

Impact of the Equality Act

Global Connections International HR Forum

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Impact of the Equality Act

- October 2010
- Harmonised definitions
- Further progress on equality

Are international mission staff covered?

- Employment?
- Work in Great Britain?

Protected Characteristics

- Age, Disability, Gender Re-assignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation

Definitions

- Direct discrimination “because of a protected characteristic”
- Associative discrimination covered
- Perceptive discrimination covered (except marriage and civil partnership)

Definitions

■ Indirect discrimination

- Note disability included
- Pregnancy and maternity excluded

■ Harassment

- Conduct “related to a relevant protected characteristic”
- Excludes marriage and civil partnerships and pregnancy and maternity

Definitions

- Harassment by a third party
- Victimisation
 - No need to show less favourable treatment
- Discrimination arising from disability

Other Key Changes

- Age Discrimination – Goods, Facilities & Services – 2012
- Pre Employment Health Questionnaires
- Disability – removal of 8 categories for determining disability
- Dual direct discrimination claims
 - Excludes pregnancy and maternity

Other Key Changes

- Positive action
- Secrecy clauses
- Gender pay reporting

(G)ORs

- Religion/belief – now need legitimate aim
- Sexual orientation – now covers divorce

GORs in practice

- Muhammed –v- Leprosy Mission International
- GOR established for Finance Administrator
- Context, not nature of role – daily acts of worship & prayer

Christians in workplace

- Eweida –v- BA – BA justified in refusing permission to wear cross
- Ladele –v- Islington Council – Council justified in requiring Registrar to perform civil partnership ceremonies

Christians in workplace

- McFarlane –v- Relate – Relate justified in dismissing Counsellor for refusing to counsel same-sex couple

Christians in workplace

■ Conclusions

- Employers permitted to require loyalty to ethos
- Employers permitted to dismiss for manifestation of beliefs where conflict with ethos
- Manifestation of beliefs increasingly unacceptable

Public Sector Socio Economic Duty

- Socio-economic disadvantage
- Applies to specified authorities e.g.
 - Local Authorities
 - HCA

Single Equality Duty

- Must, in the exercise of functions, have due regard to need to:
 - eliminate discrimination
 - advance equality of opportunity
 - foster good relationships

Public Sector Equality Duty

■ Applies to:

- Listed public authorities
- Anyone else who is exercising public functions (only in respect of those functions)

Enforcement by Judicial Review

Procurement

- Regulations may provide for public authorities to pass on equality duties in contract terms

Charities

- Lawful to provide benefits to those who share protected characteristics

What should you be doing?

■ As an employer:

- Update equal opportunities and bullying and harassment procedures
- Train staff
- Review employment contracts on salary secrecy
- Equal pay audit (now?)



Any Questions?



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