

The Equality Act 2010

The Equality Act 2010 is a law which protects people from **discrimination** at work and in wider society. This protects people with **protected characteristics** (disability is one of them) from being treated unfairly.

What is a disability?

You are disabled under the Equality Act 2010 if:

- you have a **physical or mental impairment**
- that is **'substantial'** and
- is **'long term'**

A physical or mental impairment does not have to be a **diagnosed condition**.

What does 'substantial' mean?

Substantial means your impairment is more than minor or trivial and that your impairment has an impact on your day to day activities. For example, it takes you longer to complete daily tasks or your impairment requires you to use aids to complete daily tasks.

What does 'long term' mean?

Long term means that your impairment will last or has lasted longer than 12 months.

What are the Protected Characteristics?

To make a discrimination claim, the claim needs to relate to a protected characteristic. This can be:

- Sex
- Age
- Disability
- Religion or belief
- Gender Reassignment
- Sexual Orientation
- Pregnancy or on maternity leave
- Married or in a civil partnership
- Race including colour, ethnicity, nationality or national origin

You are also protected under the Equality

Act 2010, if:

You are associated with someone who has a protected characteristic, e.g. a family member or friend.

Different types of discrimination

Direct Discrimination is if a person is treated differently or less favourably because of one or more of the protected characteristics, compared to someone who does not share that protected characteristic.

Indirect Discrimination is if there is a practice, rule or policy that applies to everyone in the same way, but has a negative effect on some people than others because of their protected characteristic.

Disability arising from disability is if a person is treated unfairly as a result of their disability rather than the disability itself.

Harassment is if a person receives unwanted behaviour related to a protected characteristic which is violating or intimidating.

Victimisation is if a person is treated unfairly because they have done or are going to do a protected act, or are supporting someone who has or is going to do a protected act. A protected act is making a claim or complaint of discrimination under the Equality Act 2010.

Failing to Implement Reasonable

Adjustments

This means that organisations like employers, shops, local authorities, schools and colleges must make reasonable adjustments as far as possible, so a person is not at a disadvantage due to their disability.

Reasonable adjustments

Reasonable adjustments must be reasonable in the circumstance or situation not just to both sides.

What to do if you feel you are being discriminated against

Talk to the person/ people you feel are discriminating you. If nothing changes discuss it with a manager.

If nothing changes follow the complaints procedure but also seek legal advice at the same time.

There are short time frames that need to be followed if the claim goes to court so the sooner you receive professional legal advice the sooner you can make an informed choice on how you would like to proceed.

Legal action and timings

For taking legal action about discrimination the claim needs to be made to court within the time frame below, from the date of when the discrimination takes place:

- Employment – 3 months minus 1 day
- Housing – 6 months
- Goods and Services – 6 months

Seek legal advice as soon as possible if you feel you have been discriminated against. Try to make sure you have as much information as possible.

If you need free legal advice about discrimination, please contact us on:

Textphone: 18001 01246 550674

Freephone: 0800 707 6990

Telephone: 01246 550 647

Text Message: 07781 482826

Email: DLC@DerbyshireLawCentre.org.uk

Website: www.DerbyshireLawCentre.org.uk

Address:

Derbyshire Law Centre

No 1, Rose Hill East

Chesterfield

S40 1NU

Useful sites to visit

Access to Work: www.gov.uk/access-to-work/overview

Investing in Disabled Students: www.snowdontrust.org

Citizens Advice: www.citizensadvice.org.uk/about-us/contact-us

Disability Rights UK:

www.disabilityrightsuk.org/resources/adjustments-disabled-students-and-apprentices#_Toc119421704

ACAS: www.acas.org.uk/if-youve-been-discriminated-against-at-work