

Equality and Diversity - The Legislation

Legislation relating to equality goes back a long way. Since the early 1970's we have had growing amounts of legislation in relation to fairness and equality; the Equal Pay Act, Sex Discrimination Act, Race Relations Act and later Disability Discrimination Act, name just a few. All this legislation was designed to prevent or stop discrimination. It gave individuals a right of recourse if they felt they had been unfairly treated on the grounds of their race, gender or disability, but it was reliant on the individual to raise the action and it generally applied only to the workplace or in some cases the supply of goods and services.

Equality legislation that developed at the beginning of the 21st century departed from these early acts and put a positive duty on public bodies to prove that they did not discriminate and to ensure that they actively promote equality throughout the delivery of their services. Not only that, but the legislation expanded to protect other categories such as sexual orientation, age and religion and belief.

Over the past forty years this legislation has played its part in helping to bring us a more equal society. However, these separate laws were complex and piecemeal and despite progress, discrimination and inequality persist in some areas and in others progress has been slow. This was the impetus for introducing a single piece of legislation to cover all aspects of equality in one place; to update, simplify and strengthen the previous legislation. On 1st October 2010, the Equality Act 2010 came into force.

Equality Act 2010

The provisions of the [Equality Act 2010](#) came into force at different times to allow time for the people and organisations affected by the new laws to prepare for them; however, the majority of the Act came into force on 1st October 2010.

Below is a list of provisions that came into force on 1st October 2010:

- The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations and transport
- Changing the definition of gender reassignment, by removing the requirement for medical supervision
- Levelling up protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers
- Clearer protection for breastfeeding mothers



- Applying the European definition of indirect discrimination to all protected characteristics
- Extending protection from indirect discrimination to disability
- Introducing a new concept of "discrimination arising from disability" to replace protection under previous legislation lost as a result of a legal judgement
- Applying the detriment model to victimisation protection (aligning with the approach in employment law)
- Harmonising the thresholds for the duty to make reasonable adjustments for disabled people
- Extending protection from third party harassment to all protected characteristics
- Making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability and health
- Allowing claims for direct gender pay discrimination where there is no actual comparator
- making pay secrecy clauses unenforceable
- Extending protection in private clubs to sex, religion or belief, pregnancy and maternity and gender reassignment
- Introducing new powers for employment tribunals to make recommendations which benefit the wider workforce
- Harmonising provisions allowing voluntary positive action

Under [S149 of the Act](#) public bodies are bound by a public sector duty. In the exercise of our functions we must have due regard to the need to:-

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

These are known as our general duties. Public bodies, like us, are also the subject of separate regulations that determine our [specific duties](#). These regulations came into effect in September 2011. The purpose of the regulations is to set out the specific actions we should take as a public body, to improve our performance of the general duties and better meet the needs of our communities.



Below are links to the Government Equalities Office for more specific information on the legislation.

[Frequently Asked Questions](#)

[Public Sector Equality Duty](#)

[Equality Act 2010 : What do I need to know?](#) - Contains summary guides to the Act explaining how the changes to the law affect different people and organisations and providing practical examples.

The [Equality and Human Rights Commission](#) has published detailed guidance on equality law and good practice.

