

ASK THE ADVISER

15) DISCRIMINATION - The latest in a series of articles by Iain Gregory of Caithness CAB

At one point in WW2 my father was inconveniently dispatched to the USA, via Canada, to work with the USAAF and one day he found himself seated in a first-class carriage on a train heading from NYC to the far deep south. He fell into conversation with a charming southern gentleman who transpired to be a distinguished Doctor who had risen from difficult beginnings and who had founded a large charity hospital caring for those who could afford neither medicine nor insurance. Father's friend was highly educated, well-read and in all ways an exemplary human being and they talked for many hours. And then the train stopped - apparently in the middle of nowhere - and the Doctor explained that he must now leave and go to the "cattle trucks" at the rear of the train. The reason was that they had reached the Mason-Dixon line (the boundary of the old slavery states) and he was therefore no longer permitted to sit in the carriage because he was black. Father - from whom I inherited an abiding [dislike](#) of bigots - was incensed but could do nothing. They say that revenge is a dish best served cold and I will tell you about it at the end - it is indeed worth waiting for.

This was of course racism of the worst possible type and we have made great leaps forward in the last few decades, and discrimination of any sort couldn't possibly happen here. Could it?

Well, I am sorry to say that it can and it does. The most common forms of discrimination tend to be on the grounds of colour, race, religion, gender and sexual orientation, but there are many others as well. The law is quite clear, and the main legislation is the Equality Act 2010, which defines "Protected Characteristics", and, if you've been treated unfairly because of who you are, then it may be unlawful discrimination. The characteristics, broadly, cover Age; Sex; Sexual Orientation; Gender Reassignment; Race (with protection for Gypsies and Travellers); Religion or Belief; Marriage or Civil Partnership and Disability. In short therefore, if you are discriminated against for any reason relating to whom you are then it is unlawful and rightly so.

So let's start with Sex Discrimination - this is usually directed towards a woman and, whilst women have overcome many of the barriers against them, prejudice does, sadly, still exist. The main hope we have today is that the leaders of the three main Scottish Political parties are women, the UK PM is a woman, the German leader is female and we may well have a woman US President, but this does not alter the fact that women are regularly paid less than men or are asked by potential employers how they will cope if one of their children is ill - men are never asked this question so this is discrimination on the basis of having a protected characteristic. On the same note I would say that the current campaign by WASPI (Women Against State Pension

Inequality) has a pretty strong argument for Sex Discrimination as it would seem that women are definitely being treated differently to men as regards Pension entitlements .Men too can be victims and here is a nice example for you - if a nightclub allows free entry to women, but charges men, then this is a simple case of discrimination because you are a man.

And then of course we have prejudice on the grounds of sexual orientation. The law is perfectly clear on this - it is unlawful to be discriminated against because you are gay, lesbian, bisexual or heterosexual. As a matter of fact it is nobody's business anyway. There have been one or two highly publicised cases recently where male or female couples have been told to get off a bus simply because they were indeed clearly a couple. This is illegal and you can take action. I was also startled to hear about a recent fairly high profile function where the misleadingly-named "entertainers" made "jokes" about the sexual orientation of Ruth Davidson, leader of the Scottish Conservatives, who happens to be in a same-sex relationship (and no, I am far from being a Conservative). Much justification has gone on, but think of it this way – if the references had been to her colour or religion there would have been uproar – rightly. Sadly, I have had to advise and assist a number of people who have been the victim of discrimination of this sort and I have seen the effect it has upon them - it is not on and if you believe that you have been treated differently then come and see us. We will help you at every stage of the process, right up to and including reporting the matter to the police if a crime has been committed.

And now to Race. I remember as a child accompanying my Father on a trip to London and seeing notices on boarding-houses stating simply - "No blacks". And this was only half a century ago. We have, thankfully, come a very long way and Nelson Mandela has had a lot to do with it and so has President Obama, but - and trust me on this - the old prejudices are still there and people get treated differently, and sometimes appallingly so, simply because their skin is a different colour or because they were born in a different country. Racial Discrimination occurs when a person is treated unfairly because of colour, race, ethnic origin or national origin. If you are a gypsy or a traveller then you are protected on the basis of your ethnic origin. Treating people badly because of prejudice is clearly nonsense and our own Bard in 1795 summed things up brilliantly when he said "A man's a man for a' that" and he was of course spot-on. In effect he meant that a person should be measured by their character and behaviour, and nothing else. Burns was thought to be highly radical then, but he was, as usual, right and he summed up the feelings and attitudes of most people in modern-day Scotland extremely well, but, sadly, we are not exempt from prejudice and we must all fight it. Once again, at Caithness CAB we are highly aware of these issues and we can, and will, support, assist and guide anyone who has suffered in this way -and we will not let go - so come and see us.

If you have suffered at your place of work, or perhaps been refused a job because of one of these protected characteristics, then again come and see

us. Proving it can be difficult, because employers will often come up with an excuse when they have behaved badly, but our Employment Specialist - Lyall Crowe – is without doubt, the leading expert in the north on employment matters and he will advise and guide you and will, if the case is there, go as far as actually representing you at an Employment Tribunal and you will not pay a penny for his services.

So there we have it - the law is there to protect you, you have rights, and CCAB are the experts locally - come and see us and we will help and Police Scotland will vigorously investigate any criminal abuses.

And the revenge? Well a little later on Father found himself the senior officer at a joint services training exercise in the Scottish Borders and the CO of the neighbouring US camp was from the very same city as the said Doctor. One day a couple of Scots Guards were severely beaten by our allies because they were Scots. Father instructed the **Guards** Sergeant-Major that the Guardsmen should return to the pub the next night, with a view to trying to make friends again, and he suggested that they might wish to take a couple of truckloads of comrades with them so they could be friends also. The next day an outraged US Colonel phoned to complain that dozens of his GI's were in the sick bay and to inquire how he was supposed to extract two trucks, six jeeps and a Coca-Cola machine from the river? This went into history as the Battle of Hawick and revenge was indeed very sweet indeed.