



## **Equality Act 2010: Know Your Rights!**

*“The Equality Act 2010 provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.”*

[http://www.equalities.gov.uk/equality\\_bill.aspx](http://www.equalities.gov.uk/equality_bill.aspx)

## Summary

The Equality Act 2010 – which brings together 9 separate pieces of legislation into one Act - has helped to simplify the laws regarding inequalities and discrimination in Scotland, Wales and England.

As there are many aspects to the Equalities Act 2010, this information has been broken down into simple ‘fact-sheets’ concentrating on a few relevant sections.

A full PDF of the Equalities Act 2010 can be accessed via the following link:  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

Easy read version:

<http://www.equalities.gov.uk/pdf/GEO%20-%20Equality%20Act%20easy%20read%20ROYAL%20ASSENT%20PRINT%20VERSION.pdf>

For more information contact [beth@article12.org](mailto:beth@article12.org)

NB: All information has been sourced via the Government’s Equality Office:  
<http://www.equalities.gov.uk/>

## Equality: Key Concepts

### Part 2: Chapter 1 – Protected Characteristics

It is against the law in the United Kingdom to discriminate against someone because of any of the following:

- age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- **race**,
- religion and/or belief,
- sex (i.e. your gender),
- sexual orientation.

Indeed, these factors are known as '**protected characteristics**'.

Discrimination against a person because of their **race** - i.e. their skin colour, nationality and/or ethnic/national origins – is illegal.

A 'racial group' is a group of people defined by their race/ethnic status - for example: Scottish Gypsy/Travellers - who are recognised by law as a distinctive 'racial group' and are therefore afforded legal protection against discrimination/harassment. A 'racial group' may comprise of two or more smaller distinct groups.

## Equality: Key Concepts (continued)

### Part 2: Chapter 2 – Prohibited Conduct

Discrimination (and/or harassment and/or violation) can take various forms and is prohibited by law:

- **Direct discrimination** occurs where someone treats another person(s) unfairly because of – for example – their race, this can include segregating the person in question from others.
- **Combined discrimination** means that someone is treated unfairly as a result of two or more of the above ‘protected characteristics’, for example: race and gender.

NB: If a claim of combined discrimination includes the protected characteristic of disability, a claim of direct discrimination should be made.

- **Indirect discrimination** occurs when discriminatory provisions, criteria and/or practices are applied to a person who is covered under the ‘protected characteristics’. This applies where provisions, criteria and/or practices put a person to a disadvantage that they would not otherwise experience if one or more of the ‘protected characteristics’ did not apply to them. This also applies where the person who is accused of discrimination cannot legally prove that their actions will achieve a legitimate aim.
- **Harassment** applies where someone acts towards another person in a way which they do not feel comfortable about or like (with reference to the above ‘protected characteristics’), with the purpose of: violating your dignity (including sexual harassment) or creating an intimidating, hostile, degrading, humiliating and/or offensive environment.
- **Victimisation** is where someone treats another person cruelly or unfairly, perhaps even exploiting them, because of who they are.

## **Part 3: Services and Public Functions**

### **Provision of Services**

A service-provider must not discriminate, harass or victimise a person requiring their services – whether paid or unpaid, and also concerning for example, renting of property – because of their race (or any of the other ‘protected characteristics’). This includes: discriminating against the person concerned within the terms on which they provide their services; refusing to provide services; and/or treating a person unfairly because of their race/ethnicity/cultural background. This also means that a service-provider must not harass or victimise individuals on the grounds of their race/ethnicity.

To refuse to serve an individual/group because of their race/ethnicity is victimisation!

This also includes cases where a service-provider does not give the same standard of service to someone because of their race/ethnicity, as they would to other customers/participants.

Obviously age plays a factor too, so if an individual is, for example, trying to gain entry to a premises licensed by law as only suitable for ‘over 18s’, persons under this age and refused entry are not covered by the Equalities Act.

## **Part 5: Work**

### **Chapter 1: Employment etc**

It is illegal for an employer to discriminate against, harass and/or victimise a person applying for a job because of their race/ethnicity. This includes: the arrangements they make for deciding to who they will offer the job; the terms on which they offer employment; and or not offering employment on the grounds of race/ethnicity. This also applies where a person is not offered the same advantages – promotion, training, transfers and any other benefits - within their job as others, because of their race/ethnicity.

It is also illegal for a service-provider to refuse to work with a company on the grounds of their race/ethnicity.