

Sex discrimination

What is sex discrimination?

If you're treated unfairly because you're a man or a woman, this is sex discrimination. It applies to men and women of any age and so it includes girls and boys.

The Equality Act 2010 says it's only unlawful discrimination if you're treated a certain way, because of certain reasons called 'protected characteristics'. Sex is one of the protected characteristics under the Equality Act.

Example

A nightclub allows women in for free but you have to pay because you're a man. This is unlawful discrimination because of your sex.

Discrimination because you're a transgender person

You can't be discriminated against because you're a transgender person. If you are, it's 'unlawful discrimination because of gender reassignment'.

You can [read more about gender reassignment discrimination](#)

Discrimination because you're pregnant or you've recently given birth

Pregnancy and maternity discrimination is dealt with differently under the Equality Act 2010. If you're in the 'protected period' you have greater protection. The protected period runs from the start of your pregnancy to the end of your maternity leave. If you're not entitled to maternity leave, for example because you're an agency worker rather than an employee, the protected period ends 2 weeks after the birth.

It counts as pregnancy discrimination if you're treated unfavourably because you:

- are pregnant
- have a pregnancy-related illness
- are on maternity leave

Unfavourable treatment because you've taken maternity leave is pregnancy discrimination. Less favourable treatment because you're breastfeeding is a form of sex discrimination.

It counts as sex discrimination if you experience unfavourable treatment outside of the protected period because you've had a child. It's also sex discrimination if your employer treats you less favourably outside the protected period because you have postnatal depression.

If you're being discriminated against at work

If you're being discriminated against at work you should:

- tell your manager - put it in writing and keep a copy of the letter or email
- talk to your HR team or trade union - they'll be able to give you advice
- collect evidence - keep a diary recording all of the times you've been discriminated against

You could raise a formal 'grievance' (complaint) if the discrimination doesn't stop. All employers must have a grievance process - ask your manager or HR team.

You could [make a claim at an employment tribunal](#) if you can't solve your problem using the grievance procedure.

Next steps

- Pregnancy and maternity discrimination - <https://archive.acas.org.uk/index.aspx?articleid=5271>
- [Gender reassignment discrimination](#)
- [What are the different types of discrimination?](#)

Other useful information

Equality Advisory Support Service (EASS)

If you have experienced discrimination, you can get help from the EASS discrimination helpline.

[More about the EASS helpline](#)

Equality and Human Rights Commission (EHRC)

You can find useful information about discrimination on the EHRC website at www.equalityhumanrights.com