

EQUALITY ACT 2010

EXPLANATORY NOTES

INTRODUCTION

Background and summary

Summary

10. The Act has two main purposes – to harmonise discrimination law, and to strengthen the law to support progress on equality.
11. The Act brings together and re-states all the enactments listed in paragraph 4 above and a number of other related provisions. It will harmonise existing provisions to give a single approach where appropriate. Most of the existing legislation will be repealed. The Equality Act 2006 will remain in force (as amended by the Act) so far as it relates to the constitution and operation of the Equality and Human Rights Commission; as will the Disability Discrimination Act 1995, so far as it relates to Northern Ireland.
12. The Act also strengthens the law in a number of areas. It:
 - places a new duty on certain public bodies to consider socio-economic disadvantage when making strategic decisions about how to exercise their functions;
 - extends the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic;
 - extends the circumstances in which a person is protected against discrimination by allowing people to make a claim if they are directly discriminated against because of a combination of two relevant protected characteristics;
 - creates a duty on listed public bodies when carrying out their functions and on other persons when carrying out public functions to have due regard when carrying out their functions to: the need to eliminate conduct which the Act prohibits; the need to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and the need to foster good relations between people who share a relevant protected characteristic and people who do not. The practical effect is that listed public bodies will have to consider how their policies, programmes and service delivery will affect people with the protected characteristics;
 - allows an employer or service provider or other organisation to take positive action so as to enable existing or potential employees or customers to overcome or minimise a disadvantage arising from a protected characteristic;
 - extends the permission for political parties to use women-only shortlists for election candidates to 2030;
 - enables an employment tribunal to make a recommendation to a respondent who has lost a discrimination claim to take certain steps to remedy matters not just for the benefit of the individual claimant (who may have already left the organisation concerned) but also the wider workforce;

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

- amends family property law to remove discriminatory provisions and provides additional statutory property rights for civil partners in England and Wales;
- amends the Civil Partnership Act 2004 to remove the prohibition on civil partnerships being registered in religious premises.