

Equality

1 Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

- The Equality Act combines and strengthens a number of previous laws to help tackle discrimination and inequality
- N.B. It does **not** apply in Northern Ireland
- It protects against discrimination from **nine** *protected characteristics*.
- What are they?
 - age
 - disability
 - gender reassignment
 - being married and or in a civil partnership
 - being pregnant or on maternity leave
 - race, including colour, nationality, ethnic or national origin
 - religious or philosophical belief
 - sex
 - sexual orientation

2 Philosophical Belief

- To be recognised as a philosophical belief, a belief must satisfy the Grainger criteria:
 - Must be genuinely held
 - Must be a belief, as opposed to an opinion or viewpoint based on information
 - Must be a belief as to a weighty and substantial aspect of human life and behaviour
 - Must have a level of cogency, seriousness, cohesion and importance and
 - Must be worthy of respect in a democratic society and not be incompatible with human dignity or conflict with the fundamental rights of others
- Is “ethical veganism” a philosophical belief? <https://www.bbc.co.uk/news/uk-50981359>
- The act protects from discrimination:
 - at work
 - in education
 - as a consumer
 - when using public services
 - when buying or renting property
 - as a member or guest of a private club or association
 - if you’re associated with someone who has a protected characteristic, for example a family member or friend
 - if you’ve complained about discrimination or supported someone else’s claim

3 Types of Discrimination

- Discrimination can come in a number of forms:

Definition: Direct discrimination

Treating someone with a protected characteristic less favourably than others

Definition: Indirect discrimination

Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage

Definition: Harassment

Unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them

Definition: Victimisation

Treating someone unfairly because they've complained about discrimination or harassment

- However, it **can** be lawful to have specific rules or arrangements in place, as long as they can be justified (if it is a "proportionate means of achieving a legitimate aim")

4 Positive Action

- You can do something voluntarily to help people with a protected characteristic. This is called *positive action*.
- Taking positive action is legal if people with a protected characteristic:
 - are at a disadvantage
 - have particular needs
 - are under-represented in an activity or type of work
- Positive action can even be used in hiring practices.
- The law protects you against discrimination at work, including:
 - dismissal
 - employment terms and conditions
 - pay and benefits
 - promotion and transfer opportunities
 - training
 - recruitment
 - redundancy
- Some forms of discrimination are only allowed if they're needed for the way the organisation works, for example:
 - a Roman Catholic school restricting applications for admission of pupils to Catholics only
 - employing only women in a health centre for Muslim women
- You're also protected from being treated unfairly because of:
 - trade union membership or non-membership
 - being a fixed-term or part-time worker

5 Disability

- If you're disabled you have the same rights as other workers. Employers should also make *reasonable adjustments* to help disabled employees and job applicants with:
 - application forms, for example providing forms in Braille or audio formats
 - aptitude tests, for example giving extra time to complete the tests
 - dismissal or redundancy
 - discipline and grievances
 - interview arrangements, such as providing wheelchair access, communicator support
 - making sure the workplace has the right facilities and equipment for disabled workers or someone offered a job
 - promotion, transfer and training opportunities
 - terms of employment, including pay
 - work-related benefits like access to recreation or refreshment facilities
- If you think you've been unfairly discriminated against, what can you do?
 - complain directly to the person or organisation
 - use someone else to help you sort it out (called 'mediation' or 'alternative dispute resolution')
 - make a claim in a court or tribunal
 - Can also talk to:
 - * Acas (Advisory, Conciliation and Arbitration Service),
 - * Citizens Advice or
 - * a trade union representative.

6 Exceptions

- Priests, monks, nuns, rabbis and ministers of religion.
- Actors and models in the film, television and fashion industries (a British Chinese actress for a specific role, for instance).
- Special employment training programmes aimed at ethnic minorities, ex-offenders, young adults, the long term unemployed, or people with physical or learning disabilities.
- Employment where there are cultural sensitivities (such as a documentary where male victims of domestic violence need to be interviewed by a male researcher, or a gay men's domestic violence helpline).
- Where safety or operational efficiency could be jeopardised.

7 Exceptions

- Political parties who use 'protected characteristics' (age, race, religion, sex, sexual orientation) as candidate selection criteria; though these 'Selection arrangements do not include short-listing only such persons as have a particular protected characteristic' – other than sex, which may still be used to prejudice selection in some circumstances (e.g. all-women/all-men shortlists).
- Local support staff who work in embassies and high commissions, by virtue of diplomatic immunity.
- Where national security could be jeopardised.