



Revision of employment equality law (England, Scotland & Wales)

Relevant to

All employers

Takes effect on

1 October 2010

From 1 October 2010, most of the Equality Act 2010 will come into force. The Act replaces existing anti-discrimination such as the Disability Discrimination Act 1995 and the Sex Discrimination Act 1975.

As an employer, your obligations will remain largely the same. However the Act does strengthen some particular aspects of equality law. As a result, you may need to reconsider some of your policies and practices.

Note that the characteristics protected under equality law will remain the same as currently. These are:

- age
- disability
- gender reassignment, which covers transsexual people
- marriage and civil partnership
- pregnancy and maternity
- race, which includes ethnic or national origins, colour and nationality
- religion or belief
- sex
- sexual orientation

Association discrimination

Currently you mustn't discriminate against someone:

- because they associate with another person, and
- the discrimination is because of that other person's race, religion/belief or sexual orientation

From 1 October 2010, this will also cover age, disability, gender reassignment and sex.

Perception discrimination

It's unlawful for a person to discriminate against an individual because that person (wrongly) believes that the individual possesses one of the following protected characteristics: age, race, religion/belief and sexual orientation.

This will be extended to cover disability, gender reassignment and sex.

Disability discrimination

Disabled people will become protected from indirect discrimination. This means that it will be unlawful to have a policy which applies to everyone but particularly disadvantages disabled people.

However, you may be able to justify indirect discrimination if you can show it's a fair and reasonable way of achieving a legitimate aim.

The Act also introduces protection from "discrimination arising from disability" that occurs when a disabled employee is treated unfavourably because of something connected to their disability, such as a guide dog.

Pre-employment health questions

The Act will limit the circumstances when you can ask health or disability-related questions during recruitment.

Third-party harassment

The Act will make you potentially liable for harassment of your employees by people (third parties) who are not your employees, eg customers.

This already applies to sex but the Act will extend the protection to age, disability, gender reassignment, race, religion or belief, and sexual orientation.

Gender reassignment

A transsexual person will now be protected even if they are not under medical supervision. In addition transsexual people will be protected from indirect discrimination.

Pay discussions

It will be unlawful to take action against an employee for discussing their pay in an effort to find out if there is a connection between pay and a protected characteristic.