

Caste discrimination covered by existing legislation

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In *Tirkey v Chandok*, it was found that a claim for caste discrimination could be brought in a Tribunal under the Equality Act 2010.

Ms Tirkey was employed by the Chandoks as a servant. She is part of the Adivasi caste, which is known as a servant caste.

The caste system divides people into separate groups based on birth, marriage and occupation. Ms Tirkey alleged that she was required to work seven days a week from 6am to 12.30am, sleep on the floor on a piece of foam, and in four years was paid £3,140. She brought a caste discrimination claim against the Chandoks arguing that she was treated like this because the Chandoks considered her to be of a lower status than them. The Chandoks applied to strike out the claim on the grounds that there was no legislation outlawing caste discrimination.

The Tribunal allowed Ms Tirkey's caste discrimination claim to proceed on the basis that it could be covered under the head of 'race discrimination'. The definition of 'race' in the Equality Act is wide and includes 'colour, nationality, ethnic or national origin'. As such, there is scope for arguing caste could also be included under this heading.

Unless this case is overturned, employers should note that there is a new type of discrimination that they could be liable for should any worker subject another worker to caste discrimination. To safeguard against any claim for vicarious liability, the same rules apply: that employers take reasonable steps to prevent such acts or omissions from occurring. This starts with having an equality and diversity policy and ensuring managers receive diversity training.

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