

The Equality Act 2010

The Equality Act 2010 has brought together all the old equality legislation into one place. It states that we should not discriminate against or victimise or harass staff or students or visitors because of any of the protected characteristics or any combination of the protected characteristics:

Protected characteristics

The Act covers nine protected characteristics upon which discrimination is unlawful:

- **Age** - referring to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
- **Disability** - a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Gender reassignment** - the process of transitioning from one gender to another.
- **Marriage and civil partnership** - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
- **Pregnancy and maternity** - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
- **Race** - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
- **Religion or belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sex** - a reference to a man or to a woman.
- **Sexual orientation** - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

What is Discrimination?

The law defines four behaviours which constitute unlawful discrimination:

- **Direct Discrimination** - treating someone less favourably on the basis of a protected characteristic.
- **Indirect Discrimination** - the application of a provision, criterion or practice which is applied equally to persons of all groups but which puts a person of a particular group at a disadvantage or which cannot be shown to be a proportionate means of achieving a legitimate aim and that there is no less discriminatory alternative.
- **Associative Discrimination** - when an individual is treated less favourably because they are associated with an individual of a particular age group.
- **Perceptive Discrimination** - when an individual is treated less favourably because they are perceived, correctly or incorrectly, to belong to a particular age group.
- **Victimisation** - treating someone less favourably or retaliating against someone because they have made a complaint or allegation of discrimination.
- **Harassment** - defined as unwanted conduct (including unwanted conduct of a sexual nature) related to a protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or humiliating environment.

What Else Does the Law Say?

- There is no hierarchy of protected characteristics.
- No individual can refuse to deliver a service to another of a particular characteristic on the basis of their privately held beliefs. There are some exceptions to this for faith schools or colleges but not to individuals.
- It is irrelevant for the purposes of determining whether unlawful discrimination has taken place that the discriminator shares the victim's protected characteristic.
- As a public sector body, there are both general and specific duties on the University to:
 - eliminate unlawful discrimination, harassment and victimisation
 - advance equality of opportunity between different groups
 - consider how different people will be affected by proposed activities
 - deliver policies and services which are efficient and effective, that are accessible to all and meet different people's needs
 - foster good relations between different groups
 - publish data to show compliance with the duty annually
 - set equality objectives at least every 4 years.