Equality and Diversity Legislation
A Quick Guide
The Equality Act 2010 – An overview

• **What is it?**

The Equality Act 2010 ("EqA") is the key piece of legislation dealing with discrimination at work and in the provisions of goods and services. It consolidates previous legislation into one Act.

• **What does it do?**

The EqA seeks to prevent discrimination on the grounds of the following nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; or sexual orientation.

The Equality Act 2010 – In more detail

Various types of discrimination are prohibited under the EqA as follows:

• **Direct Discrimination**

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

Examples of direct discrimination may be rejecting a job applicant because they are gay or refusing to promote a woman because she has just announced her pregnancy.

• **Indirect Discrimination**

A person (A) discriminates against another person (B) if A applies to B a provision, criterion or practice that applies to everyone but adversely affects B because of a particular protected characteristic and is not justified.

An example of indirect discrimination includes requiring all employees to wear particular uniform, which may adversely affect employees from a particular religion. Such a requirement would be discriminatory unless it can be justified for example on the grounds of health and safety.

• **Disability Discrimination**

This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and a duty to make reasonable adjustments to alleviate disadvantages caused by a disability.

Reasonable adjustments should be considered for example where a dyslexic employee requires appropriate computer software or where access to a building is by steps only, which impedes an employee who uses a wheelchair from accessing that building.
• Harassment

Harassment is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment includes sexual harassment.

Examples of harassment include giving someone a nickname based on their country of origin, making jokes which are derogatory to older people or making sexual propositions.

• Victimisation

It is unlawful to treat a person less favourably than other persons would be treated because that person has asserted, or intends to assert, their statutory rights under discrimination legislation, or by giving evidence or information in connection with such proceedings.

Examples of harassment may be excluding an employee from management decisions because they intend to give evidence in support of a colleague at an Employment Tribunal or being overly critical of a colleague because they have brought a grievance alleging disability discrimination.

• Bullying

Although not defined by legislation, a generally accepted definition of bullying is offensive, intimidating, malicious or insulting behavior, or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying may include setting a high workload which would not be possible to achieve or spreading malicious rumours about a colleague.

• Positive Action

‘Positive action’ means the steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs.

Positive action might include a targeted campaign to encourage more women to apply to join the Service as on-call firefighters.