

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
United Kingdom	2015	United Kingdom / Employment Tribunals / Case no. 3400174/2013 / Tirkey v Chandok and another	http://www.equalrightstrust.org/ertdocumentbank/Tirkey%20v%20Chandok%20Judgment%2017.09.15.pdf	Religion, Racial or ethnic origin	Employment Tribunal	The Court found that the Claimant was a victim of harassment on grounds of her race and indirect discrimination on grounds of her religion. She was an Indian national employed by the Respondent as a live-in domestic worker between 2008 and 2012 after being recruited in India. In 2012, the Claimant resigned following fundamental breaches of her employment contract, including 18 hours a day, seven days a week, paid extremely low wages (as low as 11p an hour), without a bed or private space etc. Additionally, the Claimant's passport and other documents were taken from her and only returned to her when she was dismissed. The Claimant was a Christian, and the Respondents prevented her from bringing her Bible with her to the UK.	The Employment Tribunal found that the Respondents had violated the Claimant's legal employment rights in numerous ways. In addition, it found that the Claimant had been the victim of harassment on grounds of her race and indirect discrimination on grounds of her religion. The Employment Tribunal ordered that the Claimant be paid the sum of £183,773.53 in respect of the shortfall between the wages received and the National Minimum Wage.	The Claimant argued that there had been multiple breaches of her employment rights as well as discrimination because of her race and religion. With regards to "race", the Claimant argued that she was treated less favourably due to the fact that she belonged to the Adivasi caste which in India is believed to be a "low caste" and a "servant class". The Employment Appeals Tribunal had previously found in an earlier consideration of this case, that the categories of "caste" and "ethnic origin" overlapped. The Employment Tribunal in the present case concluded that it was clear that the Respondents had hired the Claimant not because of her skills but because "by virtue of [the Claimant's] upbringing - i.e. (sic) because of her ethnic origins" she occupied a position where she expected to be servile and subservient.	The case further clarifies the scope of "ethnic or national origin" within the protected characteristic of "race" in the Equality Act 2010. The case confirms that while discrimination because of "caste" is not expressly protected by the Equality Act 2010, many instances of discrimination which raise "caste considerations" would fall within the scope of "ethnic or national origin" and therefore would be protected by the 2010 Act. In the context of domestic service when an individual is unable to raise a grievance and because of their caste have received less favourable treatment resulting in not being paid the National Minimum Wage they may be entitled to receive the full sum of what is owed to them.	"206. It is clear to us and we find that the Claimant was acceptable to the Respondents as their domestic servant not because of her skills but because she was by birth, by virtue of her inherited position in society, and by virtue of her upbringing - ie [sic] because of her ethnic origins - a person whose expectations in life were no higher than to be a domestic servant."

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