

Equality Act 2010

...a major simplification of discrimination legislation that makes the law easier to understand and comply with and delivers significant benefits for business, public bodies and individuals.

[Government Equalities Office Website](#)

The Act Replaces or Amends

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995

Many others are affected, full details can be found at :

http://www.legislation.gov.uk/uksi/2010/2279/pdfs/uksi_20102279_en.pdf

Including

- Estate Agents Act
- Further Education Act 1985
- Sex Discrimination Act 1986
- Local Government Act 1988
- Employment Act 1989
- Local Government and Housing Act 1989
- Social Security Act 1989
- Enterprise and New Towns (Scotland) Act
- Contracts (Applicable Law) Act 1990
- Further and Higher Education Act 1992
- Trade Union and Labour Relations(Consolidation) Act 1992

Implementation

- Commenced 1st October 2010, affects;
 - The basic framework of protection against direct and indirect discrimination
 - Changes the definition of gender reassignment, by removing the requirement for medical supervision.
 - Protection for people associated with people with vulnerability, eg Carers
 - Clearer protection for breastfeeding mothers;
 - Clarifies what indirect discrimination is
 - Recognises the effects of victimisation
 - Clarifies the duty to make reasonable adjustments for disabled people.
 - Further protection from 3rd party harassment to all protected characteristics.

Implementation (contd.)

- Making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health.
- Allowing claims for direct gender pay discrimination where there is no actual comparator.
- Making pay secrecy clauses unenforceable.
- Extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment.
- New powers for employment tribunals to make recommendations which benefit the wider workforce.
- Supporting voluntary positive action
- Extending protection from indirect discrimination to disability.
- Introducing a new concept of “discrimination arising from disability”, to replace protection under previous legislation lost as a result of a legal judgment.

Still under consideration:

- Dual discrimination
- Diversity reporting by political parties
- Public sector Equality Duty (following the recent consultation on specific duties)
- Prohibition on age discrimination in services and public functions
- Civil partnerships on religious premises
- Provisions about tax accessibility
- Provisions relating to auxiliary aids in schools
- Family property
- Duty to make reasonable adjustments to common parts of leasehold and commonhold premises and common parts in Scotland

No longer under consideration:

- **Socio-economic Duty on public bodies**

“The Government is focused on specific policies and practical actions that will deliver real change in tackling poverty and promoting social mobility. The Government will be using transparency to drive changes in attitudes and behaviours, rather than pushing ahead with ineffective, bureaucratic measures like the socio-economic duty.”

- **Gender pay gap reporting**

“We expect and want the voluntary approach to work. This will give better information and is more likely to drive successful change.”

What you need to be aware of

- Protected Characteristics

Discrimination is unlawful on the following grounds:

Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex and sexual orientation

- Dual Discrimination

Where two or more Protected Characteristics combine to make a person more vulnerable to discrimination

For example, a black female member of staff who is discriminated against because her manager has a particular stereotyped attitude towards black women - as opposed to black men or white women - could bring a single claim for combined race and sex discrimination

What you need to be aware of

- Direct Discrimination

Where an organisation refuses to deliver a service or delivers an inferior service on the grounds of a person having a protected characteristic

For example, a youth club refusing to admit a member because they are gay

What you need to be aware of

- Indirect Discrimination

Where a person from a particular group is placed at a disadvantage because of unnecessary requirements imposed by a service provider or employer; if the person's group is less likely to have the required characteristic than the rest of society, and if the required characteristic is perceived to be unnecessary, indirect discrimination has taken place.

For example, prohibiting employees from wearing headwear without good reason would discriminate against Sikh men or some Muslim women.

This differs from:

- Genuine Operational Requirement

Where it may be acceptable for a specific type of person to be employed, such as a woman in a female refuge.

What you need to be aware of

- Pay Secrecy Clause

Written into the contracts of many private sector employees to prevent them discussing their terms and conditions with others. An easy way for employers to pay certain types of worker less than others.

- Third Party Harassment

This is harassment conducted by customers, contractors, or suppliers of an organisation – employers and organisations may now be held liable for failure to protect staff and clients from this.

What you need to be aware of

- Discrimination arising from a disability
Where a person receives no service or poor quality service on the grounds of their disability when the provider does not have an objective justification to do so.
For example, a lunch club which has a no dogs rule (including guide dogs) may be guilty of discrimination arising from disability
- Association
Discrimination arising from a person's association with someone with a protected characteristic.
For example, a child not being allowed to take part in a school play because their parents are gay

What you need to be aware of

- Perception

A differing standard of service related to a persons opinion that the individual has a protected characteristic

For example, a staff member treating a client differently because they believe that they are gay

- Victimisation

Treating a person badly because they have complained about discrimination

What you need to be aware of

- Reasonable adjustments

Steps taken to ensure that people with disabilities are able to access services in the same way as non disabled people

CASE STUDIES