



Ten things you need to know about the **Equality Act 2010**

... an Usdaw Briefing for Reps



1

In October 2010 all nine major pieces of equality law in England, Scotland and Wales including the Disability Discrimination Act and the Sex Discrimination Act were replaced by a new law called the **Equality Act**. Almost all of what the previous laws said about protection from discrimination and rights to fair and equal treatment stay the same. The Equality Act is yet to be introduced in Northern Ireland, however, similar laws exist protecting workers from discrimination. Therefore, this briefing only applies to reps and members in England, Scotland and Wales. It outlines the main ways in which the Equality Act has changed and improved the old law.

2

The Equality Act covers the same groups of people that were protected by equality law before. It stops people being unfairly treated on the following grounds:

- Age.
- Disability.
- Gender reassignment (members changing sex).
- Race.
- Religion or belief.
- Sex.
- Sexual Orientation.
- Marriage and civil partnership.
- Pregnancy and maternity.

3

As well as bringing all equality laws into one place and making the law more consistent, the Equality Act also **strengthens rights**, particularly for disabled workers.

4

The Equality Act gives carers of disabled people important new rights. Carers are protected from being treated unfairly or from being harassed because of their caring commitments. So, for example, if a manager refuses to consider someone for a promotion simply because they are a carer or makes offensive remarks about someone's caring commitments, then the Equality Act can help.

5

The law protects you from being unfairly treated because you **associate** with a person who fits into one of the protected groups. For example, a parent who is harassed because his/her son is gay will be protected by the Equality Act. This is called '**associative discrimination**'.

6

If you are unfairly treated at work because someone *thinks* you fall into one of the protected groups of workers, even if you don't, you are covered by the Equality Act. For example, if you are called names by a colleague because they think you are disabled (even though you aren't) or because they think you are a Muslim (even though you aren't) then you may be able to take action against them under the Equality Act. This is called '**perceptive discrimination**'.

7

The Equality Act also makes harassment unlawful. It defines harassment as unwanted conduct (which is related to a relevant protected characteristic) and which has the purpose or effect of:

- Violating the worker's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker.

8

The Equality Act is good news for transgender members (a person who identifies as someone with a different gender from that in which they were born). Transgender members no longer need to be under medical supervision to be protected from discrimination. This means that a man who decides to live **permanently** as a woman is protected even though she may decide not to undergo any medical procedures at all.

9

The Equality Act restricts the kinds of questions employers can ask about a job applicant's health or disability before offering them a job.

- Employers are still allowed to ask health or disability related questions before inviting someone to an interview where they relate to making reasonable adjustments to the recruitment or interview procedure for example, or where they directly relate to a person's ability to carry out essential job duties. So for example, if an employer were advertising for a HGV driver, questions concerning an ability to be able to sit for long periods or about any visual or hearing impairment are still likely to be ok.

10

Codes of Practice are available from the Equality and Human Rights Commission website at www.equalityhumanrights.com

Non statutory guidance is available to download from the Equality and Human Rights Commission website at www.equalityhumanrights.com

Quick Start Guides are available to download from the Government Equalities Office at www.gov.uk

ACAS have published guidance for employers called 'The Equality Act 2010' available to download from the ACAS website at www.acas.org.uk

To find out more about the work of the Divisional Equalities Forums and Usdaw's equality work, or about joining Usdaw contact:

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