



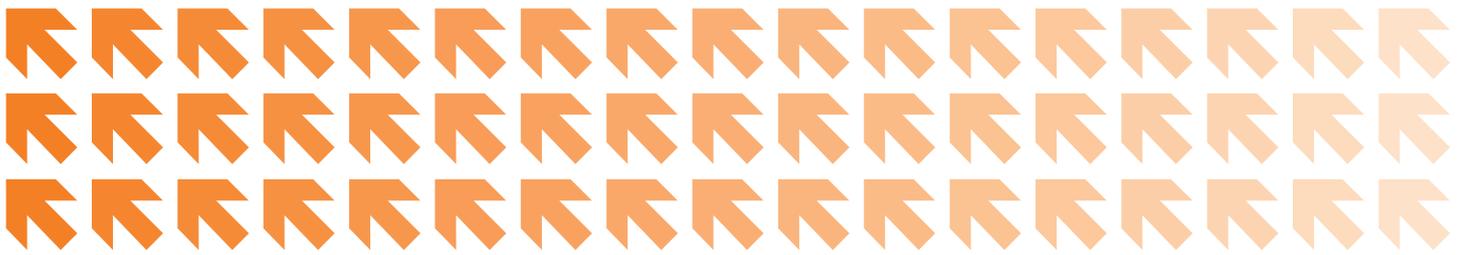
Government
Equalities Office

Putting equality at the heart of government



EQUALITY ACT 2010: WHAT DO I NEED TO KNOW? A SUMMARY GUIDE TO YOUR RIGHTS





Introduction

At the moment, there are several different laws to protect people from discrimination on grounds of:

- race
- sex
- sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
- disability (or because of something connected with their disability)
- religion or belief
- being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called 'gender reassignment' in law)
- having just had a baby or being pregnant
- being married or in a civil partnership (this applies only at work or if someone is being trained for work), and
- age (this applies only at work or if someone is being trained for work).

The Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. Also, it makes the law stronger in some areas. So depending on your circumstances, the new Act may protect you more.

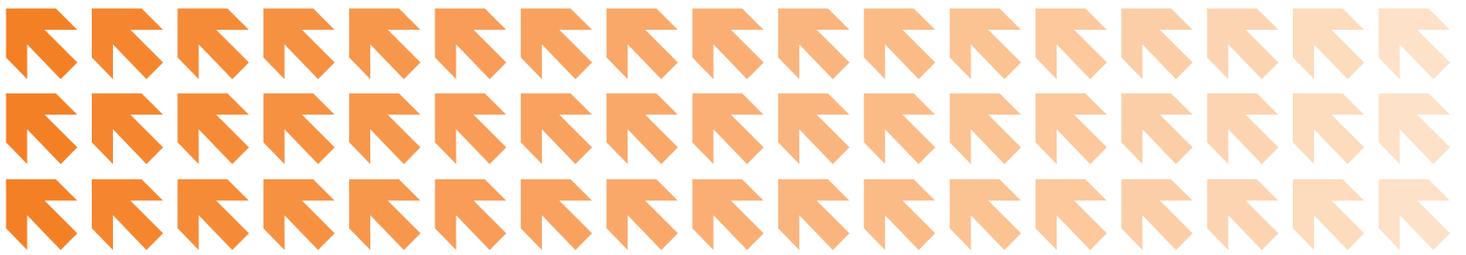
Most of the Equality Act will start to apply in October 2010 and this guide covers the main changes coming into effect then. The Act also contains other changes. For example, if you're over 18, the Act contains a new law to protect you from discrimination because of your age when you shop or use facilities like swimming pools or libraries. The Government is looking at how the rest of the Act can be implemented in the best way for business. It will make an announcement about this at a later stage.

Get advice about the dates when the new law comes in from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

In this factsheet, we tell you about some of the most important points in the Equality Act. However, this factsheet doesn't cover all your rights. Get advice if you think you're being discriminated against, even if we don't cover your situation here.

Get advice about all aspects of discrimination law from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

This factsheet applies to people in England, Wales and Scotland.



Simplifying the law

At the moment it's against the law to discriminate against you because of things like race or religion. Different laws cover these different issues. Until the new law comes into force, the old laws will still apply.

When the new law comes in, all the law about discrimination will be in one place: the Equality Act 2010. You'll still be protected from things like racial or religious discrimination, as the new law will take over from the old laws.

Where the law has been made stronger

Here are the main areas where the law has been made stronger from October 2010. Remember that not all the changes in the Equality Act will start at the same time. So if you think you might be covered by the new law, you'll need to get advice about whether it has come in to force yet.

Get advice about whether the law has come in to force yet from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

If you're disabled

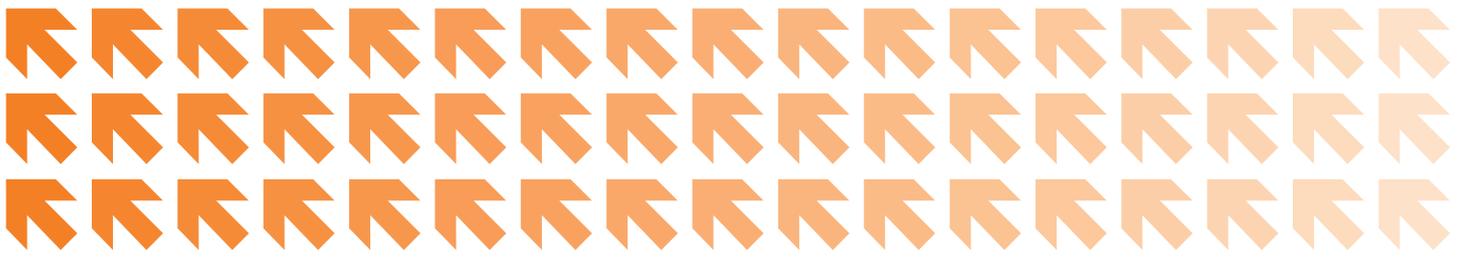
If you're discriminated against because you're disabled, the new law could help you.

For example, there will be a slightly different test of what 'disability' means. When the new law comes in, it will be easier for someone to show that they have difficulty carrying out their day-to-day activities, and therefore that they come under the definition of 'disabled person' and are protected under the Act.

Example

You suffer from depression, so it's very hard for you to make decisions or even to get up in the morning. You're forgetful and you can't plan ahead. Together, these factors make it difficult for you to carry out day-to-day activities. You've had several linked periods of depression over the last two years and the effects of the depression are long-term.

So, for the purposes of the Equality Act, you're defined as a 'disabled person'. Before the Equality Act, you might not have been able to get disability discrimination protection.



Another way the new law could help you if you are disabled is that for the first time, the law protects you from 'indirect discrimination'. This is where a policy or practice is applied in the same way to everyone, but it puts disabled people at a particular disadvantage. However, it doesn't count as indirect discrimination if the person applying the policy can justify it.

Example

Your employer brings in a new shift pattern which means that everyone has to work fewer days, but longer days. You have a disability that means you're exhausted after two long days of working. So the new shift pattern puts you and other people who have the same disability as you at a disadvantage. Your employer will have indirectly discriminated against you if it can't justify the new shift pattern.

When the new law comes in, it will be easier for you to make a claim for discrimination that happens because of something connected with your disability. It will count as 'unlawful discrimination' if someone who knows you are disabled treats you unfavourably because of something that results from your disability, provided that treatment can't be justified.

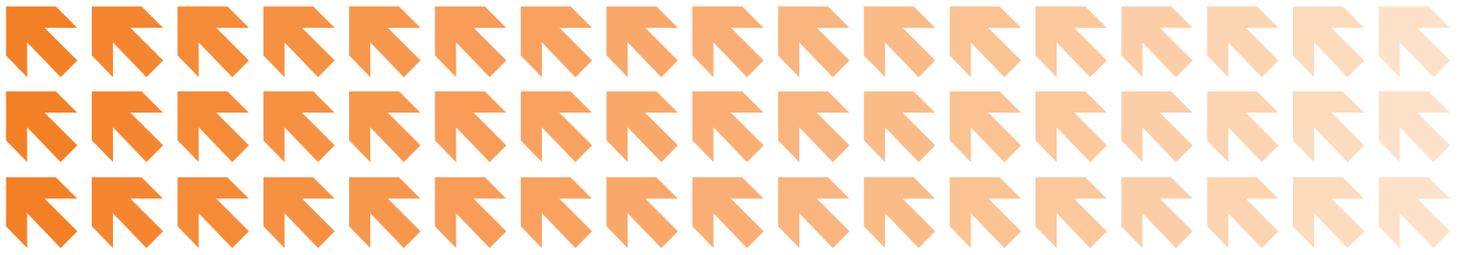
This is called 'discrimination arising from a disability'.

Example

Because of your disability, you might need to take more leave from work than people you work with. Your employer must not treat you unfavourably because you are off work, as long as it knows that you have a disability. However, your employer may be able to justify anything it does, and if its action can be justified then, it won't be against the law.

Here are some more examples of how the Equality Act may help you if you're disabled:

- Employers will generally no longer be allowed to ask questions about health or disability before they offer you a job or before they include you in a pool of people to be offered a job when a vacancy arises. However, they can ask you such questions if they have a good reason. (see the workplace guidance for more details).
- If you're at a substantial disadvantage when compared with someone who isn't disabled, reasonable changes ('adjustments') must be made by your employer or by someone providing goods or services. They may have to change the way things are done, or make changes to a building, or provide aids such as special computer software to help you do your job. Reasonable adjustments can also include providing information in an accessible format. The new law makes it clear that when receiving services you can't be asked to pay the costs of making these reasonable adjustments.



If you're a woman being paid less than a man

If you're a woman being paid less than a man who is doing the same sort of work, the new law might help you. Your employer won't be able to take action against you for talking to your colleagues or trade union representatives about how much you get paid.

This change may help you to find out if you might be able to make a claim for equal pay.

If you're a carer

If you look after someone who is elderly or disabled, you're already protected from being discriminated against at work because of your association with the person you care for. The new law will make this protection clearer. In addition, direct discrimination and harassment because you care for a disabled person will be banned when:

- you're shopping for goods or services
- you use facilities like public libraries or cafes, and
- you use services like public transport.

Example

You care for your disabled sister and you try to go a nightclub with her. They refuse to let you in because they say disabled people aren't good for their image. Your sister may have a claim of disability discrimination and, when the new law comes in, you may also have a claim of direct discrimination because of your association with her as her carer.

For more information, see the new factsheet *Equality Act 2010: What do I need to know as a carer?*

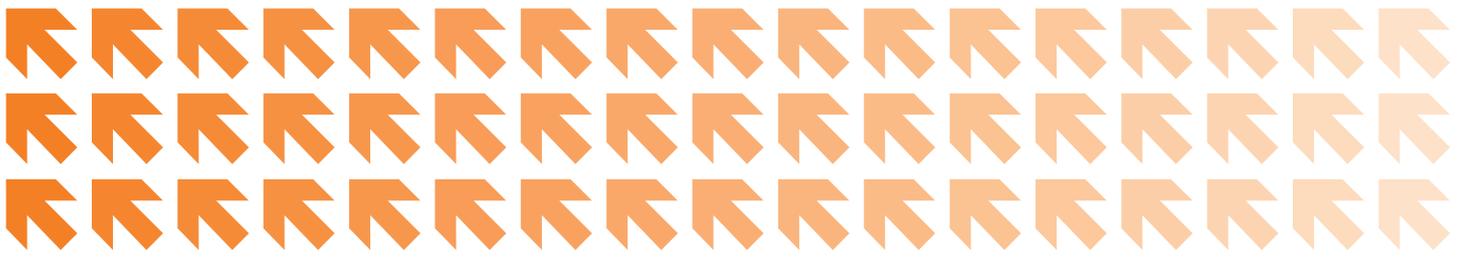
If you're breastfeeding, pregnant or have just had a baby

The new law makes it clear that it's against the law for you to get less favourable treatment because you're breastfeeding when receiving services. However, there is no right to breastfeed at work.

Example

It is against the law for the manager of a cafe to ask you to stop breastfeeding or do it somewhere more private, or to leave because you're breastfeeding.

In addition, you shouldn't be discriminated against at school because you're pregnant or have just had a baby.



If you're a transsexual person

The new law could help you if:

- you've changed your sex
- you're in the process of changing your sex, or
- you have simply told someone that you are planning to change your sex.

Under the new law, you'll no longer have to be under medical supervision to be protected from discrimination and harassment. You mustn't be discriminated against or harassed at school or by someone exercising a public function, such as policing, because you've started the process of changing your sex. You'll also be protected from direct discrimination as a result of being associated with someone who is transsexual, for example if you're their partner; or if you are discriminated against by someone because they think you are a transsexual, even if you aren't. In addition, you'll also be protected from indirect discrimination, where a rule, policy or practice particularly disadvantages transsexual people and can't be justified, and from discrimination as a guest or member in a private club.

Clubs

Clubs with 25 or more members who select their members, such as golf clubs, won't be allowed to discriminate against their members or guests. The law already protects you from discrimination by these clubs on grounds of your sexuality, your disability and your race. But when the new law comes in, you'll also be protected from discrimination on grounds of your sex, your religion or belief, the fact that you've just had a baby or are pregnant, or the fact that you're a transsexual. The new law doesn't stop clubs for people who share a protected characteristic – for example women-only and men-only clubs and social clubs for Turkish people.

Example

You belong to a club that lets members bring partners to certain social events. It will be against the law for it to refuse entry to your partner because they are a transsexual.

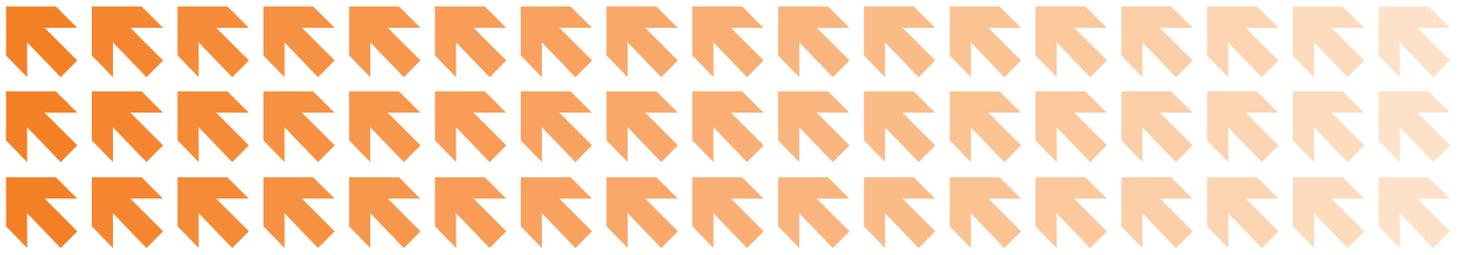
Positive action

'Positive action' is when something is done specifically to help someone who has a protected characteristic. There are several different reasons why it may be appropriate to take some sort of positive action, for instance if someone is suffering some kind of disadvantage linked to that characteristic, or if they have particular needs, or if people with that characteristic are under-represented in an activity or a type of work.

One form of positive action is encouraging or training people to apply for jobs or take part in an activity in which people with that characteristic are under-represented. This may be done by means of training courses, mentoring schemes or even open days or other events to show people what a particular job or activity is really like.

Another type of positive action is where someone providing goods or services targets a group who share a protected characteristic because they have particular needs linked to that characteristic.

The new law makes it easier for employers and service providers to take positive action. However, taking any form of positive action is entirely voluntary and people don't have to consider doing it if they don't want to.



If you're being harassed

Harassment is behaviour which hurts a person's pride, or which is offensive. The new law makes it clear that you will be protected if you are harassed because you associate with someone who has a protected characteristic or because someone thinks you have a protected characteristic, for example if you are harassed because your son is gay, or because someone wrongly thinks you are a Muslim. Harassment may be deliberate but it doesn't have to be. Someone could be harassing you even if they don't mean to or don't realise they are doing so.

The law already protects people from harassment at work and some people from harassment when they are buying goods or receiving services. The new law will also protect you from harassment related to disability when you're buying goods or receiving services.

This new law on harassment will not protect you when you're buying goods or receiving services if the offensive behaviour is related to religion or belief or to sexual orientation. But other parts of the new law relating to direct discrimination could protect you instead.

If you're harassed at work, the new law will mean that your employer will be held responsible if:

- they know that you have been harassed repeatedly by someone like a customer or a client, and
- they do nothing reasonable to stop it happening again.

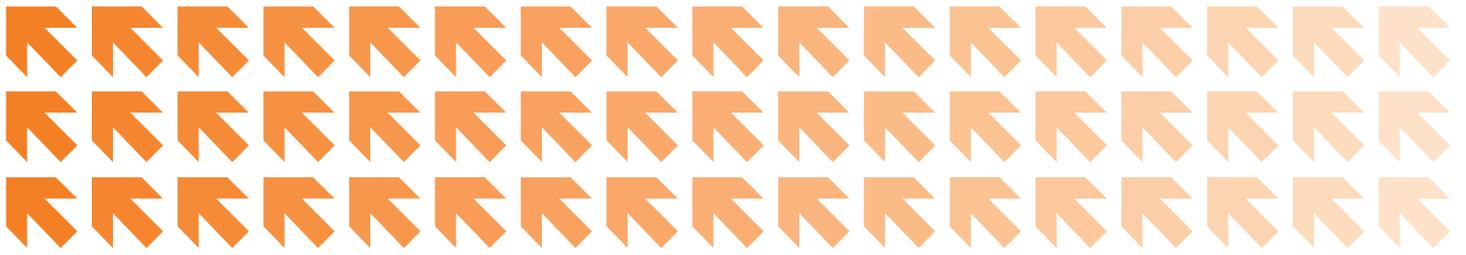
Taking action about discrimination

Employment tribunals

If you have a problem of discrimination at work and you can't sort it out with your employer, you can take action at an employment tribunal. If you win your case you could get compensation, or the employment tribunal could recommend that your employer stops discriminating against you. If you've been sacked because of discrimination, the tribunal may recommend that your employer allows you back to work. Be careful not to miss the deadlines for going to an employment tribunal.

Get advice about these deadlines from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

Employment tribunals have been given extra powers under the new law. They will be able to make recommendations in discrimination cases which benefit other people who work for the employer, as well as the person who made the claim.



County court claims in England and Wales and sheriff court claims in Scotland

If you've been discriminated against when buying goods or getting services, you may be able to make a claim in the county court in England and Wales or the sheriff court in Scotland.

An expert in discrimination may help the judge to hear the case, and you could get legal aid. If you win your case, you may get compensation and whoever discriminated against you may be ordered to stop doing so.

Be careful not to miss the deadlines.

Get advice about these deadlines and about legal aid from your local Citizens Advice Bureau or look on the Citizens Advice website at: www.adviceguide.org.uk.

Find out more about the Equality Act 2010

Other new leaflets

'Equality 2010: What do I need to know as a carer?'

'Equality Act 2010: What do I need to know as a customer?'

Other information

Age UK: www.ageuk.org.uk

Carers UK: www.carersuk.org

Directgov: www.direct.gov.uk

Equality and Human Rights Commission:
www.equalityhumanrights.com

Government Equalities Office website:
www.equalities.gov.uk

You can also visit your local Citizens Advice Bureau.