

EQUALITY ACT 2010

EXPLANATORY NOTES

INTRODUCTION

Background and summary

Background

3. Domestic discrimination law has developed over more than 40 years since the first Race Relations Act in 1965. Subsequently, other personal characteristics besides race have been protected from discrimination and similar conduct, sometimes as a result of domestic initiatives and sometimes through implementing European Directives.
4. The domestic law is now mainly contained in the following legislation (where applicable, as amended):
 - the Equal Pay Act 1970;
 - the Sex Discrimination Act 1975;
 - the Race Relations Act 1976;
 - the Disability Discrimination Act 1995;
 - the Employment Equality (Religion or Belief) Regulations 2003;
 - the Employment Equality (Sexual Orientation) Regulations 2003;
 - the Employment Equality (Age) Regulations 2006;
 - the Equality Act 2006, Part 2;
 - the Equality Act (Sexual Orientation) Regulations 2007.
5. The main European Directives affecting domestic discrimination legislation are:
 - Council Directive [2000/43/EC](#) implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
 - Council Directive [2000/78/EC](#) establishing a general framework for equal treatment in employment and occupation;
 - Council Directive [2004/113/EC](#) implementing the principle of equal treatment between men and women in the access to and supply of goods and services;
 - European Parliament and Council Directive [2006/54/EC](#) on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast). Also relevant in this context is Article 157 of the Treaty on the Functioning of the European Union.
6. In addition, in July 2008 the European Commission published a new draft Directive which would prohibit discrimination because of disability, religion or belief, sexual orientation and age, in access to goods and services, housing, education, social protection, social security and social advantage. This Directive is under negotiation.

*These notes refer to the Equality Act 2010 (c.15)
which received Royal Assent on 8 April 2010*

7. In February 2005, the Government set up the Discrimination Law Review to address long-term concerns about inconsistencies in the current discrimination law framework. The Review was tasked with considering the fundamental principles of discrimination legislation and its underlying concepts, and the opportunities for creating a clearer and more streamlined framework of equality legislation which produces better outcomes for those who experience disadvantage.
8. In June 2007 the Department for Communities and Local Government published a consultation paper, *A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain*. This was followed in June and July 2008 by two Command Papers published by the Government Equalities Office: *Framework for a Fairer Future – the Equality Bill (Cm 7431)*; and *The Equality Bill – Government Response to the Consultation (Cm 7454)*. In January 2009, the Government published the *New Opportunities White Paper (Cm 7533)* which, amongst other things, committed the Government to considering legislation to address disadvantage associated with socio-economic inequality.
9. The following further documents were published by the Government Equalities Office during the passage of the Bill that became the Equality Act: in April 2009, *Equality Bill: Assessing the impact of a multiple discrimination provision* (a summary of responses was published in October 2009); in June 2009, *Equality Bill: Making it work - Policy proposals for specific duties*; and in January 2010 *Equality Bill: Making it work - Ending age discrimination in services and public functions*.