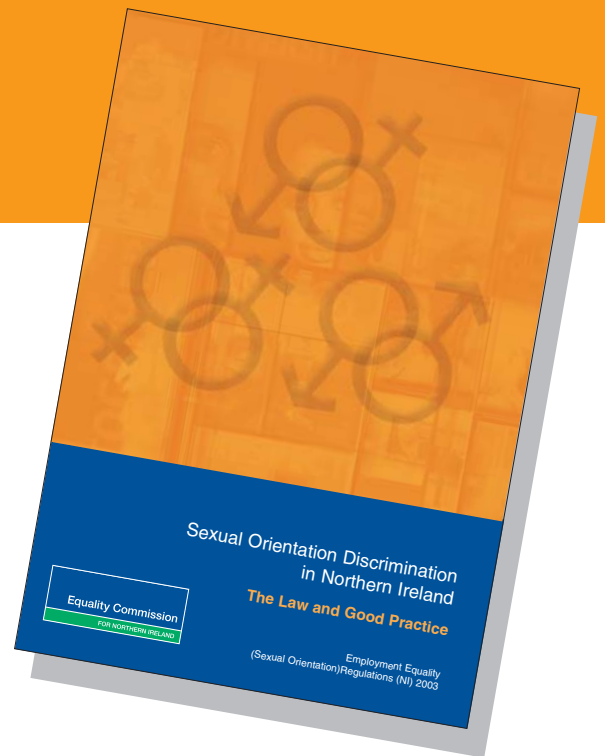


Sexual Orientation in the Workplace – Your Rights

It is unlawful in Northern Ireland to discriminate in employment or vocational training against any person on grounds of sexual orientation.



Who is covered by the law?

Sexual orientation discrimination is where people are treated less favourably because of sexual orientation. This includes people who are:

- homosexual (gay, lesbian)
- bisexual
- heterosexual

It also covers:

- perceived sexual orientation, even if incorrect assumptions are made about a person's sexual orientation
- people who are associated with others of a particular sexual orientation.

When should I seek advice?

You should seek advice if you believe that sexual orientation discrimination has prevented you from:

- being shortlisted for a job
- getting a job
- gaining promotion
- getting access to training opportunities
- receiving any other work related benefits

or if discrimination:

- is the reason for your dismissal
- is the basis for your selection for redundancy
- has prevented you from obtaining a reference
- has disadvantaged you in any other way in your employment.



You should also seek advice:

- if you believe that you are being harassed in your employment because of sexual orientation
- if your working environment is intimidating, hostile, degrading or offensive.

Students or applicants to further education colleges and universities in Northern Ireland should seek advice if you believe that sexual orientation discrimination has:

- prevented you from being admitted as a student
- prevented you from gaining access to benefits of the institution
- been the cause of your exclusion from the institution.


You should also seek advice if you are a student suffering harassment at a further or higher educational establishment, because of sexual orientation.

What organisations are prohibited from discriminating?

- Employers
- People for whom work is done under contract
- Vocational organisations (eg, trade unions and professional bodies)
- Vocational training providers
- Qualifications bodies
- Partnerships
- Police/armed services
- Barristers
- Employment agencies
- Institutions of further and higher education

Are there any exceptions?

In certain circumstances an organisation might be able to claim that having a particular sexual orientation is a genuine occupational requirement for a specific post. The onus is on the employer to show that this is genuine and that it is proportionate to claim this exception in the circumstances.



The law also allows for certain exceptions where the employment is for the purposes of organised religion.

Further information on this and other matters can be obtained by contacting the Equality Commission for Northern Ireland.

Where do I make a complaint?

If you believe that you are being discriminated against because of sexual orientation, you are entitled to issue legal proceedings in:

- an industrial tribunal, if it is an employment case
- the county court, if it is a further or higher education case.

When do I make a complaint?

It is important that you seek advice immediately if you believe that you have suffered unlawful discrimination. There are strict time limits within which a complaint must be made.

In most cases a complaint to an industrial tribunal must be made within:

- **3 months** from the date when you first knew of the act of discrimination.

A complaint to the county court must be made within:

- **6 months** from the date when you first knew of the act of discrimination.

Where the discrimination occurs over a period of time (eg, ongoing harassment), the time limits run from the date of the last incident.

What if I do not wish to issue legal proceedings?

You may wish to try to resolve the matter with your employer or institution. Your trade union may be able to help. Should you fail to resolve the matter internally and decide that you wish to take a case, you should remember that time limits for the issue of legal proceedings will not automatically be extended because you have tried to resolve the matter internally.

Where can I obtain help and advice?

The Equality Commission will advise people who believe that they have been discriminated against on grounds of sexual orientation. **The advice is free and confidential.** The Commission may also be able to advise and assist you to bring a complaint of unlawful discrimination to a tribunal or court.

You may also obtain advice from a solicitor or your trade union.

If you need help or advice from the Equality Commission contact us at:

Equality Commission for Northern Ireland
Equality House
7-9 Shaftesbury Square
BELFAST
BT2 7DP

Telephone: 02890 500 600
Fax: 02890 331 047
Textphone: 02890 500 589
Email: information@equalityni.org
Website: www.equalityni.org

You can also use **Typetalk** to contact us.

Equality Commission

FOR NORTHERN IRELAND

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