

Marriage and civil partnership

1 . Discrimination law

Marriage and civil partnership is one of 9 'protected characteristics' covered by discrimination law (Equality Act 2010).

Marriage and civil partnership discrimination includes direct and indirect discrimination, and victimisation.

Discrimination can happen in any area of work. It can result from decisions made at work or from how people behave towards each other.

It could be a regular pattern of behaviour or a one-off incident. It can happen in the workplace, at work social events or when people are working remotely.

What marriage and civil partnership mean by law

The Equality Act 2010 protects people from discrimination on the grounds of marriage or civil partnership.

Marriage is 'a formal union' legally recognised in England, Scotland and Wales as a marriage.

Civil partnership is a partnership registered under the Civil Partnership Act 2004.

Marriages and civil partnerships can be between:

- people of the opposite sex
- people of the same sex

By law, if you're married or in a civil partnership you are protected even when not living together.

A person who married or entered a civil partnership abroad is protected, providing the marriage or civil partnership is legally recognised in England, Scotland and Wales.

Who is protected by discrimination law

At work, the law protects the following people against discrimination:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants
- former employees

You are not protected if:

- single

- living with a partner – but not married or civil partners
- engaged to be married
- the marriage is ended or the civil partnership dissolved

Understanding more about discrimination

[Find out about the different types of marriage and civil partnership discrimination](#)

If you need more general discrimination advice, you can read [discrimination and the Equality Act 2010](#). This includes advice on employer responsibilities and on other protected characteristics.

Contact the Acas helpline

If you have any questions about marriage and civil partnership discrimination at work, you can [contact the Acas helpline](#).

2. Types of discrimination

Marriage and civil partnership discrimination includes:

- direct discrimination
- indirect discrimination
- victimisation

It's important to understand the different types of discrimination. This is so you know what your rights and responsibilities are under discrimination law (Equality Act 2010).

For full definitions of each type of discrimination, read our advice on [discrimination and the Equality Act 2010](#).

Direct discrimination

Direct discrimination is when someone is put at a disadvantage or treated less favourably because of marriage or civil partnership.

Being married or in a civil partnership does not protect you from discrimination by perception or discrimination by association.

[Read the full definition of direct discrimination](#)

Example of direct discrimination

Sam is Nicky's manager and they work for the same retail company. When they get married, their employer says that Sam could not effectively manage their partner's performance or deal with any disciplinary matters. Nicky is moved to another shop but is unhappy as they have to pay more to travel there. This rule only applies to employees who are married, not those in a close relationship. The employer's treatment of Nicky is likely to be discrimination.

Indirect discrimination

Indirect discrimination is when a working practice, policy or rule applies to everyone but puts a person or group at a disadvantage because of marriage or civil partnership.

[Read the full definition of indirect discrimination](#)

When discrimination might not be against the law

In certain circumstances, an employer might be able to make or justify a decision based on marriage or civil partnership.

An employer can make a decision that directly discriminates if:

- there's an occupational requirement – when not being married or in a civil partnership is vital for a job

An employer can justify a decision that indirectly discriminates if there's 'objective justification'. The employer must be able to prove both of the following:

- there's a 'legitimate aim'
- the discrimination is 'proportionate, appropriate and necessary'

For example, Alex is dismissed for stealing sensitive commercial information. Later, their civil partner applies for a job with the same employer. The job would give them access to commercial information. The employer rejects the application, believing that the connection to Alex would be a risk to the business. The employer does not object to civil partnerships. Their only concern is the identity of the partner. This is not likely to be discrimination against the job applicant.

This is a complex area of law. An employer should consider getting advice before making any decision.

Find out more about:

- [positive action](#)
- [an occupational requirement in recruitment](#)
- [objective justification](#)

Victimisation

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination complaint.

It does not matter if the complaint was made by them or someone else.

The law also protects someone from victimisation if someone else thinks they're involved with a complaint.

Ways someone can be victimised include being labelled a troublemaker, being left out, or not being allowed to do something.

[Read the full definition of victimisation](#)

Example of victimisation

Pat makes a complaint of discrimination on the grounds of being in a civil partnership. After the complaint, Pat is selected for redundancy despite having better skills than other employees who were kept on. If the employer did this because of the complaint, this is victimisation.

Harassment

The law on harassment does not apply to marriage or civil partnership. But someone might experience harassment related to other protected characteristics.

For example, a man is humiliated by people at work following their marriage to another man. This would be harassment on the grounds of sexual orientation.

Contact the Acas helpline

If you have any questions about marriage and civil partnership discrimination, you can [contact the Acas helpline](#).

3. Discrimination complaints

If someone has experienced or witnessed marriage and civil partnership discrimination at work, they can make a complaint to their employer. The employer should take it seriously and look into it as soon as possible.

Marriage and civil partnership discrimination can be distressing. It can have an impact on someone's mental health and wellbeing.

Employers should make sure that:

- employees know how to report discrimination
- anyone who's experienced or witnessed discrimination feels safe, protected and supported
- anyone accused of discrimination is treated in an impartial and fair way

If you've experienced discrimination

If you believe you've experienced discrimination at work because of being married or in a civil partnership, you can make a complaint to your employer.

You should make a complaint as soon as possible. But if you make a complaint a long time after an incident has taken place, your employer should still take it seriously.

[Find out what to do if you've been discriminated against](#)

Witnessing discrimination

If you think someone at work is being discriminated against because of marriage and civil partnership discrimination, there are actions you can take. For example, supporting people or giving evidence.

Your employer must not victimise you for supporting a complaint.

[Find out more about witnessing discrimination](#)

Handling a discrimination complaint

If you're an employer or manager, you should look into any discrimination complaint in a way that's fair and sensitive to:

- the person who made the complaint
- anyone who witnessed it
- anyone accused of discrimination

[Find out how to handle a discrimination complaint](#)

4. Preventing discrimination

All employers should take steps to try to make sure marriage and civil partnership discrimination does not happen at work.

As an employer, you should aim for a culture where:

- everyone knows that marriage and civil partnership discrimination is not acceptable
- people feel safe
- you recognise and promote the benefits of a diverse and inclusive organisation

[Find out more about improving equality, diversity and inclusion](#)

Steps for preventing discrimination

Many ways to prevent discrimination apply equally to all 'protected characteristics'. You can find out more in our advice on [preventing discrimination](#).

Measures you should take include:

- being aware of unconscious bias and stereotypes
- checking your policies
- recognising the impact of discrimination on mental health and wellbeing

If you're a small organisation with limited resources, there's still a lot you can do to prevent discrimination. Making your organisation more inclusive does not have to be costly or complicated.

If you're a public sector employer, you also have legal responsibilities under the [public sector equality duty](#).

Being aware of unconscious bias and stereotypes

Discrimination is not always intended. It can happen when decisions or behaviour are based on assumptions. It's important to be aware of:

- [unconscious bias](#) – when someone's thoughts or decisions are influenced by beliefs or assumptions they might not be aware of
- stereotyping – having a fixed view of what someone's like or what they can do because of being married or in a civil partnership

Checking your policies

You should check all relevant policies to make sure they do not discriminate. For example policies around:

- work-related rules or benefits for couples
- maternity, paternity and adoption leave

Any policy on relationships must not unfavourably affect married people or someone in a civil partnership.

For example, a security company has a policy that employees in a relationship must not work together. To prevent discrimination they must apply this rule to all relationships, not just to marriage or civil partnerships.

Supporting mental health and wellbeing

Marriage and civil partnership discrimination can affect someone's mental health and wellbeing.

It can lead to someone feeling threatened and unsafe at work. It can also have an impact on their attendance and work performance.

As an employer, you have a 'duty of care'. You must do all you reasonably can to support the health, safety and wellbeing of employees.

You do not have to be a mental health expert. But there are resources and support you can offer.

[Find out more about supporting mental health at work](#)

Get more advice and support

If you need help to deal with any challenges in your organisation, you can:

- [contact the Acas helpline](#)
- [get tailored support for your organisation](#)