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