

## Equality Act 2010

### (Recruitment & Selection Guidance)

#### Overview

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

#### 1. Types of discrimination

It is against the law to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or having a child
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

These are called 'protected characteristics'.

Protection from discrimination is applied at work and also if a potential or current employee is associated with someone who has a protected characteristic, e.g. a family member or friend

#### Action against discrimination

Schools can do something voluntarily to help people with a protected characteristic. This is called 'positive action'.

Taking positive action is legal if people with a protected characteristic:

- are at a disadvantage
- have particular needs
- are under-represented in an activity or type of work

Some forms of discrimination are only allowed if they're needed for the way the organisation works, e.g. employing only women in a health centre for Muslim women

#### Disability

People with disabilities have the same rights as other workers. Employers should make 'reasonable adjustments' to help disabled employees and job-applicants with:

- application forms, e.g. providing forms in Braille, audio formats
- aptitude tests, e.g. giving extra time to complete the tests
- interview arrangements, e.g. wheelchair access, communicator support
- making sure the workplace has the right facilities and equipment for disabled workers or someone offered a job
- terms of employment, including pay
- work-related benefits like access to recreation or refreshment facilities

#### Other types of unfair treatment

People are protected from being treated unfairly because of:

- trade union membership or non-membership
- being a fixed-term or part-time worker

**Important note:** this is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 2010 Act. Any one in doubt should seek their own legal advice.