

EQUALITY ACT 2010



Hounslow Race & Equality Council

www.hounslowrec.co.uk

By Jagdeesh Singh | jagdeesh.singh@hounslowrec.co.uk



INTRODUCTION



- Enacted 8th April 2010
- 80% came into force on 1st October 2010
- Single biggest equality legislation in UK
- Comprehensive range of equality covering wide range of ‘protected characteristics’

INTRODUCTION

- Encapsulates and consolidates all existing equality law
- Extends equality law on age and disability discrimination and to carers, and potentially 'socio-economic' group and 'caste' groups.



CONSOLIDATES EARLIER LEGISLATION

- ✘ Equal Act Pay 1970
- ✘ Sex Discrimination 1975 & 1995
- ✘ Race Relations Act 1976
- ✘ Disability Discrimination Act 1995 & 2005
- ✘ Employment Equality (Religion or Belief) Regulations 2003
- ✘ Employment Equality (Sexual Orientation) Regulations 2003
- ✘ Employment Equality (Age) Regulations 2006
- ✘ Equality Act (Sexual Orientation) Regulations 2007



NEW EQUALITY AREAS

- Identifies caste (section 9(5)a) and socio-economic (section 1(1)) groups as potential basis of discrimination. – not yet activated
- Creates fresh anti-discriminatory rights for persons in marriage and civil partnerships and carers of elderly or disabled.



PROTECTED CHARACTERISTICS

- Age
- Disability
- Gender re-assignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation



FORMS OF PROTECTION

- Direct Discrimination
- Associative Discrimination
- Discrimination by perception
- Indirect discrimination
- Harassment
- Harassment by third party
- Victimisation



ACTIVITIES WHERE EQUALITY LAWS APPLY

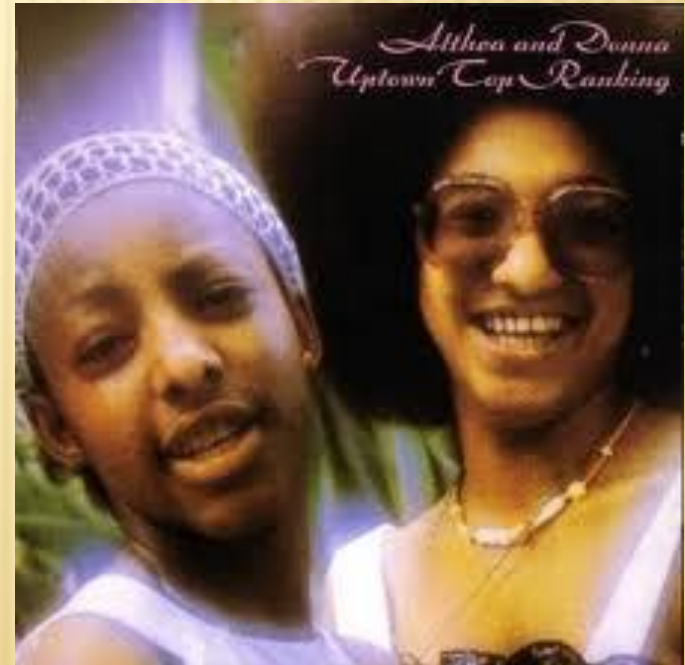
- Employment
- Education
- Sports
- Goods, services and facilities
- Religious bodies
- Buying and renting property
- Public services – health, policing, etc
- Private clubs and organisations
- Political parties and organisations



APPLICABLE AREAS

Equality Act 2010
applicable to all areas of
society:

- Public sector
- Private sector
- Voluntary sector
- Religious sector
- Political sector
- Leisure and social sector



PUBLIC SECTOR DUTY (SECTIONS 1 & 2)

- Public sector duties (section 1 and 2), to promote equality rights in service provision and delivery, employment and consultations.
- Ministers power to impose specific duties.
- Government current consultation on draft regulations for the specific duties.



AREAS STILL UNDER CONSIDERATION

Government is still considering (not activated):

- the Socio-economic Duty on public bodies
- dual discrimination
- duty to make reasonable adjustments to common parts of leasehold and commonhold premises
- gender pay gap information
- diversity reporting by political parties
- positive action in recruitment and promotion
- prohibition on age discrimination in services and public functions
- civil partnerships on religious premises



NEW POWERS AND RESPONSIBILITIES

- Employment Tribunals can make orders to benefit improved conditions of work for workforce.
- employees will now be able to complain of harassment even if it is not directed at them, if they can demonstrate that it creates an offensive environment for them.
- any medical questions asked before a job offer is made must relate specifically to the tasks involved in carrying out the role.
- the concept of discrimination arising from disability, which occurs if a disabled person is treated unfavourably because of something arising in consequence of their disability.
- protection for breastfeeding mothers.



NEW POWERS & RESPONSIBILITIES

- Pre-employment health or disability questionnaires banned.
- Extend sex pay discrimination, to allow for hypothetical comparators (I would have received increase pay if I was a man).
- Pay secrecy or confidentiality no longer applicable. Employees can discuss and enquire about perceived or actual pay differences.



PROTECTION OF CARERS

- Carer of elderly or disabled
- Full protection against discrimination in all areas – employment, goods and services, etc
- ‘Associated discrimination’

