

7 AUGUST 2023

## **LTN 78 | THE EQUALITY ACT 2010**

### **Introduction**

1. The Equality Act 2010 provides legal protection from discrimination in the workplace and in wider society. This LTN contains a summary of the main issues for local councils. For more detailed guidance, there are links to external sources.
2. The 2010 Act makes it unlawful to discriminate against an individual who has a “protected characteristic”. Protected characteristics are:
  - a. pregnancy and maternity
  - b. age discrimination
  - c. disability
  - d. gender reassignment
  - e. marriage and civil partnerships
  - f. race which includes a person’s colour, nationality, ethnic or national origins
  - g. religion or belief
  - h. sex
  - i. sexual orientation
3. The Equality and Human Rights Commission (EHRC) website contains further guidance (<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>).

### **Types of discrimination**

4. There are four main types of discrimination:
  - a. direct discrimination
  - b. indirect discrimination
  - c. harassment
  - d. victimisation
5. For further guidance see:
  - a. <https://www.equalityhumanrights.com/en/advice-and-guidance/what-direct-and-indirect-discrimination>
  - b. <https://www.equalityhumanrights.com/en/advice-and-guidance/what-harassment-and-victimisation>
6. People also have protection from “discrimination by association”, if they suffer discrimination because of their association with someone who has a protected characteristic.

### Who is protected under the 2010 Act?

7. Individuals from any of the following groups can bring a discrimination claim against a council: staff, councillors, occupiers of council property, suppliers, contractors, users of council facilities (such as leisure facilities) and members of the public.

### Discrimination at work

8. The ACAS website contains helpful guidance about discrimination at work (<https://www.acas.org.uk>).

### Public sector equality duty

9. All public authorities, including local councils, must comply with the public sector equality duty. It requires them to take steps to:
  - a. eliminate discrimination, harassment and victimisation
  - b. advance equal opportunities for all
  - c. foster good relations between all individuals.
10. They must also consider how their policies and decisions impact on people with protected characteristics.
11. The EHRC website contains a useful guide to the duty (<https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty>).
12. There are also specific duties that apply to some public authorities to help them comply with the public sector equality duty.
13. The specific duties are to:
  - a. publish information at least every year that shows how compliance with the equality duty has been achieved.
  - b. prepare and publish at least one equality objective no less than once every four years.
14. The specific duties **do not** apply to local councils.

### NALC assistance

15. There is an equality and diversity policy template on the NALC website. Councils with specific equality issues can request legal advice under the NALC legal scheme. For both see the members' section of NALC's website (<https://www.nalc.gov.uk>).