

# WHAT THE BRAP?

Help me understand the Equality Act!

The Equality Act came into force in October 2010, meaning it's 5 years old in October 2015!



## PROTECTED CHARACTERISTICS

The Act sets out the nine 'protected characteristics' – this says that it's illegal to treat people unfairly because of their:

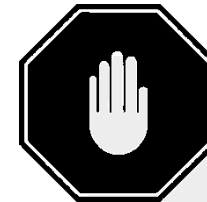
- Age
- Disability (this covers physical and mental health problems)
- Gender reassignment (i.e. a person who is proposing to undergo, is undergoing or has undergone a process of changing their sex)
- Marriage and civil partnership
- Pregnancy and maternity (this also covers discrimination against someone who is breastfeeding)
- Race (this refers to colour, nationality and ethnicity)
- Religion or belief (this includes non-religious belief)
- Sex (i.e. whether you are a man or a woman)
- Sexual orientation

## INTRODUCING THE EQUALITY ACT 2010

The Equality Act aims to harmonise previous equality legislation – it merges a number of old laws on equality (e.g. gender and race), bringing them all into one place.

The Act protects people from discrimination on the basis of one or more 'protected characteristics'. This applies at work, school and college, and in what the act calls "the provision of goods and services", i.e. when you buy things or use public services, e.g. banks, libraries, cafes, public transport, shops. The Act also sets out "prohibited conduct" (i.e. things people aren't allowed to do!).

You can complain about behaviour at work that creates an offensive environment, even if the behaviour is not directed towards you. For example, if someone repeatedly makes racist jokes to another member of staff at work, even if they don't want to complain about harassment themselves, you could.



## PROHIBITED CONDUCT: HARASSMENT AND VICTIMISATION

**Harassment** is when someone behaves in a way that offends you or makes you feel distressed or intimidated. You don't actually need to have a protected characteristic to be harassed, e.g. you are waiting to be served at a shop and hear staff making jokes about you saying you are unattractive because you are disabled, whether or not you have a disability, this could be harassment.

**Victimisation** is when you are treated unfairly because you complained about discrimination or harassment, or supported someone else making a claim, e.g. you make a complaint at your child's school saying that they are being discriminated against because they are Muslim, following this you are told that you can't help out with school events anymore, even though you've been heavily involved in the past. You think this is because you made a discrimination claim. This could be victimisation.

## PROHIBITED CONDUCT: DISCRIMINATION

**Direct discrimination** is when you are treated worse than someone else would be, because you have a protected characteristic. This includes:

- **Discrimination by association** – when you are discriminated against because you are associated with someone with a protected characteristic, e.g. your friend, parent, sibling or partner has a protected characteristic
- **Discrimination by perception** – when you are discriminated against because people think you have a protected characteristic, but actually you don't. This applies even if people know you don't have the characteristic, e.g. being bullied at work for being gay, even though everyone knows that you're straight.

**Indirect discrimination** is when a policy or rule applies to everyone but in practice disadvantages some groups more than others, e.g. a company that lets you pay by instalment if you're in work may unfairly disadvantage older people who are more likely to be retired and therefore not able to pay in this way. If the company can show there is a good enough reason for the policy then it might not be discrimination, this is known as having an 'objective justification'.

## AND NOW...?

Now that you've read this, what do you do if you think you've experienced discrimination, harassment or victimisation? Phone the [Equality Advisory and Support Service](#) helpline, or have a look at [this guidance from Citizens Advice](#) on how to take action.