

Equality Act 2010 (Recruitment & Selection Guidance)

Overview

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

1. Types of discrimination

It is against the law to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or having a child
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

These are called 'protected characteristics'.

Protection from discrimination is applied at work and also if a potential or current employee is associated with someone who has a protected characteristic, e.g. a family member or friend

Action against discrimination

Schools can do something voluntarily to help people with a protected characteristic. This is called 'positive action'.

Taking positive action is legal if people with a protected characteristic:

- are at a disadvantage
- have particular needs
- are under-represented in an activity or type of work

Some forms of discrimination are only allowed if they're needed for the way the organisation works, e.g. employing only women in a health centre for Muslim women

Disability

People with disabilities have the same rights as other workers. Employers should make 'reasonable adjustments' to help disabled employees and job-applicants with:

- application forms, e.g. providing forms in Braille, audio formats
- aptitude tests, e.g. giving extra time to complete the tests
- interview arrangements, e.g. wheelchair access, communicator support
- making sure the workplace has the right facilities and equipment for disabled workers or someone offered a job
- terms of employment, including pay
- work-related benefits like access to recreation or refreshment facilities

Other types of unfair treatment

People are protected from being treated unfairly because of:

- trade union membership or non-membership
- being a fixed-term or part-time worker

Important note: this is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 2010 Act. Any one in doubt should seek their own legal advice.