

*These notes refer to the Equality Act 2006 (c.3)  
which received Royal Assent on 16 February 2006*

# **EQUALITY ACT 2006**

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## **EXPLANATORY NOTES**

### **TRANSPOSITION OF EU DIRECTIVES**

365. The Race Directive (2000/43/EC) and the Equal Treatment Amendment Directive (2002/73/EC) require Member States to create equality institutions for the promotion of equal treatment on the grounds of race and sex. The bodies' competencies must include providing assistance to victims of discrimination in pursuing complaints, conducting independent reports and making recommendations on any issue relating to discrimination. The EOC and CRE currently have the competencies required by the directives. These competencies will be carried forward to the CEHR.
366. The Employment Directive (2000/78/EC) (which prohibits discrimination on the grounds of disability, sexual orientation, religion or belief and age) does not require Member States to create an equality institution for the promotion of equal treatment on those grounds. However, where an organisation exists which has a legitimate interest in ensuring that the Employment Directive is complied with, the organisation should be permitted to engage in litigation on behalf or in support of complainants, in accordance with criteria laid down in national law. Once created, the CEHR will be such an organisation and will be able to engage in litigation in support of complainants, as required by the Employment Directive.
367. The Employment Directive has been implemented (in respect of the religion or belief strand) by the Employment Equality (Religion or Belief) Regulations 2003. This Act will slightly modify the definitions used in those Regulations in order to provide consistency between the Regulations and the new religious discrimination provisions contained in Part 2 of the Act. The changes do not however have a substantive effect on the scope of the Regulations.