

Overview of UK and Republic of Ireland Anti-Discrimination Legislation

	England	Wales	Scotland	Northern Ireland	Republic of Ireland
Protected Characteristics	Equality act 2010			S75 NI Act 1998	Employment Equality Act 1998 & 2004
Age					
Disability				1995 DDA	
Gender reassignment					
Marriage and Civil partnership					
Pregnancy and maternity					
Race				Race Relations (NI) Order 1997	
Religion or belief					
Sex/gender					
Sexual orientation					
With/without dependants					
Political opinion					
Irish Travellers					
Everybody	The Human Rights Act 1998 (enacted to incorporate the European Convention on Human Rights)				
	Human Rights Act 2000 For public authorities, the Human Rights Act makes it a legal duty to act compatibly with the European Convention on Human Rights (ECHR). If a person's rights are harmed she/he can take the public authority to court in this country.				
					European Convention on Human Rights Act 2003

SEX DISCRIMINATION ACT (1975) AND RACE RELATIONS ACT (1976)

It is unlawful for an employer to discriminate, directly or indirectly, on grounds of race or sex either between applicants for jobs or between employees. This also applies to people supplied under a contract with, and employed by, a third party.

In recruitment it is unlawful to discriminate:

- in the arrangements made for selecting candidates
- in the terms on which employment is offered
- by a refusal or deliberate omission to offer employment

It is unlawful to discriminate against an employee:

- in the terms of employment offered
- in the way that access to opportunities for promotion, training, transfer or other benefits are afforded or by refusing or deliberately omitting to afford access to them
- by dismissing her/him or subjecting her/him to any other detriment.

Direct discrimination on the grounds of sex or race occurs where a person treats someone less favourably on the grounds of their sex or marital status, race or ethnic origin than he/she treats other people.

Indirect discrimination on the grounds of sex or race occurs when a requirement or condition is imposed which appears to apply equally to men and women or people of all racial groups but which is unfairly discriminatory in its effect on one sex or racial group.

Positive Discrimination is unlawful and includes recruiting or promoting someone on the basis of their sex or race.

Positive Action is lawful and includes actively encouraging people from underrepresented groups to apply for training and employment opportunities in order to prepare them to compete on equal terms for jobs and promotion.

DISABILITY DISCRIMINATION ACT (DDA) 1995

It is unlawful for an employer to treat a disabled person less favourably than someone else because of her/his disability unless there is a good reason. There is a duty on employers to make 'reasonable adjustments' to working arrangements and the work environment for a person with a disability. Failure by an employer to make reasonable adjustments without justification also amounts to unfair discrimination.

Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act 2000 places a statutory duty on public authorities to promote race equality. The aim is to make sure that they build race equality considerations into all aspects of their public services.

The amendments impose a general duty on public authorities, in carrying out their functions to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people from different racial groups

HUMAN RIGHTS ACT 2000

For public authorities, the Human Rights Act makes it a legal duty to act compatibly with the European Convention on Human Rights (ECHR). If a person's rights are harmed she/he can take the public authority to court in this country. Included among the Articles of the Human Rights Act are: the right to life; the prohibition of forced labour; the right to liberty and security; the right to respect for private and family life; freedom of thought, conscience and religion; freedom of expression, assembly and association; the right to marry; and the prohibition of discrimination.

The Employment Equality (Sexual Orientation) and (Religion or Belief) Regulations 2003

These Regulations outlaw:

- Direct discrimination - treating people less favourably than others on grounds of sexual orientation or religion or belief
- Indirect discrimination - applying a provision, criterion or practice which disadvantages people of a particular sexual orientation or religion or belief and which is not justified as a proportionate means of achieving a legitimate aim
- Harassment - unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment
- Victimisation - treating people less favourably because of something they have done under or in connection with the Regulations, e.g. made a formal complaint of discrimination or given evidence in a tribunal case.

Age Discrimination

The Government has been consulting on how discrimination in employment and vocational training on grounds of age can be made illegal. Following consultation, legislation will come into force by the end of 2006.

In the meantime, the Department for Work and Pensions is working with leading employer and employee representative organisations to prepare more detailed guidance on adopting age positive employment practices, particularly flexible employment and retirement practices that will support the retention of older workers.

EQUALITY ACT 2006

SUMMARY

1. The Act's main provisions:
 - a. establish the Commission for Equality and Human Rights (CEHR) and define its purpose and functions;
 - b. make unlawful discrimination on the grounds of religion or belief in the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions;
 - c. enable provision to be made for discrimination on the grounds of sexual orientation in the provision of goods, facilities and services, education, the use and disposal of premises and the exercise of public functions; and
 - d. create a duty on public authorities to promote equality of opportunity between women and men ('the gender duty'), and prohibit sex discrimination and harassment in the exercise of public functions.
2. The CEHR will take on the work of the existing equality Commissions (the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE), and the Disability Rights Commission (DRC)) and will additionally assume responsibility for promoting equality and combating unlawful discrimination in three new strands, namely sexual orientation, religion or belief, and age. The CEHR will also have responsibility for the promotion of human rights.

THE EQUALITY ACT 2010

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.

Before the Act came into force there were several pieces of legislation to cover discrimination, including:

- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995

Public sector Equality Duty

The [public sector Equality Duty](#) came into force across Great Britain on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

It also requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities