

The new Equality Act 2010 - what does it mean for you?

The Equality Act 2010 replaces the existing 9 separate anti-discrimination laws with a single Act. Most of the Act is expected to come into force from October 2010.

What makes it better?

- ⇒ It simplifies the law, removes variations and is easier to understand and follow
- ⇒ It strengthens the law to help tackle discrimination and inequality

Does it apply to your organisation?

It applies to you:

- ⇒ If you provide a service to the public, if you sell goods or if you provide facilities
- ⇒ Whether or not you charge for your services
- ⇒ If you are a private club and other association with 25 or more members.

Some key points

- **Protected characteristics** The Equality Act covers the same groups that were protected by existing equality legislation, but they are now called 'protected characteristics' They are: age; disability; gender reassignment - changed definition; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation
- **Disability and Gender reassignment** - for protection from discrimination, a disabled person no longer has to show that their impairment affects a particular ability and a transsexual person no longer has to show that they are under medical supervision
- **Direct discrimination** – in employment has not changed, and age continues to be the only type of direct discrimination that is capable of justification. Direct discrimination has changed when providing services, which has been extended to disability.
- **Association and perception** - protection now applies to all *protected characteristics* (apart from marriage and civil partnership) such as assuming someone is homosexual and discriminating against them when they are heterosexual
- **Indirect discrimination** - this applies when you have a rule or practice that applies to everyone but disadvantages a particular *protected characteristic*. It now covers all *protected characteristics* (except pregnancy and maternity) and can only be justified if it can be shown to be a fair way of getting a genuine aim.
- **Harassment and Victimisation** - protection is now extended to all *protected characteristics* (except marriage, civil partnership, pregnancy and maternity). Employees can now complain about behaviour they find offensive even if not directed at them. Employers can now be liable for harassment of their staff by people they don't employ. Now there is no need for a victim to show that they have been less favourably treated than someone who has not made or supported a complaint under the Act. They need only show that they have been treated badly.

What do I need to do now?

- ⇒ review your equality and diversity and harassment policy and procedures
- ⇒ inform your staff and management committee of the new provisions
- ⇒ consider whether your staff need any further training.
- ⇒ if you work with particular groups of people, find out whether it's still lawful to do it

More information about the Equality Act 2010 can be found via:

www.equalities.gov.uk

www.equalityhumanrights.com

www.equalityact.co.uk