



Summary of Anti-discrimination and other Equality Legislation

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The Equality Act 2010

The Equality Act 2010 provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society

The Equality Act 2010 (the Act) replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and inequality. The majority of the Act came into force on 1 October 2010.

What has changed?

The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. The new Equality Duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. The new Equality Duty is designed to reduce bureaucracy while ensuring public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

Equality legislation past and present

The Equal Pay Act (as amended) 1970

The Equal Pay Act gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:

- like work; or
- work rated as equivalent under an analytical job evaluation study; or
- work that is proved to be of equal value

The Sex Discrimination Act (as amended) 1975

The SDA (which applies to women and men of any age, including children) made it unlawful to discriminate on grounds of sex or marriage. It is also unlawful to discriminate against women because they are pregnant or on maternity leave.

The SDA covers direct discrimination, indirect discrimination, harassment, and victimisation. The Act has been extended to include discrimination on the grounds of gender reassignment following the implementation of the Sex Discrimination (Gender Reassignment) Regulations 1999.

The SDA prohibits sex discrimination against individuals in the areas of employment, education, the provision of goods, facilities and services and in the disposal or management of premises. The law has been extended to provide that discrimination on grounds of gender reassignment is unlawful in service delivery from April 2008. (There are some areas in education that are still not covered.)

The Race Relations Act 1976 (as amended)

The Race Relations Act (RRA) made it unlawful to discriminate on grounds of race. The Act covers grounds of race, colour, nationality (including citizenship), national or ethnic origin. It includes employment, education and provision of goods facilities and services and the disposal and management of premises. The law includes direct discrimination, indirect discrimination, harassment and victimisation on grounds of race

The Disability Discrimination Act 1995

The Act prohibits discrimination against disabled people in the areas of employment, the provision of goods, facilities, services and premises and education; and provides for regulations to improve access to public transport.

It provides for employers and service providers to make reasonable adjustments where a provision, criterion or practice, places a disabled person at a disadvantage compared with people who are not disabled. This includes any physical features of premises and transport vehicles. The law includes direct

discrimination, failure to make reasonable adjustments, harassment and victimisation.

The Human Rights Act 1998

The HRA (1998) brought the European Convention of Human Rights into UK Law. The Act gave public authorities a duty to comply with the Convention wherever possible, unless they are prevented from doing so by other statutes. It includes a number of rights and protocols. It says that UK legislation must be given a meaning that fits with the Convention rights if that is possible. The Act provides that cases can be dealt with in a UK court or tribunal. It came into force in October 2000.

The Employment Equality (Religion or Belief) Regulations 2003

The Regulations make discrimination on the grounds of religion or belief, which also includes philosophical beliefs and lack of religion and belief, unlawful in employment and vocational training. The law includes direct discrimination, indirect discrimination, harassment and victimisation. The law also protects people who are discriminated against because they are thought to belong to or subscribe to a particular religion or belief.

Part 2, Equality Act 2006 extends provisions to prohibit discrimination in goods, facilities, services, education, the use and disposal of premises and the exercise of public functions. This came into force in April 2007.

The Employment Equality (Sexual Orientation) Regulations 2003

The Regulations make discrimination on the grounds of sexual orientation, which includes lesbians, gay men, bisexuals and heterosexuals, unlawful in employment and vocational training. The law includes direct discrimination, indirect discrimination, harassment and victimisation. The law also protects people, who are discriminated against because they are thought to be of a particular sexual orientation.

The Equality Act (Sexual orientation) Regulations 2006

Extends provisions to prohibit discrimination on grounds of sexual orientation to goods, facilities and services, education, the use and disposal of premises and the exercise of public functions. This came into force In April 2007.

The Gender Recognition Act 2004

This Act gives transsexual people legal recognition in their acquired gender. If they meet certain criteria they will receive a full gender recognition certificate from a Gender Recognition Panel. It allows transgender people to marry in their new gender and have a replacement birth certificate. The Act also confers on those who have been 'reassigned' the right to the benefits of their new gender.

The Civil Partnership Act 2004

This Act creates a new legal relationship of civil partnership, which two people of the same-sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those of opposite-sex couples who enter into a civil marriage.

Employment Equality (Age) Regulations October 2006

Regulations against age discrimination were implemented in October 2006. The Regulations make discrimination unlawful on grounds of age in employment and vocational training. The law includes direct discrimination, indirect discrimination, harassment, and victimisation on grounds of age. The law also protects people, who are discriminated against because they look too young or too old. The unique difference from other discrimination legislation is that direct discrimination is capable of justification. The employer needs to show that it is a proportionate means to achieve a legitimate aim.

The Equality Act 2006

The Equality Act created the Equality and Human Rights Commission that became operational from October 2007.

Work and Families Act 2006

The Work and Families Act became law in 2006 and took effect in April 2007. The main changes are:

- All pregnant employees are able to take 52 weeks maternity leave. The same entitlement applies to adoption leave.
- Statutory maternity pay is increased to 39 weeks. The Government has powers to increase maternity pay up to one year by the end of this Parliament. The same entitlement applies to adoption pay.
- A woman on maternity leave can go into work for up to 10 days during her maternity leave to keep in touch.
- A woman who wants to change the date of return to work has a duty to give the employer 8 weeks notice. The same applies to adoption leave.
- Fathers are still entitled to ordinary paternity leave with pay, for two weeks to support the mother after the birth of the child
- The right to request flexible working hours for children under 6 and disabled children under 18 is extended to those with caring responsibilities for adults.