

What is the Equality Act and who does it apply to?

Welcome to Module One – a five minute digest of what the Equality Act is and who it relates to.

By the end of this Module, you should have a good basic understanding of what the Act does, who it affects and when it comes into force.

The Equality Act

- The Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow.
- It affects equality law at work and in delivering all sorts of services and running clubs.
- It replaces all the existing equality law including:
 - The Equal Pay Act 1970
 - The Sex Discrimination Act 1975
 - The Race Relations Act 1976
 - The Disability Discrimination Act 1995
- Most of the new law is based on current legislation which has been streamlined but there are some important differences, which are set out in these Modules.

Who the law protects

- Whether at work as an employee or in using a service, the message (or purpose) of the Equality Act is that everyone has the right to be treated fairly at work or when using services.
- It protects people from discrimination on the basis of certain characteristics. These are known as [protected characteristics](#) and they vary slightly according to whether a person is at work or using a service.

There are nine protected characteristics your employees might have. These are:

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

There are eight protected characteristics of people who use services. These are:

- *Disability*
- *Sex (gender)*
- *Gender reassignment*
- *Pregnancy and maternity*
- *Race*
- *Religion or belief*
- *Sexual orientation*
- *Age (over 18s only*)*

**discrimination on grounds of age (over 18s) is unlawful, but the provisions are not coming into force until 2012*

How do you know if you have responsibilities under the law?

- All employers and service providers have a responsibility under the law to treat their employees and service users fairly.
- You are a service provider if you provide goods, facilities or services to the general public or section of it, regardless of whether these are free or paid for.
- If you are not providing services to the public, you are also likely to have responsibilities if you are a private club or association.
- If you are an employer, the law generally still applies to you even if your workers are temporary, do not have written contracts of employment or are recruited to other positions such as trainees, apprentices or business partners.

What the law protects against:

These are the main forms of prohibited conduct.

- Discrimination. This includes:
 - Treating a person worse than someone else because of a protected characteristic (known as **direct discrimination**). Although in the case of pregnancy and maternity direct discrimination, this can occur if

they have protected characteristic without needing to compare treatment to someone else.

- Putting in place a rule or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as **indirect discrimination**).
 - Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (**known as discrimination arising from disability**).
 - Failing to make reasonable adjustments for disabled people.
- Harassment
 - Unwanted conduct which has the purpose or effect of violating someone's dignity or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic or in a way that is sexual in nature.
 - Victimisation
 - Treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.
- As well as these characteristics, the law also protects people from being discriminated against:
 - By someone who wrongly perceives them to have one of the protected characteristics.
 - Because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person.

Some questions to consider

- Thinking about the way you run your business or organisation, do you consider the characteristics of all your employees in how you make management decisions?
- Thinking about your customers, how do you make sure that those who use your service are treated fairly?
- Where do you think your organisation is already doing well in being fair to all the people involved with it, whether as service users or as employees?