

How to navigate workplace language and avoid discrimination claims

Fostering a culture of diversity and inclusion is key to a successful organisation.

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While many employers focus on creating a positive work environment, one often overlooked factor is the impact of workplace language—specifically, office banter, casual jokes, or seemingly harmless comments. Unconscious bias, particularly in the use of language, can perpetuate exclusion and leave businesses vulnerable to legal issues.

The role of language in workplace discrimination

Language is one of the most powerful tools in communication. When words are carelessly chosen, they can foster a toxic work environment and lead to discrimination claims. The [Equality Act 2010](#) protects employees from discrimination based on nine protected characteristics, including race, sex, disability, age, and discrimination during pregnancy or maternity leave. Discriminatory language, whether intentional or not, can result in legal ramifications.

For instance, [in a 2021 case](#), an Employment Tribunal found that a manager who described a pregnant employee as “very emotional and teary” in an email had been dismissive and belittling. This language was seen as dismissive and stereotypical, reinforcing some harmful biases about pregnant women.

Unconscious bias and language: a hidden barrier

Unconscious biases are automatic and are often ingrained assumptions that can influence our behaviour, decisions and interactions with others. Personal experiences and societal stereotypes can shape them and are often reflected in language without any conscious awareness. [Karen Cole](#), Head of Employment Law at RIAA Barker Gillette UK, explains:

“Language laden with stereotypes or assumptions can have serious consequences. It affects the core culture of an organisation, as language shapes daily interactions between colleagues. Unchecked,

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unconscious biases in language can marginalise employees and undermine workplace morale.

All of us carry unconscious biases, and we need to be encouraged to consider what those might be and how our use of language may reflect them. Comments made as a 'joke' or even as a so-called compliment can cause problems if they are uninvited and inappropriate."

A [2023 Employment Tribunal case](#), which published the reasoning behind its judgment this year, highlights the issue further. A manager introduced a female employee as "glamorous," which the Tribunal found potentially inappropriate. Describing someone in a business context this way can belittle their professionalism, which may lead to claims of harassment under the Equality Act 2010.

Fostering an inclusive workplace: language matters

Employers should take proactive steps to mitigate the impact of unconscious bias and ensure their language fosters inclusivity. Karen Cole emphasises the importance of nurturing a work environment where all employees feel valued and respected:

"Whether it's direct insults or casual office banter, inappropriate language can harm workplace morale, reduce productivity, and potentially result in legal action."

Here's how employers can foster inclusion and avoid discrimination:

- **Raise awareness:** Acknowledge that unconscious bias exists. Provide examples of biased language and offer inclusive alternatives for more thoughtful communication.
- **Challenge stereotypes:** Encourage employees to question assumptions about people based on their protected characteristics, such as gender, race, or age.
- **Use inclusive language:** Address individuals using preferred pronouns and avoid gender-specific terms for tasks and roles.
- **Focus on skills and experience:** Evaluate employees based on their abilities and accomplishments, not their background or gender.
- **Revise policies:** Regularly review job descriptions, performance evaluations, and internal communications to ensure language focuses on measurable skills rather than personal characteristics.
- **Education:** Conduct regular workshops and training on unconscious bias and inclusive language practices.

The Equality and Human Rights Commission offers valuable resources that help employers create inclusive workplaces and avoid unlawful discrimination.

Contact [Karen Cole](#) today to learn how to navigate workplace language and avoid discrimination claims.

Note: This article is not legal advice; it provides information of general interest about current legal issues.