

Equality Act 2010

The Equality Act became law on October 1st 2010. It replaces previous legislation (such as the Race Relations Amendment Act 2000 and the Disability Discrimination Act 2005) and makes equality law simpler and easier to understand. The Equality Act covers the same groups that were protected by existing equality legislation - age, disability, race, religion or belief, sex, sexual orientation. These are now called protected characteristics. It also extends some protections to groups not previously covered (see below), and also strengthens particular aspects of equality law.

The legislation has been extended to cover these additional protected characteristics:

- Gender Reassignment: Anyone who proposes to, starts or has completed a process to change his or her gender
- Marriage and Civil Partnership: Single people are not protected
- Pregnancy and Maternity: This has now been separated from sex discrimination and covers the period of a woman's pregnancy and any statutory maternity leave to which she is entitled. Additional protection is provided for women who wish to breastfeed in public.

The Equality Act is a mixture of rights and responsibilities that have:

- **Stayed the same** - for example, direct discrimination still occurs when "someone is treated less favourably than another person because of a protected characteristic"
- **Changed** - for example, employees will now be able to complain of harassment even if it is not directed at them, if they can demonstrate that it creates an offensive environment for them
- **Been extended** - associative discrimination (direct discrimination against someone because they associate with another person who possesses certain protected characteristics (this includes age, disability, gender reassignment and sex as well as race, religion and belief and sexual orientation). For example, if someone is disadvantaged because they are caring for a disabled person, even though they may not themselves be disabled).
- Perceptive discrimination – This is when someone is discriminated against (or harassed) because others think they possess any of the protected characteristics, even if they do not. For example, if someone is subjected to derogatory comments because it is thought they are gay.
- **Been introduced for the first time** - for example, the concept of discrimination arising from disability, which occurs if a disabled person is treated unfavourably because of something arising in consequence of their disability.