

THE EQUALITY ACT 2010

The Equality Act (2010) bans discrimination against people in the provision of services and public functions, ie: anyone who accesses your business's goods, facilities or services. The ban came into force on 1 October 2012 and it is now unlawful to discriminate on the basis of a protected characteristic.

The only exception is if the practice is covered by an exception from the ban within the Act.

WHAT ARE PROTECTED CHARACTERISTICS?

Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. The 'protection' relates to protection from discrimination.

The nine protected characteristics as defined in The Equality Act (2010) are as follows:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race (including colour, nationality and ethnic or national origins)
7. Religion or belief
8. Sex
9. Sexual orientation

WHO DOES THE EQUALITY ACT APPLY TO?

The Equality Act (2010) applies to all businesses providing services, goods and/or facilities in the UK.

It applies to all the services offered by your business, regardless of whether or not your company charges for them. Similarly, voluntary organisations providing goods, services or facilities for free must also adhere to The Equality Act (2010).

Therefore it is imperative that your business complies with the Act and treats everyone that your business provides goods / services / facilities to fairly and equally, regardless of their age, disability, gender reassignment, pregnancy/maternity, race, religion or belief, sex or sexual orientation. You must also ensure that assumptions are not made about the characteristics of an individual.

WHAT CLAIMS COULD BE MADE UNDER THE EQUALITY ACT?

A claim could be made under The Equality Act (2010) if an individual or group of people believes that they have been discriminated against and have not been provided with a service / goods / facilities.

Under the Act, the definition of not being provided with a service / goods / facilities includes:

- Not being provided with the service / goods / facilities on the same terms
- Not being provided with the service / goods / facilities in the same manner
- Not being provided with the same quality of service / goods / facilities

A claimant has the right to seek damages where they feel they have been discriminated against. This would then be decided within the County Court.

TYPES OF DISCRIMINATION UNDER THE EQUALITY ACT

There are a variety of different types of discrimination that are covered by The Equality Act (2010), though many can be broken down into the following two categories:

- Direct Discrimination
- Indirect Discrimination

Direct Discrimination:

Direct discrimination would apply if an individual, or group, is treated less favourably than another because:

- They have one or more protected characteristics
- They are treated as though they had / have the protected characteristic(s). This is also known as **discrimination by perception**.
- They associate with someone who has a protected characteristic. This is also known as **discrimination by association**.

Indirect Discrimination:

Indirect discrimination would apply if a policy or practice is put into place by a business, applicable to all equally, that an individual, or group, is negatively effected by.

Businesses would need to prove that any policy or practice it is putting into place is fair and reasonable. Even if the aim of the policy is legitimate in one regard (for example, reducing costs to the business), if it is discriminatory in its effect, this would be unlawful.

Other examples of the types of discrimination include harrasment and victimisation, as well as other examples specifically relating to each of the protected characteristics. For more information on this, please see [The Equality Act 2010 Legislation](#) in full, or the government guidance in the links below.

USEFUL LINKS

- The Equality Act 2010 Legislation: <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Equality Act 2010 Guidance: <https://www.gov.uk/guidance/equality-act-2010-guidance>
- The Equality Act 2010: How It Might Affect You:
<https://www.gov.uk/government/publications/equality-act-guidance>

Save trees, save paper. Please consider the environment before printing this document.