

Mediation services and individual mediators need to be aware of the many forms discrimination can take and be willing to change practices, which, however unintentional, may be discriminatory. Individuals are protected against discrimination at work, in education, as a consumer, when using public services, when buying or renting property, or as a member or guest of a private club or association.

This means that mediation services are required to avoid discrimination in relation to all aspects of their practice, including service delivery and recruitment of staff and volunteers.

People are legally protected from discrimination by the Equality Act 2010 which consolidated a number of anti-discriminatory laws. You're also protected from discrimination if: you're associated with someone who has a protected characteristic, for example a family member or friend, or if you've complained about discrimination or supported someone else's claim

## What is Discrimination?

Discrimination is direct, indirect, unfair or unequal treatment of individuals or groups in relation to the following:

- > age;
- > gender reassignment;
- > being married or in a civil partnership;
- > being pregnant or on maternity leave;
- > disability;
- > race including colour, nationality, ethnic or national origin;
- > religion or belief;
- > sex;
- > sexual orientation.

These are called protected characteristics under the Equality Act 2010.

## Types of discrimination

### Direct discrimination

This is where a person in any of the categories listed above is treated less favourably than others would be in similar circumstances.

### Indirect discrimination

This occurs where a requirement is applied equally to all groups but has the effect of disadvantaging a particular group e.g. if a job or volunteering opportunity is advertised in a locality, medium or publication that is not widely accessible to some groups. This could be deemed indirect discrimination.

### Harassment

Unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them

## Victimisation

Treating someone unfairly because they've complained about discrimination or harassment

## Institutional discrimination

The Stephen Lawrence Inquiry defined institutional discrimination as 'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origins. [Discrimination] can be detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages [the individual].

*The Judicial Studies Board booklet on Race and the Courts, September 1999*

Legislation: <https://tinyurl.com/259nrmvw>

Support: <https://tinyurl.com/3y7kxk4h>

**This is one in a series of briefing papers on Community Mediation for practising and trainee mediators.**

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