

# Caste discrimination

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**Caste is not currently one of the protected characteristics under the Equality Act 2010 and therefore caste discrimination is not explicitly prohibited.**

The term caste denotes a hereditary, endogamous (marrying within the group) community associated with a traditional occupation and ranked accordingly on a perceived scale of ritual purity.

For those unaware of the workings of the caste system, the terms can be baffling, with different names used to identify the lowest castes and different groups having different status depending on the caste system to which they belong.

In July 2018, the government published the outcome of a [consultation](#) on whether legislation was needed to protect against caste discrimination. The government decided that it would not legislate in this area but would rely on emerging case law. This means an arguably more laissez-faire approach of allowing case law to develop, in which it is argued that caste is covered by the current definitions of race or religious belief.

There is clearly an overlap between religious belief and race discrimination with caste discrimination, but the larger question will be whether some forms of caste discrimination will fall outside of the scope of either of these two forms of discrimination. Some castes are based on occupation or profession and therefore individuals suffering the effects of this type of discrimination may not be protected.

The Equality and Human Rights Commission's response to the government's decision was:

*"The government has missed a crucial opportunity to improve legal clarity and has taken a step back by looking to repeal the duty to include caste as an aspect of race in the Equality Act 2010. This is inconsistent with the UK's international obligations to provide for separate and distinct protection for caste in our legislation."*

As things stand, those who claim to be victims of caste discrimination are now reliant on 'caste discrimination' being captured under race and/or ethnic origins within [section 9 of the Equality Act 2010](#).

Where a claimant has been treated less favourably because they are believed to be a member of, or descended from, a separate race or ethnic group, the existing provisions of section 9 should come into play. However, whether this is an improvement on a statutory definition is questionable.

***If you have been affected by any of the issues raised in this article, call employment lawyer, [Christine Slevin](#), today.***

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

