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Briefing Note

Discrimination at the Client's Instruction

Any acts of discrimination by the agency that are carried out with the express or implied authority of the client will result in both entities being jointly liable. Employment tribunal awards for discrimination are uncapped. However, where an individual has been discriminated against in relation to an application, damages are likely to be restricted to the loss of opportunity and an award for injury to feelings.

When dealing with an individual's job application, section 4(1) and section 14 of the Race Relations Act 1976 prohibit discrimination by employers and by recruitment agencies. The Sex Discrimination Act 1975, Disability Discrimination Act 1995, and the recent Employment Equality legislation all contain similar provisions.

A recent [BBC investigation](#) found that to win more business some recruitment agencies in the West of England were prepared to comply with requests from employers to discriminate against applicants from certain ethnic minorities. Of 30 temporary agencies contacted by an Inside Out West researcher, 25 agreed to a request for a receptionist job to be offered only to white workers.

In *Noah v Desrosiers (t/a Wedge)* in 2008, the claimant, a Muslim woman who wore the hijab headscarf, was turned down for a position as a salon assistant because the salon owner required all staff to display their hair while at work. The claimant was awarded in excess of £4,000 for injury to feelings and loss of opportunity.