



Equality Act 2010

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The Act

Came into force 1 October 2010

Replaces all the other equality legislation
with a single act to:

- Simplify
- Remove inconsistencies
- Easier to understand and comply
- Strengthens the law

Relates to employment **and** services



Protected Characteristics

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



What is prohibited?

- Direct discrimination
- Direct discrimination by association
- Direct discrimination by perception
- Indirect discrimination
- Discrimination arising from disability
- Harassment
- Victimisation



Positive Action

(service provision)

1. Reasonably think they:
 - Suffer a disadvantage linked to that characteristic
 - A disproportionate low level of take up
 - Need different things
2. Action taken:
 - Meet the group's different needs
 - Enable or encourage the group to overcome or minimise that disadvantage or participate
3. Action is proportionate:
 - Appropriate
 - Other action would be less effective or cause greater disadvantage to other groups



**Positive discrimination is
unlawful**

BUT

**Treating a disabled person more
favourably is lawful**

**Treating a transsexual more
favourably is lawful**



Employment exemptions

- Age, if can objectively justify (difficult)
- Occupational requirements, must be central to the role
- Obeying another law
- National security and proportionate
- Certain employers e.g. Faith/belief organisation, schools, military and national statutory services.



Charity exemption

The governing document restricts benefits to people with a protected characteristic, **and**

There is a particular disadvantage linked to that characteristic which the charity is tackling, **or**

The restriction can be justified as being far, balanced and reasonable way of carrying out a legitimate aim (e.g. Health improvement)



What is not happening

- the Socio-economic Duty on public bodies
- Public sector Equality Duty
- dual discrimination
- gender pay gap information
- provisions relating to auxiliary aids in schools
- diversity reporting by political parties
- positive action in recruitment and promotion
- provisions about taxi accessibility
- prohibition on age discrimination in services and public functions
- family property
- civil partnerships on religious premises



Take action

- Do you meet the new disability definition?
- Don't ask any questions about health before a job offer
- Third party harassment will cover all the protected characteristics.
- It will be unlawful to discriminate against a woman because she is breastfeeding
- If employers require staff to have a particular characteristic make sure this complies with the

Act



- If your charity has objects which restrict beneficiaries on the basis of any protected characteristic, start thinking about whether you could, if you had to, justify this restriction.
- Check all your policies/procedures to ensure they do not directly, or indirectly, discriminate
- Think about what positive action you can implement



Equal Opportunities Policy

Why?

- Ensure meet legal requirements
- Ensure using good/best practice
- Important statement of values



Equal Opportunities Policy

- Explicit statement
- Spend time on it
- Unique to your organisation
- Not just race
- Not stand alone
- Leadership



Equal Opportunities Policy

- Ownership
- Action plan
- Monitor
- Lead to changes
- Report
- Assess impact



Links

- www.equalities.gov.uk/equality_bill.aspx
- www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/
- www.action.hants.org.uk/fileadmin/user_upload/Document_Library/EqualityandDiversityToolkitMar2009pdf.pdf
- www.lvsc.org.uk/files/102882/filename/developingimplementinganequalityanddiversitypolicy.pdf

