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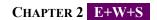


# Equality Act 2010

## **2010 CHAPTER 15**

PART 2 E+W+S

EQUALITY: KEY CONCEPTS



PROHIBITED CONDUCT

Other prohibited conduct

### 26 Harassment E+W+S

(1) A person (A) harasses another (B) if-

- (a) A engages in unwanted conduct related to a relevant protected characteristic, and
- (b) the conduct has the purpose or effect of—

(i) violating B's dignity, or

- (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (2) A also harasses B if-
  - (a) A engages in unwanted conduct of a sexual nature, and
  - (b) the conduct has the purpose or effect referred to in subsection (1)(b).
- (3) A also harasses B if-
  - (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
  - (b) the conduct has the purpose or effect referred to in subsection (1)(b), and
  - (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

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- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
  - (a) the perception of B;
  - (b) the other circumstances of the case;
  - (c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are—

age; disability; gender reassignment; race; religion or belief; sex; sexual orientation.

### 27 Victimisation E+W+S

- (1) A person (A) victimises another person (B) if A subjects B to a detriment because—
  - (a) B does a protected act, or
  - (b) A believes that B has done, or may do, a protected act.
- (2) Each of the following is a protected act—
  - (a) bringing proceedings under this Act;
  - (b) giving evidence or information in connection with proceedings under this Act;
  - (c) doing any other thing for the purposes of or in connection with this Act;
  - (d) making an allegation (whether or not express) that A or another person has contravened this Act.
- (3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.
- (4) This section applies only where the person subjected to a detriment is an individual.
- (5) The reference to contravening this Act includes a reference to committing a breach of an equality clause or rule.

#### **Commencement Information**

II S. 27 wholly in force; s. 27 not in force at Royal Assent see s. 216; s. 27 in force at 1.10.2010 by S.I. 2010/2317, art. 2(1)(2)(f) (with art. 15, and subject to transitional provision in art. 8)

#### Changes to legislation:

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:** Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by 2023 c. 51 s. 1
- s. 120(9) inserted by 2023 c. 51 s. 2(b)
- s. 124A inserted by 2023 c. 51 s. 3