

In the Know....

# Caste Discrimination



The Government has announced it will consult on any measures it needs to take to ensure that workers are protected from ‘caste’ discrimination. Here, we take a look at the relatively unknown concept of ‘caste’.

## What is caste?

Caste is a form of class system traditionally associated with the culture of the Indian sub-continent, however, people worldwide live by this hierarchy of social standing. Broadly, caste is fixed at birth and individuals stay in their initial ranking for life, regardless of their aspirations or actual achievements. Each caste is traditionally associated with particular occupations, and marriage outside of one's caste is not expected. The Government has acknowledged that almost half a million people in the UK whose background is Dalit - the lowest caste status - face discrimination.

## Why are changes being proposed?

Research into the extent of caste discrimination within the UK has caused the Government to review current arrangements for its legal recognition. Caste is not currently specifically covered by the Equality Act, meaning that individuals are not, as it stands, automatically protected against being treated less favourably because of their caste.

## Employment Tribunal's View

In 2014, an Employment Tribunal judge heard a claim from an employee who asserted, amongst other things, that she had been treated badly in her role of domestic servant and the reason for her treatment was that she was of a low caste – the Adivasi people. Because there is no specific protection against discrimination because of caste in the Equality Act, the claimant's employer argued that the tribunal had to disregard the claim. However, the Employment

Judge allowed it to proceed based on their reading of the aspect of ‘race’ which is a protected characteristic in the Equality Act. Race, for the purposes of the Equality Act, includes colour, nationality and ethnic or national origins. The Tribunal said that caste was included as an aspect of race because ethnic origin could include discrimination on account of descent or lineage.

## Specific protection

Despite the finding of the Employment Tribunal, the Government is looking at whether it needs to take measures to solidify the protection of workers against caste discrimination. The changes are not likely to increase the number of the protected characteristics in the Equality Act – there are already 9 – but are more likely to ensure that caste is expressly added under the banner of race, along with colour and nationality etc.

## Next moves

The Government will run a 12 week consultation exercise, after which they will formulate their official response containing their decisions on how to ensure specific protection is provided.

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