

THE EQUALITY ACT 2010



October 1st 2010 saw many of the provisions attained within the Equality Act, which gained Royal Assent on the 8th April 2010, come into force. The following summary has been put together by the CWU Equality Department. Anyone wishing to find out more information around the Equality Act 2010 can refer to the following link.

<https://www.equalityhumanrights.com/en/equality-act/equality-act-2010>

The Equality Act provides a legislative framework to protect the rights of individuals and advance equality of opportunity for all. The Act simplifies and brings into one act existing discrimination law including:

- the Equal Pay Act 1970;
- the Sex Discrimination Act 1975;
- the Race Relations Act 1976;
- the Disability Discrimination Act 1995;
- the Equality Act 2006, part 2;
- the Employment Equality (Religion or Belief) Regulations 2003;
- the Employment Equality (Sexual Orientation) Regulations 2003;
- the Employment Equality (Age) Regulations 2006;
- and the Equality Act (Sexual Orientation) Regulations 2007).

THE EQUALITY ACT: KEY CONCEPTS

3.1 Forms of Discrimination

The Act defines the various kinds of discrimination with reference to the characteristics which are protected under the Act (*see section 3.2 below for more detail*).

Whilst these types of discrimination largely replicate those found in previous legislation there are some important changes which materially alter the scope of protection.

3.1.1 Direct Discrimination (Section 13)

Direct Discrimination occurs when someone is treated less favourably than another person because:

- they have a protected characteristic
- they are thought to have a protected characteristic or
- they associate with someone who has a protected characteristic.

Direct Discrimination under the Act is defined as follows:

'A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others'.

This definition of direct discrimination applies to all protected characteristics. In relation to the protected characteristic of age, direct discrimination can be justified if it is a proportionate means of achieving a legitimate aim. Separate provisions exist in respect of discrimination against a woman on the grounds of pregnancy or maternity (**sections 17 and 18**).

Sex The Fact The Act And Your Fe

David Perrett



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