

Discrimination, victimisation and reasonable adjustments

Recognise common forms of workplace discrimination, protect against retaliation and prepare a clear request for reasonable adjustments.

- ✓ 19 min reading
- ✓ Full teaching, practical next steps and reflection
- ✓ Six practice questions with answers and explanations
- ✓ Complete source list and jurisdiction notes

Prepared for SAS, locally employed and other UK doctors

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Using this module

Independent education

This is general professional information, not individual clinical, legal, employment, immigration, regulatory, tax or pensions advice. Current official instructions and the circumstances of the individual case remain controlling. Practice scores do not establish professional competence or accreditation.

The short answer

Unfairness and unlawful discrimination are not synonymous. In Great Britain, the Equality Act 2010 protects specified characteristics and recognises several forms of discrimination, harassment and victimisation; Northern Ireland has separate legislation. Describe the decision or practice, the disadvantage, the protected context and the remedy, then obtain jurisdiction-specific advice promptly.

Three next actions

- Identify the decision, policy or behaviour that caused the disadvantage.
- Write the adjustment or practical remedy you are asking the employer to consider.
- Contact an appropriate union or equality adviser early because legal time limits can be short.

Learning objectives

- Distinguish major forms of discrimination and victimisation.
- Understand the practical purpose of reasonable adjustments.
- Present relevant facts without attempting to decide your own legal case.

Protected characteristics and jurisdiction

The Equality Act 2010 applies in England, Wales and Scotland and identifies protected characteristics including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The available protection varies by context and type of claim. Northern Ireland has a different body of equality legislation and the Equality Commission for Northern Ireland provides local guidance.

Grade, employment status, accent, overseas qualification and being a SAS or locally employed doctor are not themselves protected characteristics. They may nevertheless be relevant evidence, and treatment based on nationality, ethnicity, disability, age, religion, sex or another protected characteristic may engage equality law. Avoid assuming that every manifestation of 'gradism' is automatically a legal claim, while taking its organisational harm seriously.

Different forms of discrimination

Direct discrimination generally concerns less favourable treatment because of a protected characteristic. Indirect discrimination concerns a provision, criterion or practice applied more widely that disadvantages a protected group and the individual, unless objectively justified. Harassment and victimisation have their own tests. Disability law also includes discrimination arising from disability and a duty to make reasonable adjustments.

The same fact pattern can be analysed in several ways. A requirement to attend all development meetings at a time that systematically excludes part-time staff may raise indirect-discrimination questions depending on the group disadvantage, individual effect and justification. Refusing to consider an adjustment for a disabled doctor raises a different issue. Specialist advice is needed to apply the law to evidence.

Recognise differential treatment

Look beyond overt insults. Relevant patterns may include unequal access to acting-up work, leadership roles, study leave, appraisal support, job planning, offices, administrative help or specialist progression; allocation of unpopular duties; inconsistent thresholds for investigation; or repeated assumptions about competence. Comparison can help, but exact comparators are not always simple or legally required for every type of claim.

Ask what decision was made, by whom, under which rule, what reasons were given and how similar decisions were handled. Request the policy and written reasons. Statistical or workforce data can reveal patterns, but small numbers create confidentiality risks and do not alone prove why an individual decision occurred.

Reasonable adjustments

Adjustments aim to remove or reduce substantial disadvantage associated with disability. They may involve changes to premises, equipment, communication, working arrangements, duties, hours, location, supervision or access to support. What is reasonable depends on effectiveness, practicality, cost, resources and other circumstances. The doctor should describe the barrier and functional effect rather than feeling obliged to disclose every clinical detail to a manager.

Occupational health can advise on function and possible adjustments, but the employer makes the employment decision. An occupational-health recommendation should be considered rather than treated as automatically binding or irrelevant. Agree what will be tried, for how long, who will review it and how confidentiality will be protected.

Victimisation and retaliation

Victimisation under the Equality Act concerns detriment because someone carried out, or was believed likely to carry out, a protected act such as alleging discrimination or supporting another person's complaint. Other forms of retaliation may engage whistleblowing or employment protections. A negative decision after a complaint is not automatically victimisation; sequence, reason and evidence matter.

Record changes after raising the issue, including duties, opportunities, rota, appraisal language, references, exclusion or scrutiny. Ask for reasons and seek advice quickly. Continue to meet professional responsibilities and avoid conduct that can obscure the original concern.

Raise the issue clearly

A useful account identifies the event or practice, dates, people and documents; explains the disadvantage; states the protected context or adjustment need; records prior attempts to resolve it; and proposes a practical remedy. It should avoid exaggerated claims, irrelevant history and confidential patient material. A representative can help frame the issue under the correct local procedure.

Internal resolution and legal advice can run in parallel because external time limits may continue while a grievance is considered. Contact Acas for Great Britain employment guidance and early conciliation information, or the Labour Relations Agency and Equality Commission in Northern Ireland. Do not rely on a website summary to calculate a deadline.

Worked example: making an adjustment request actionable

A doctor with a fluctuating condition says that the current on-call pattern causes substantial fatigue and impaired recovery. Rather than sending the whole medical history to the rota team, the doctor asks for occupational-health advice and describes the functional barrier. A trial removes consecutive overnight duties, protects recovery and sets a review after eight weeks.

The manager records the options considered, operational impact and outcome. If the preferred adjustment cannot be provided, the discussion considers effective alternatives rather than ending with a bare refusal. The doctor obtains union advice if the process stalls.

Questions about a potentially discriminatory decision

Ask what rule or criterion was applied, who made the decision, what evidence and reasons were used, whether the same rule affected a wider group, what disadvantage resulted, what justification is advanced and what alternative would reduce the disadvantage.

Keep the request practical. A clear remedy might be reconsideration by an independent decision-maker, access to the published criteria, a reasonable adjustment, restoration of an opportunity or correction of an inaccurate record.

Common mistake

Avoid this

Assuming that obvious unfairness automatically proves unlawful discrimination can lead to the wrong evidence and route; the concern may still be serious and actionable under policy.

Pause and reflect

What precise decision or practice caused the disadvantage, and what practical remedy would remove or reduce it?

Takeaways

- Name the decision, disadvantage and relevant protected context.
- Reasonable adjustments focus on removing barriers, not proving personal worth.
- Obtain early jurisdiction-specific advice and do not wait for an internal process to finish.

Knowledge check

Choose one best answer. These practice questions support reflection; they do not assess a real case or confer accreditation. Answer positions match the browser edition.

1. Which statement is correct?

- A. The Equality Act applies identically in Northern Ireland
- B. Protected characteristics and legal tests must be applied to the facts
- C. SAS grade is itself a protected characteristic
- D. Every unfair decision is direct discrimination

2. A neutral rule disproportionately disadvantages a protected group. Which concept may be relevant?

- A. Indirect discrimination
- B. Victimisation only
- C. Gross misconduct
- D. Clinical negligence

3. What is useful evidence of differential treatment?

- A. Patient-identifiable screenshots
- B. Decisions, reasons, policy and treatment of comparable situations
- C. A list of every workplace irritation
- D. Rumour alone

4. What should an adjustment request describe?

- A. Why the doctor deserves special treatment
- B. The barrier, functional disadvantage and proposed effective change
- C. Only a diagnosis
- D. All private medical history

5. Is any adverse event after a discrimination complaint automatically victimisation?

- A. Yes
- B. Only if the doctor resigns
- C. No; detriment and causal connection need examination
- D. Only for consultants

6. Why seek advice before an internal grievance concludes?

- A. Because Acas decides the claim
- B. Because evidence is never needed
- C. To bypass the employer in every case
- D. Because external legal time limits may continue

Answers and explanations

1. B — Protected characteristics and legal tests must be applied to the facts

Unfair treatment may be serious, but a legal claim requires the relevant statutory test and jurisdiction.

Review protected characteristics and the four-nation distinction.

2. A — Indirect discrimination

Indirect discrimination examines group and individual disadvantage from a provision, criterion or practice, subject to justification.

Review the different forms of discrimination.

3. B — Decisions, reasons, policy and treatment of comparable situations

Decision-focused evidence helps test consistency and explanation.

Review how to examine patterns fairly.

4. B — The barrier, functional disadvantage and proposed effective change

Adjustment discussions should focus on the disadvantage and practical solution.

Review the purpose of reasonable adjustments.

5. C — No; detriment and causal connection need examination

Timing may be relevant but does not by itself determine causation.

Review the legal concept and evidence.

6. D — Because external legal time limits may continue

Internal procedures do not necessarily stop external limitation periods.

Review early advice and jurisdiction-specific routes.

Official and professional sources

Confirm the current source version and applicable nation, contract, scheme or specialty. A source list is not a statement that every rule applies to every reader.

Acas: Discrimination and the law

Great Britain · <https://www.acas.org.uk/discrimination-and-the-law>

Acas Code of Practice on disciplinary and grievance procedures

Great Britain · <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures/html>

Equality and Human Rights Commission: employment guidance

Great Britain · <https://www.equalityhumanrights.com/guidance/business/employing-people>

Equality Commission for Northern Ireland: employment

Northern Ireland · <https://equalityni.org/your-rights/making-a-complaint-employment>

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