



Discrimination because of sexual orientation

What is discrimination because of sexual orientation

Discrimination because of sexual orientation is when you are treated unfairly because of your sexual orientation. **Sexual orientation** is also known as sexuality.

Your sexual orientation depends on whether you are sexually attracted towards:

- your own sex. This means gay and lesbian people
- the opposite sex. This means heterosexual people
- the same and the opposite sex. This means bisexual people.

If sexual orientation discrimination takes place in any of the following situations it is illegal and you may be able to [take action about it](#).

- [employment and training](#)
- [education](#)
- when providing [goods and services](#), for example, banking, entertainment and transport
- [housing](#)
- any of the activities carried out by [public authorities](#), such as the NHS, government departments, local authorities, the police and prisons.

Discrimination because of sexual orientation can be **direct** or **indirect**. It can also take the form of **victimisation** or harassment.

It's also illegal to discriminate against you because:

- of the sexual orientation of someone you know, such as family or friends, rather than because of your own sexual orientation. This is known as discrimination by association
- you are believed to be of a particular sexual orientation, even, when you are not
- of gender reassignment.

For more information about discrimination because of gender reassignment, see [Gender reassignment discrimination](https://www.citizensadvice.org.uk/law-and-courts/discrimination/check-if-youre-protected-from-discrimination/gender-reassignment-discrimination/) (/law-and-courts/discrimination/check-if-youre-protected-from-discrimination/gender-reassignment-discrimination/).

Direct discrimination because of sexual orientation

It is direct discrimination to treat you less favourably because of your sexual orientation than someone of a different sexual orientation would be treated in the same circumstances.

It is also direct discrimination to treat you less favourably because of the sexual orientation of someone you know, such as a family member or friend (discrimination by association).

To prove direct discrimination, it will help if you can give an example of someone from a different sexual orientation who, in similar circumstances, has been, or would have been, treated more favourably than you.

Abuse and harassment because of sexual orientation are forms of direct discrimination.

If someone has been violent or hostile towards you because of your sexual orientation, you can report it to the police as a hate crime or hate incident.

[Check how to report a hate crime or incident to the police](https://www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/how-to-report-a-hate-incident-or-hate-crime/) (/law-and-courts/discrimination/hate-crime/how-to-report-a-hate-incident-or-hate-crime/).

If you don't want to go to the police, [check what support you can get if you've experienced a hate crime or incident](https://www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/get-help-if-experienced-a-hate-crime-or-incident/) (/law-and-courts/discrimination/hate-crime/get-help-if-experienced-a-hate-crime-or-incident/).

[youve-experienced-a-hate-crime-or-hate-incident/](#)).

Here are some possible examples of direct discrimination because of sexual orientation:

- an insurance company insists that a man applying for life insurance takes an HIV test before they will give him life insurance. His application form shows he is gay by referring to his male partner
- a landlord asks a letting agent to say that their flat to let has been taken if a lesbian or gay couple ask about renting it. If the letting agent agrees, both the landlord and the letting agent would be guilty of direct discrimination because of sexual orientation.
- a shop assistant bars someone they know to be gay from the shop where they work because they are prejudiced against gay people. Both the shop assistant and the person or company that owns the shop would be guilty of direct discrimination because of sexual orientation.

For more information about direct discrimination, see [Direct discrimination \(/law-and-courts/discrimination/check-what-type-of-discrimination-youve-experienced/direct-discrimination1/\)](#).

Indirect discrimination because of sexual orientation

It is indirect sexual orientation discrimination to have a rule, policy or practice which someone of a particular sexual orientation is less likely to be able to meet, and this places them at a disadvantage to people of a different sexual orientation.

An example of indirect discrimination because of sexual orientation is where a club has a policy of offering free membership to all husbands and wives of its members, but not to civil partners.

If you think that indirect sexual orientation discrimination might have occurred, you may be able to make a complaint about it. However, if the person or organisation you are complaining about can show that there are genuine reasons for the rule, policy or practice and that it has nothing to do with sexual orientation, this won't count as discrimination.

For more information about indirect discrimination, see [Indirect discrimination \(/law-and-courts/discrimination/check-what-type-of-discrimination-youve-experienced/indirect-discrimination/\)](https://www.citizensadvice.org.uk/law-and-courts/discrimination/discrimi.../indirect-discrimination/).

Victimisation

If you complain about sexual orientation discrimination, you shouldn't be victimised because you complained. This means that you shouldn't be treated unfairly just because you've made a complaint.

Making a complaint includes taking a case to court, going to an employment tribunal or standing up for your rights in some other way.

You can get protection if you are victimised because you've made a complaint about sexual orientation discrimination. You can also get protection from discrimination for helping someone else to make a complaint about sexual orientation discrimination, for example, by giving evidence as a witness in court.

An example of victimisation would be where a lesbian tenant had previously made a claim of discrimination against the manager of the property management company. The company refuses to allow the tenant to use facilities which are available to other tenants. This is victimisation and you can take action about it.

For more information about victimisation, see [Victimisation \(/law-and-courts/discrimination/check-what-type-of-discrimination-youve-experienced/victimisation/\)](https://www.citizensadvice.org.uk/law-and-courts/discrimination/discrimi.../victimisation/).

Sexual orientation discrimination in employment and training

It is illegal for an employer to discriminate against you because of your sexual orientation. This includes all employers, no matter how few people they employ. Most workers, including employees, agency workers, trainees and those who are self-employed have protection from sexual orientation discrimination at work. This includes:

- recruitment and selection

- promotion
- training, pay and benefits
- redundancy and dismissal
- terms and conditions of work.

Here is an example of sexual orientation discrimination:

An employer allows a man whose female partner is pregnant to take annual leave so that he can go to ante-natal appointments with her.

The employer refuses a similar request from a woman whose female partner is pregnant. This is likely to be direct discrimination because of sexual orientation.

There are some circumstances where an employer is allowed to treat you unfavourably because of your sexual orientation. If an employer can show that you need to be of a particular sexual orientation in order to do a certain job, they can insist on employing someone of that sexual orientation. This is known as an **occupational requirement** and does not count as discrimination.

An example of an occupational requirement is where the employers of a religious Minister insist that they can't employ a transgender person or a gay man in order to avoid offending the religious convictions of the religion's followers.

Sexual orientation when providing goods, facilities and services

Someone who provides goods, facilities and services would be discriminating against you if, because of your sexual orientation, they:

- refused to sell you something
- did not allow you to use a service
- provided you with worse or more expensive goods or services than someone with a different sexual orientation

- behaved in a rude or hostile way.

Examples of organisations which provide goods or services include:

- pubs, restaurants and hotels
- shops
- entertainment facilities such as cinemas, theatres, amusement parks, ice-skating rinks and race tracks
- hospitals and clinics
- estate agents, private landlords and local authority housing departments
- banks, building societies, insurance companies and finance companies
- railway stations, bus stations and airports
- churches and other places of worship
- charities and voluntary organisations
- schools and colleges
- welfare services such as housing advice, day-care or community care
- people who provide trade or personal services. This includes builders and people who provide complementary therapies such as acupuncture or reflexology
- residential care homes
- courts, prisons and the police.

For more examples of organisations which provide goods and services, see the Equality and Human Rights Commission website at:

www.equalityhumanrights.com .

An example of discrimination in goods, facilities and services is where a hotel, guesthouse or B&B refuses a booking from a same-sex couple, or stops them from booking a double room.

It is illegal to discriminate against someone because of their sexual orientation, regardless of how the goods and services are provided or whether you have to pay for them or not.

It is not discrimination for a business to provide goods, facilities or services which are aimed especially at the gay community. They don't have to start providing similar goods, facilities or services aimed at heterosexuals. However, the business is not allowed to turn away any heterosexual customers. For example, a lesbian and gay bookshop doesn't have to stock books aimed at heterosexual readers, but can't turn away heterosexual customers who want to buy its books.

If you're in a civil partnership, someone who provides goods, facilities or services is not allowed to treat you differently to how they would treat a married couple. Goods, facilities and services available to unmarried opposite-sex couples must be available to same-sex couples not in a civil partnership.

Pubs, bars, restaurants and nightclubs

You can't be turned away from pubs, bars, restaurants or nightclubs because of your sexual orientation. This applies if you're gay, lesbian, bisexual or heterosexual. So, for example, you can't be asked to leave a bar just because you're gay or lesbian. And a gay bar can't turn you away simply because you're heterosexual. However, they can turn you away if you make nasty comments about gay people or don't respect the fact that you're in a gay space.

Private members' clubs and associations

Private members' clubs and associations with more than 25 members are not allowed to discriminate against you because of your sexual orientation. However, it doesn't count as discrimination if the main purpose of the club or association is to provide benefits to lesbians, gay men or bisexuals. This applies particularly if their purpose is to offer privacy or a safe, supportive environment. For example, if the main purpose of a gay football club is not to compete in tournaments but to provide a safe social space for gay men, it could refuse to allow heterosexual men to join if that would change the whole nature of the club.

Financial services

Banks, building societies and other financial service providers are not allowed to refuse you a loan, grant, credit or other financial services because of your sexual

orientation.

Insurers aren't allowed to use your sexual orientation as a condition on its own for not offering you insurance.

Tour operators and transport or travel companies

Travel companies can't refuse to sell you a holiday because of your sexual orientation. For example, if a holiday is offered as couples only, it must be offered to both heterosexual and same-sex couples.

Charities

Charities aren't allowed to exclude people because of their sexual orientation. However, they can provide services for people of a particular sexual orientation if their purpose is to help that group. For example, a charity might exist to support homeless gay men or give counselling to young lesbians with mental health issues.

Religious organisations

Religious organisations can refuse to provide services to you under certain circumstances. For example, a religious retreat may be allowed to turn you away because you're lesbian, gay or bisexual, or a church may be allowed to refuse to allow a gay group to hold meetings on its premises.

Public authorities

It's illegal for a public authority to discriminate against you because of your sexual orientation while carrying out any of its functions. Public authorities includes government departments, local authorities, NHS trusts, courts and tribunals, police officers and prisons.

On top of this, public authorities have a legal duty to take action against discrimination and to actively promote equality.

Advertising

It's illegal to publish or broadcast an advert which discriminates because of sexual

orientation, or which advertises discriminatory services.

This means that a business is not allowed to advertise goods, facilities or services which are only available to heterosexuals.

In the same way, a gay business is not allowed to advertise that heterosexual people are excluded from its' facilities. However, it is allowed to say that it's a 'gay-friendly' business.

You won't be able to take action about advertising which discriminates. Action about advertising which discriminates must be taken by the [Equality and Human Rights Commission](#) (EHRC).

Adoption and fostering agencies

An adoption or fostering agency is not allowed to refuse to place children with you just because you're lesbian, gay or bisexual.

This applies to all adoption and fostering agencies.

Sexual orientation discrimination in education and training

Educational establishments such as schools, colleges and universities are not allowed to treat you differently because of your sexual orientation. They are not allowed to treat you differently if your parents are lesbian, gay or bisexual.

This applies to both state and private schools and colleges.

A school or college must not discriminate in any of its policies and practices. This includes its:

- admissions policies
- treatment of students
- exclusions
- decisions about a pupil's special educational needs.

Teachers must recognise your needs and tackle homophobic bullying, that is, bullying because of your sexual orientation.

Faith schools can still teach that their religion sees being lesbian, gay or bisexual as wrong. However, they must not do this in a way that puts you at a disadvantage compared with other pupils.

What can you do about sexual orientation discrimination in education?

You can make a complaint about discrimination by a school, college, university or Local Education Authority in your local county court (sheriff court in Scotland).

If your complaint is about a **school**, you should first try to resolve your complaint by talking to the school's headteacher. If you are still unhappy, you can then take your complaint to the school's governing body.

For more information about how to complain about a school, see [Sorting out school problems](https://www.citizensadvice.org.uk/family/education/sorting-out-school-problems/) (/family/education/sorting-out-school-problems/).

If your complaint is about a **college or university**, you should first use the institution's own complaints procedure. If you are complaining about a further education college funded by the [Education and Skills Funding Agency](https://www.citizensadvice.org.uk/education-and-skills/funding/) [↗](#), you could also complain to the agency.

If your complaint is about a **university in England or Wales**, you could take your complaint to the Office of the Independent Adjudicator (the OIA). The OIA can be contacted at:

Third Floor

Kings Reach

38-50 King's Road

Reading

RG1 3AA

Tel: 0118 959 9813

Website: www.oiahe.org.uk. [↗](#)

If you have a complaint about a **university in Scotland**, you should complain to the Scottish Public Services Ombudsman at: www.spso.org.uk [↗](#).

For more information about how to use an ombudsman in Scotland and when to use one, see [How to use an ombudsman or commissioner in Scotland](#) (/law-and-courts/civil-rights/complaints1/complain-to-an-ombudsman-or-commissioner-in-scotland-s/).

If you are thinking about taking court action about discrimination, you should get advice from an experienced adviser, for example, at a Citizens Advice local office. You can [search for your nearest Citizens Advice](#) (/about-us/contact-us/contact-us/contact-us/).

Sexual orientation discrimination in housing

For more information about discrimination in housing, see [Discrimination in housing](#) (/housing/discrimination-in-housing/).

What can you do about sexual orientation discrimination

If you think you've suffered discrimination because of your sexual orientation, there are a number of things you may be able to do. These include:

- getting advice from Citizens Advice, a [law centre](#) or [gay rights organisation](#)
- talking to the person or organisation that discriminated against you
- making a written complaint to the company or organisation involved
- following the company's written complaints procedure
- complaining to the relevant Ombudsman. All public bodies such as local authorities, government departments, health authorities and social landlords have an Ombudsman, as well as financial institutions such as banks and building societies
- using a grievance procedure or making a claim to an employment tribunal if it is an [employment problem](#)
- publicising your case through the media
- taking legal action through the courts

- giving details of the problem to an advice agency who may be able to refer it to the [Equality and Human Rights Commission](#) if you believe the problem is widespread

Taking legal action about sexual orientation discrimination

If you want to make a claim in the county court (or sheriff court in Scotland), there is a time limit of six months from the date that the discrimination took place.

There is also a formal procedure for gathering evidence. You need to send a standard form, containing questions you want to ask, to the company, organisation or person you are complaining about. The court can award compensation, but if you lose you can be ordered to pay the other side's legal costs, so make sure you understand all the procedures and the risks involved.

Taking legal action about discrimination is likely to be complicated. If you are thinking about taking court action, you should get advice from an experienced adviser, for example, at a Citizens Advice local office. You can [search for your nearest Citizens Advice](#) (/about-us/contact-us/contact-us/contact-us/).

Other types of discrimination

As well as discrimination because of your sexual orientation, you could be treated unfairly for other reasons, for example, because of your race, disability or because you're a woman.

For more information about discrimination, see our [discrimination pages](#) (/archived-content/1-public-website/law-and-courts/discrimination1/discrimination/).

Further help

Stonewall

Stonewall is a campaigning and lobbying organisation working on issues of relevance to LGBTQ+ people. In England, they have information about discrimination on their website at: www.stonewall.org.uk [↗](#). They also run a free information helpline on: 08000 50 20 20. The line is open Monday to Friday, 9.30am to 5.30pm. Or you can

email them for information on: info@stonewall.org.uk (mailto:info@stonewall.org.uk).

In Wales, the website for Stonewall Cymru is: www.stonewallcymru.org.uk [↗](#).

In Scotland, the contact details are:

Mansfield Traquair Centre
15 Mansfield Place
Edinburgh
EH3 6BB

Tel: 0131 474 8019

Email: info@stonewallscotland.org.uk (mailto:info@stonewallscotland.org.uk)

Website: www.stonewallscotland.org.uk [↗](#)

Stonewall cannot give you legal advice or help you pursue a case or complaint but they can refer you to specialists who can.

Equality Advisory Support Service (EASS)

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

[More about the EASS helpline](/law-and-courts/discrimination/about-discrimination/equality-advisory-support-service-discrimination-helpline/) (/law-and-courts/discrimination/about-discrimination/equality-advisory-support-service-discrimination-helpline/)

Equality and Human Rights Commission (EHRC)



You can find useful information about discrimination on the EHRC website at www.equalityhumanrights.com [↗](#).

Law centres

A law centre can offer free legal advice if you want to take a case for sexual orientation discrimination. If a solicitor from a law centre represents you, you may be entitled to legal aid. In England and Wales, details of the nearest law centre are available from the Law Centres Network, and in Scotland from the Scottish Association of Law Centres.

England and Wales

Law Centres Network
Floor 1, Tavis House
1-6 Tavistock Square
London
WC1H 9NA

Tel: 020 3637 1330 (admin only)
Email: [contact form](#)  available on the website
Website: www.lawcentres.org.uk 

Free Representation Unit (England)



The Free Representation Unit (FRU) can provide representation for people on a low income and living in the London area.

However, the FRU is a voluntary organisation and representation in cases cannot be guaranteed. If you want help from the FRU, you must be referred in writing by an advice agency once the date of a hearing has been set.

The agency must be an FRU subscriber. Some Citizens Advice local offices in London area are subscribers. You can [search for your nearest Citizens Advice local office \(/about-us/contact-us/contact-us/contact-us/\)](#).

The FRU can be contacted at:

6th Floor
289 – 293 High Holborn
London
WC1V 7HZ

Tel: 020 7611 9555
Fax: 020 7611 9551
Email: available through a [form on the website](#) 
Website: www.thefru.org.uk 

Did this advice help?

☐ Yes

☐ No

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