

Status:  Law In Force

## **Equality Act 2010 c. 15**

### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 1 PROTECTED CHARACTERISTICS**

This version in force from: **October 1, 2010** to **present**

(version 1 of 1)

#### **4 The protected characteristics**

The following characteristics are protected characteristics—

age;  
disability;  
gender reassignment;  
marriage and civil partnership;  
pregnancy and maternity;  
race;  
religion or belief;  
sex;  
sexual orientation.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Protected characteristics

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### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 1 PROTECTED CHARACTERISTICS**

This version in force from: **October 1, 2010** to **present**

(version 1 of 1)

#### **5 Age**

(1) In relation to the protected characteristic of age—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

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**Subject:** Employment **Other related subjects:** Human rights

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## Equality Act 2010 c. 15

### Part 2 EQUALITY: KEY CONCEPTS

#### Chapter 1 PROTECTED CHARACTERISTICS

This version in force from: **July 6, 2010 to present**

(version 1 of 1)

#### 6 Disability

- (1) A person (P) has a disability if—
  - (a) P has a physical or mental impairment, and
  - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.
- (2) A reference to a disabled person is a reference to a person who has a disability.
- (3) In relation to the protected characteristic of disability—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
- (4) This Act (except [Part 12](#) and [section 190](#)) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
  - (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
  - (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
- (5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
- (6) [Schedule 1](#) (disability: supplementary provision) has effect.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Disability; Protected characteristics

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## **Equality Act 2010 c. 15**

### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 1 PROTECTED CHARACTERISTICS**

This version in force from: **October 1, 2010** to **present**

(version 1 of 1)

#### **7 Gender reassignment**

(1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment—

(a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Gender reassignment; Protected characteristics

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## **Equality Act 2010 c. 15**

### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 1 PROTECTED CHARACTERISTICS**

This version in force from: **October 1, 2010** to **present**

(version 1 of 1)

#### **8 Marriage and civil partnership**

(1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

(2) In relation to the protected characteristic of marriage and civil partnership—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;

(b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

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**Subject:** Employment **Other related subjects:** Family law; Human rights

**Keywords:** Civil partnerships; Marriage; Protected characteristics

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## Equality Act 2010 c. 15

### Part 2 EQUALITY: KEY CONCEPTS

#### Chapter 1 PROTECTED CHARACTERISTICS

This version in force from: **June 25, 2013 to present**

(version 2 of 2)

#### 9 Race

(1) Race includes—

(a) colour;

(b) nationality;

(c) ethnic or national origins.

(2) In relation to the protected characteristic of race—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.

(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.

(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.

(5) A Minister of the Crown [...]

[1](#)

—

(a) [must by order ]

[2](#)

amend this section so as to provide for caste to be an aspect of race;

(b) [may by order ]

[3](#)

amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.

(6) The power under [section 207\(4\)\(b\)](#), in its application to subsection (5), includes power to amend this Act.

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## Notes

1. Words repealed by Enterprise and Regulatory Reform Act 2013 c. 24 [Pt 6 s.97\(2\)](#) (June 25, 2013)
2. Words inserted by Enterprise and Regulatory Reform Act 2013 c. 24 [Pt 6 s.97\(3\)](#) (June 25, 2013)
3. Words inserted by Enterprise and Regulatory Reform Act 2013 c. 24 [Pt 6 s.97\(4\)](#) (June 25, 2013)

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Protected characteristics; Race

Status:  Law In Force

## Equality Act 2010 c. 15

### Part 2 EQUALITY: KEY CONCEPTS

#### Chapter 1 PROTECTED CHARACTERISTICS

This version in force from: **October 1, 2010** to **present**

(version 1 of 1)

#### 10 Religion or belief

(1) *Religion* means any religion and a reference to religion includes a reference to a lack of religion.

(2) *Belief* means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

(3) In relation to the protected characteristic of religion or belief—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;

(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Protected characteristics; Religion or belief

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## **Equality Act 2010 c. 15**

### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 1 PROTECTED CHARACTERISTICS**

This version in force from: **October 1, 2010** to **present**

(version 1 of 1)

#### **11 Sex**

In relation to the protected characteristic of sex—

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Gender; Protected characteristics

Status:  Law In Force

## **Equality Act 2010 c. 15**

### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 1 PROTECTED CHARACTERISTICS**

This version in force from: **October 1, 2010 to present**

(version 1 of 1)

#### **12 Sexual orientation**

(1) Sexual orientation means a person's sexual orientation towards—

- (a) persons of the same sex,
- (b) persons of the opposite sex, or
- (c) persons of either sex.

(2) In relation to the protected characteristic of sexual orientation—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
- (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Protected characteristics; Sexual orientation

Status:  Law In Force

## Equality Act 2010 c. 15

### Part 2 EQUALITY: KEY CONCEPTS

#### Chapter 2 PROHIBITED CONDUCT

##### Discrimination

This version in force from: **October 1, 2010 to present**

(version 1 of 1)

### 13 Direct discrimination

(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

(2) If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.

(3) If the protected characteristic is disability, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.

(4) If the protected characteristic is marriage and civil partnership, this section applies to a contravention of [Part 5](#) (work) only if the treatment is because it is B who is married or a civil partner.

(5) If the protected characteristic is race, less favourable treatment includes segregating B from others.

(6) If the protected characteristic is sex—

(a) less favourable treatment of a woman includes less favourable treatment of her because she is breast-feeding;

(b) in a case where B is a man, no account is to be taken of special treatment afforded to a woman in connection with pregnancy or childbirth.

(7) Subsection (6)(a) does not apply for the purposes of [Part 5](#) (work).

(8) This section is subject to [sections 17\(6\)](#) and [18\(7\)](#).

### Modifications

Pt 2 c. 2 s. 13(1)	Modified in relation to gender reassignment discrimination by <a href="#">Equality Act 2010 c. 15, Sch. 3(5) para. 22(5)</a> , <a href="#">Pt 3 s. 31</a>
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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Associative discrimination; Direct discrimination; Less favourable treatment; Protected characteristics

Status: **N** Not Yet In Force

## **Equality Act 2010 c. 15**

### **Part 2 EQUALITY: KEY CONCEPTS**

#### **Chapter 2 PROHIBITED CONDUCT**

##### **Discrimination**

This version in force from: **date to be appointed**

(version 1 of 1)

#### **14 Combined discrimination: dual characteristics**

(1) A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

(2) The relevant protected characteristics are—

(a) age;

(b) disability;

(c) gender reassignment;

(d) race

(e) religion or belief;

(f) sex;

(g) sexual orientation.

(3) For the purposes of establishing a contravention of this Act by virtue of subsection (1), B need not show that A's treatment of B is direct discrimination because of each of the characteristics in the combination (taken separately).

(4) But B cannot establish a contravention of this Act by virtue of subsection (1) if, in reliance on another provision of this Act or any other enactment, A shows that A's treatment of B is not direct discrimination because of either or both of the characteristics in the combination.

(5) Subsection (1) does not apply to a combination of characteristics that includes disability in circumstances where, if a claim of direct discrimination because of disability were to be brought, it would come within [section 116](#) (special educational needs).

(6) A Minister of the Crown may by order amend this section so as to—

(a) make further provision about circumstances in which B can, or in which B cannot, establish a contravention of this Act by virtue of subsection (1);

(b) specify other circumstances in which subsection (1) does not apply.

(7) The references to direct discrimination are to a contravention of this Act by virtue of [section 13](#).

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Dual discrimination; Less favourable treatment; Protected characteristics

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## Equality Act 2010 c. 15

### Part 2 EQUALITY: KEY CONCEPTS

#### Chapter 2 PROHIBITED CONDUCT

##### Discrimination

This version in force from: **October 1, 2010 to present**

(version 1 of 1)

### 19 Indirect discrimination

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a) A applies, or would apply, it to persons with whom B does not share the characteristic,

(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a legitimate aim.

(3) The relevant protected characteristics are—

age;

disability;

gender reassignment;

marriage and civil partnership;

race;

religion or belief;

sex;

sexual orientation.

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**Subject:** Employment **Other related subjects:** Human rights

**Keywords:** Indirect discrimination; Protected characteristics

