

Revision Summary Chapter 27

Discrimination law

- The Equality Act 2010 aims to harmonize the laws relating to the various grounds of discrimination.
- The Act provides for five forms of prohibited conduct, namely (i) direct discrimination; (ii) combined discrimination; (iii) indirect discrimination; (iv) harassment; and (v) victimization. The provisions relating to combined discrimination will not be brought into force.
- The Equality Act 2010 prohibits discrimination on nine grounds (known as 'protected characteristics'), namely (i) age; (ii) disability; (iii) gender reassignment; (iv) marriage and civil partnership; (v) pregnancy and maternity; (vi) race; (vii) religion or belief; (viii) sex; and (ix) sexual orientation.
- Some forms of prohibited conduct are not applicable to all nine protected characteristics. Certain protected characteristics have their own specific forms of prohibited conduct.
- A person who believes that he has been the victim of prohibited conduct can make a claim to an employment tribunal. If established, the tribunal can (i) make a declaration; (ii) award compensation; and/or (iii) make a recommendation.
- The Equality Act 2010 implies a sex equality clause into a contract where A carries out 'like work', 'work rated as equivalent', or 'work equal in value' to that of an employee of the opposite sex.
- The Equality Act 2010 does not offer protection to persons discriminated against on the grounds of working part-time or being employed on a fixed-term contract, but such persons are protected by specific subordinate legislation.