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## How do you deal with unfair treatment at work

Work should be a rewarding environment. Yes, we all have bad days, but if you have a job with supportive colleagues and managers you should expect to be happy in your work most of the time. Unfortunately this isn't always the case. Some employees may end up facing unfair treatment at work, and this can have a negative impact on both their physical and mental health as well as making the workplace a difficult place to be, no matter how generously they may be paid for what they do. When you are facing unfair treatment at work it can take a while to realise that it's not you that's the problem but the person or people handing out the unfair treatment. It's also sometimes not so easy to recognise that the way you're being treated may actually be classed as discrimination, and is therefore against the law. We talked this through with Richard Owen, our Job Law Employment and Discrimination Specialist who has over 35 years' experience in this field, and Associate Employment Solicitor Azra Choudry, who has recently joined Richard to help people facing challenges with their employment. We asked Richard and Azra about how to spot unfair treatment in the workplace, and this is what they had to say: Unfair treatment at work - and when is this discrimination? We live in a diverse and vibrant society and our law recognises these differences, giving everyone a right to be protected equally under the Equality Act 2010. This legislation defines the nine 'protected characteristics' as: Age Disability Gender reassignment Marriage and civil partnership Pregnancy and maternity Race Religion or belief Sex Sexual orientation If you think you are being unfairly treated, and this has anything to do with any of these protected characteristics, chances are you are being discriminated against at work. How to spot unfair treatment at work and what to do next Richard and Azra describe how unfair treatment at work can stem from small issues relating to the way your Manager or colleagues interact with you. Types of unfair treatment in the workplace can include: Bullying (e.g. being shouted at or humiliated in front of colleagues); Being given an excessive workload; Being expected to achieve unrealistic targets; Micro-management; Exclusion from team activities, meetings and challenges; Being picked on or singled out by Managers or colleagues; Not being given the opportunity to participate in training or personal development. If you notice you are being treated differently at work compared with other employees you should raise your concerns with your employer, but Richard and Azra also suggest you might find it helpful to follow these guidelines first: 1) check your contract - make sure you are familiar with your employment contract to understand what it is you agreed upon starting your employment and what has happened since; 2) keep a record - if you feel you are being treated unfairly make sure you keep a record of dates, emails, texts and events that may help you if you need to prove your case in the future; 3) act quickly but not on the spur of the moment - whilst you should act as quickly as possible when you feel you are being mistreated we would advise against resigning immediately without getting advice first. You should always consider making a formal grievance to your employer to try to resolve the issues. If you do feel you have to resign make sure you explain the reasons in writing. Am I being discriminated against? Sometimes the motive behind the unfair treatment can relate to one of more of the protected characteristics that we mentioned earlier, and in that case it may be classed as discrimination. For example, One of the most common forms of discrimination found in the workplace relates to disability. According to research carried out by Scope, the disability equality charity in England and Wales, a staggering 48% of survey participants were unaware of their rights as disabled employees. The report also goes on to say that 1 in 4 also believed they had missed out on securing a job due to their condition or impairment. A report from the Young Women's Trust also outlines issues like gender discrimination to be a lot more common within the workplace than you might think. For example 23% of woman aged 16 - 30 admitted that they had faced sexual harassment at work but only 8% of these women reported their situation. The Race at Work report published findings that showed 28% of employees from Black, Asian and Minority Ethnic (BAME) backgrounds had experienced racial harassment or bullying from their manager in the last five years. If you think you are experiencing some of these issues or other unfair treatment associated with the nine protected characteristics, and wonder whether you may have a potential discrimination case against your employer, Azra suggests that it is always best to compare how you are being treated against other colleagues without your protected characteristic first. Ask yourself, compared to my colleagues ... 1. Am I being treated unfairly? 2. What is the reason for the treatment? 3. Am I being treated differently to others? 4. Am I being put at a disadvantage compared to others? 5. Is there a direct link, or explicit words or actions, connecting the treatment and my protected characteristic e.g. specifically relating to gender, race, disability etc. 6. Is there another plausible explanation for the treatment? If, having considered these points, you think the unfair treatment is due to your protected characteristics you should read this article from Citizens Advice which provides you a clear 3 step plan on what to do next if you think you are being discriminated against at work. Seek Advice from Job Law If you feel like you have experienced unfair treatment or discrimination in the workplace you may want to talk it through with an employment law specialist before you take action. Richard Owen and Azra Choudry are here to help. Get in touch today at [info@societymatterscsc.com](mailto:info@societymatterscsc.com) We like to think nobody feels unfairly treated at work, but sadly, problems arise. It is important for you to track this, as it can lead to discrimination cases and decreases workforce motivation or performance. Because drops in performance can hurt your profits, you should do everything in your power to keep your staff performing. Some things are unavoidable, such as illness, but having a fair workforce is something you can control. Let's look at what counts as unfair treatment, why it can lead to employment tribunals, and how to handle unfair treatment at work in the best manner. What is unfair treatment at work? It is where individuals or systems treat an employee differently to others, for reasons not related to their job performance. A manager, peer or subordinate can treat an employee unfavourably. This usually takes place in one of four ways: Bullying Discrimination Harassment Victimisation It is important to understand the difference here. Employees have different rights under the law, depending on what kind of unfair treatment they are receiving. For example, while bullying at work is horrible, it is not illegal. It is important to see how employment law distinguishes them so you can best manage them. Employment law and unfair treatment at work While all forms of unfair treatment at work are bad and you should address them, ones that break the law are especially sensitive issues. You should have measures in place to avoid this from happening and tackle these issues immediately. Bullying is behaviour from a person or group that's unwanted and makes the employee feel uncomfortable. If this becomes harassment at work, it can become a legal issue. This is because harassment is a form of discrimination in the workplace, which is illegal thanks to the Equality Act of 2010. By law, it's harassment when bullying or unwanted behaviour is about any of the protected characteristics, which are: Age Race Sex Gender reassignment Disability Religion or belief Sexual orientation Marriage or civil partnership Pregnancy and maternity This can affect your finances because of employment tribunals. It also affects your reputation, meaning you won't be able to attract as desirable employees. Consequences of unfair treatment at work But what if there are no direct financial ramifications? Ensuring the workplace is fair is still something you should focus on, as it has a lot of indirect effects on your finances. When unfair treatment occurs, you can expect the employee's morale and productivity levels to plummet. Academic studies have found that treating staff unfairly can drain them of energy and motivation. There can be consequences if the bullying isn't discriminatory, but it gets so bad that it results in the employee leaving their job. Here, they might have a case for constructive dismissal. This can cause an employment tribunal case, even if it wasn't unlawful treatment. With the rise of platforms like Glassdoor, it doesn't take just a tribunal case to affect your reputation. Employees detailing their issues will seriously hinder your chances of hiring the best talent. Examples of being treated unfairly at work Unfair treatment can take many forms, and many people can enact it. Let's look at some example scenarios below: Unfair treatment at work by a peer: spreading gossip or slander about the employee by their colleagues. Unfair treatment at work by a supervisor: a manager could take a dislike to a particular employee and make their life difficult. This includes unfairly criticising their work or setting them menial tasks. Unfair treatment at work by a subordinate: a staff member going over their head and having their work undermined even though they're competent at their job. If you can spot these before they become a formal issue, you can save a lot of trouble. Employees will also appreciate their employer looking out for their interests. How to handle unfair treatment at work First, let all staff know that you operate anti-bullying and anti-harassment policies. Put these policies in your staff handbook and make sure all staff get a copy when they start. Whenever you update a policy, email the recent version to your teams. Ensure employees know how to complain about unfair treatment at work. Dealing with matters internally will cost less than tribunal claims. Explain the procedures you'll go through if you need to investigate a potential case of unfair treatment. Grievances and disciplinary's A staff member may raise this informally. They are also within their right to raise a formal grievance against someone they believe is treating them unfairly. When an employee comes to you with a grievance, hold a hearing to work out the details of their grievance. Then investigate their claims and come to an outcome. Follow up with a hearing and try to resolve the problem between the parties. The outcome might be that you give the offender a written warning. Or a final written warning if they've failed to improve their conduct after an initial warning. Where you deem the unfair treatment to be gross misconduct, you might dismiss the employee. If unfairly dismissed, the employee can claim in an employment tribunal, so be careful and document everything. Lead by example Your staff's behaviour will often reflect your business. Ensure management and key employees behave in line with the values of your business. Their behaviour will rub off on the rest of your staff. If they don't follow your values, the rubbing off goes both ways and it will encourage unacceptable behaviour in your workforce. Make sure you pick senior members who embody your values. Expert support Problems at work are often long and complicated. We can offer you up-to-date advice on the unfair treatment at work, the Acas code of practice, and guide you through the process of grievances. Call Croner on 0145 585 8132. Yesterday, an employee - let's call her Charlotte - e-mailed her boss, Greg, regarding an idea for marketing the company's services on social media. For the first time in weeks, Charlotte felt truly excited about her job. She had a million ideas, and she couldn't wait to get started. Later that afternoon, Greg appeared at the entrance to Charlotte's cubicle. "Those invoices aren't going to input themselves," he said, half-jokingly. "Maybe if you spent less time on Facebook and more time doing your job, we could talk about your 'initiatives.'" He winked at her and strolled away.It's true: Charlotte had a whole stack of invoices to input. Before the encounter, she was making good progress. Afterward, she couldn't concentrate. Her stomach was churning. "I'm so stupid," she berated herself, "Maybe if I was an automaton like Nancy in payroll, or impeccably groomed like Nick in sales, or maybe if I wasn't five minutes late to work half the time, my boss would take me seriously."Dealing with an unfair boss is inarguably stressful. Studies have shown corollaries between workplace stress and a host of psychological disorders and illnesses, including depression, cardiovascular disease, musculoskeletal disorders, suicide, cancer and impaired immune function [source: National Institute for Occupational Safety and Health]. In August 2010, Omar Thornton, a beer delivery driver in Hartford, Conn., shot and killed nine of his coworkers after being asked to resign. Although Thornton never filed a formal complaint, his family reports that the last thing he said to them before he turned his gun on himself was that prejudice from his supervisors had pushed him over the edge [source: Singer]. Whether the discrimination was real or perceived, the results were undeniably tragic.Charlotte's response to her unfair boss was to blame herself and wonder whether if her boss might have taken her seriously if only she'd been "perfect." Thornton, on the other hand, turned his anger outward and took the lives of nine people. While Thornton's response was unjustifiably extreme, Charlotte's response was also unhelpful. In the next section, we'll talk about how to respond to an unfair boss. In an ideal world, we would all be able to work in places where we genuinely felt valued, appreciated, and respected by our employers and our co-workers. People would treat one another fairly, and workplaces would be spaces in which we could all thrive, grow, and contribute to our fullest potential. Sometimes, this is, in fact, the case, and those workplaces are wonderful places for employees to pursue their career dreams and goals. In other cases, unfortunately, some employees find themselves in exactly the opposite environment - in a work situation in which they feel they are being treated unfairly by either their employer, their co-workers, or both.In these cases, the question often arises - how exactly should employees deal with unfair treatment at work? How much unfair treatment is too much? When should an employee "wait it out" or attempt to find a resolution on their own, and when should additional action - perhaps even legal action - be considered as a possibility? These are important questions, and ones for which there are, unfortunately, not always simple answers.Fortunately, however, there are some generally helpful steps you can take when you find yourself experiencing unfair and/or discriminatory treatment that can help you move forward toward remedying the situation and creating a healthier, more respectful and more productive workplace for all. Some of these steps include:Think Through the Situation: The truth of the matter is that we don't always get along with everyone. Some people just aren't our cup of tea, so to speak - and that's okay. In a working environment, however, it's important to think through your personal feelings about others, and to objectively look at how they may or may not be affecting your view of a particular situation. Do you simply have a personality conflict with your supervisor or with a co-worker that makes working with that person less than enjoyable? Or is that person truly treating you unfairly, harassing you, or discriminating against you? One is grounds for pursuing additional action, and the other is not. It is definitely worth thinking through your particular set of circumstances to determine what might truly be the issue prior to deciding which are the next best steps to take. If, after thinking it through on your own you continue to feel unsure, it can never hurt to ask for an objective opinion from someone else you trust at work. After you determine whether or not the behavior truly does seem to be unfair or discriminatory, you can decide how to move forward.Review and Understand Your Company Policies: As you consider whether or not you will bring your concerns to a supervisor, co-worker, or to human resources, it can be helpful to review your company policies simply as an attempt to familiarize yourself with what types of behaviors are prohibited and who the appropriate individuals are to report those behaviors to.Keep a Record: If you believe you are experiencing unfair or discriminatory treatment in your workplace, keep a detailed record of the times when you experience that treatment. Include as many specific details as possible: the date, time, location, and who was involved when the unfair and/or discriminatory treatment occurred.Speak to Your Supervisor: Speaking to an immediate supervisor about your concerns (provided that the supervisor is not the person you believe is treating you unfairly) is always an important step, not only in documenting the negative behavior you are experiencing, but also because your supervisor will be able to either take necessary action or direct you to the appropriate individual in human resources or elsewhere at your place of employment who would best be able to help.Take the Matter to Human Resources: If you do not have a direct supervisor, if your supervisor is the individual committing the discriminatory and/or unfair behavior, or if your company policy indicates that human resources is the first and best place to report such behavior, be sure to do so as soon as possible. Your company's human resource officers may be able to help remedy the situation or direct you as to the next best steps to take to move forward toward doing so.Consider Legal Action: In some cases, despite taking all of the aforementioned steps, you may simply find yourself unable to resolve the behaviors that are making your work environment less than the productive, safe, respectful place that you deserve. In these circumstances, your best course of action may be to pursue any legal remedies that may be available to you. Certainly, if you choose this path, you will want to consult with a knowledgeable and experienced attorney - one who understands the complexities of the law that may be involved and the best legal strategies to pursue the compensation that you deserve. While legal action may be time-consuming and may bring its own amount of stress, it can often be worth it when you have exhausted all other available courses of action.In an ideal world, no one would experience discriminatory or unfair behavior in the workplace - but it does happen. When it does, pursuing the aforementioned steps can help you (and your employer) to move toward a healthier, more respectful, more productive working environment for everyone involved. In that scenario, everyone comes out better in the long run.The Smithey Law Group LLC DifferenceAt Smithey Law Group LLC, labor and employment law is our passion. We have practiced extensively in this area for years, and have pursued justice effectively on behalf of countless satisfied clients. We believe that all employees deserve to work in a place where they feel that they are respected, valued, and treated fairly. And it is our honor to represent clients as they attempt to assert those rights. We would welcome the opportunity to represent you as well, and would be eager to hear your story and learn how we might be able to help. Call us today - we look forward to speaking with you soon.

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