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EMPLOYMENT

False workplace racism allegations increasingly punished by courts

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The problem of being accused of racism, when the allegation is untrue, is starting to come to the fore and increasingly tested by our legal system.

Race and racism is such a sensitive issue and the consequences of being labelled a racist can be far-reaching. A perpetrator can face dismissal by their employer, whether the racist conduct was committed in the workplace or even outside of it, face criminal charges and action can be taken in the equality courts.

In the context of the workplace, there have been a growing number of instances in which employers have had to deal with false allegations of racism. They have had to consider what to do with an employee who has made this allegation, either maliciously, or even carelessly, against a colleague.

But playing the race card, colloquially speaking, is now increasingly being recognised as a material misconduct on the part of an employee and has been recognised even by the Labour Appeal Court as justifying dismissal of the employee who made the unfounded allegation.

Employers should recognise that any allegations of racist conduct must be carefully investigated, with the due interests of the accused as well as the person making the allegation taken into account.

Whoever has acted improperly in the matter – whether it be the person who actually acted in a racist manner, of the person who made the allegation maliciously to smear the other's reputation, or where no reasonable grounds to found the allegation exist – must bear the consequences.

Genuine racism is deservedly being systematically rooted out in all aspects of our society, not least in the workplace, in order to try and move away from the injustices of the past, and towards a more egalitarian society.



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