

6.1 Equality law

One of the aims of equality law¹ is to protect certain groups of people who experience disadvantage and unequal treatment due to prejudice and stereotyping related to their characteristics. In relation to the workplace, UK equality law attempts to ensure that these people have the same opportunity as everyone else to obtain and retain work and to progress in their careers.

The sources for equality law in the UK are the Equality Act 2010 as well as EU law in the form of treaty articles and secondary legislation (see Chapter 1). Prior to 2010, the UK law on equality was fragmented into a number of different statutes and sets of regulations dealing with different areas of discrimination; for example:

- Race discrimination was dealt with by the Race Relations Act 1976.
- Discrimination between men and women was covered by the Sex Discrimination Act 1975 and the Equal Pay Act 1970.
- Disability discrimination law was contained in the Disability Discrimination Act 1995.
- Sexual orientation, religion or belief and age discrimination each had a separate set of regulations.

EA 2010 replaced almost all the previous UK equality law. There are very helpful *Explanatory Notes* to EA 2010 issued by the Government which are referred to throughout this chapter and Chapter 7.² Another very readable source of information which explains EA 2010 in straightforward language comprises the Codes of Practice issued by the Equality and Human Rights Commission (EHRC), which are available online on the EHRC website. A Code of Practice is not law in itself but is admissible evidence, and where relevant must be taken into account by a tribunal or court.

Apart from putting all equality law into one statute, EA 2010 also made some important changes to the law. However, the essential principles and rules of equality have not changed a great deal and consequently much of the previous case law will be likely to be decided in the same way under EA 2010. The old case law is therefore referred to in this and the following chapter.

EA 2010 deals not only with equality in employment, but also in other areas of life such as education and the provision of services or premises. Our concern here is only with equality and discrimination in employment, but we may observe that much of the law in relation to those other areas of life is very similar. However, there are important differences too – for instance, there are particular exceptions which apply only to discrimination in employment.

Protected characteristics

The protected characteristics are, in total, nine attributes in respect of which EA 2010 gives protection against discrimination. It is unlawful, unless an exception applies, to discriminate against a person because of such a characteristic. The characteristics are:

- age
- disability
- gender reassignment