



Discrimination Law the Equality Act 2010

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HCB NEWSLETTER

Our guide

by Karen Gamble

Overview

Before the Equality Act came into force on 1 October 2010, there were over 116 separate pieces of legislation covering discrimination in the workplace and wider society. Put simply the Equality Act merged all the anti-discrimination laws into one single Act, with the aim of making the law easier to understand and strengthening protection in some situations.

The nine main pieces of legislation that merged were:

- 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

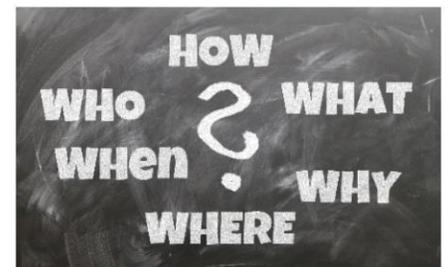
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

What are the protected characteristics?

The Equality Act introduced the term 'protected characteristics'. This means that people cannot be discriminated against because of their:

- Age
- Disability
- Gender reassignment
- Marriage & civil partnership
- Pregnancy & maternity

- Race
- Religion or belief
- Sex & sexual orientation



HCB are health & wellbeing specialists' so, I am going to look in more detail about how the Act deals with disabilities.

Spotlight on disability

Under the Act you are **disabled** if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

'substantial' is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed

'long-term' means 12 months or more, e.g. a breathing condition that develops because of a lung infection

But be aware that there are special rules about **recurring or fluctuating conditions**, e.g. arthritis.

Progressive conditions

A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled.

However, you automatically meet the **disability definition** under the Act from the day you're diagnosed with HIV infection, cancer or multiple sclerosis.

A disability can arise from a wide range of impairments which can be:

- **sensory impairments**, such as those affecting sight or hearing;
- **impairments with fluctuating or recurring effects** such as rheumatoid arthritis, myalgic encephalitis (ME), chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
- **progressive**, such as motor neurone disease, muscular dystrophy, and forms of dementia;
- **auto-immune conditions** such as systemic lupus erythematosus (SLE);
- **organ specific**, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease;
- **developmental**, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- **learning disabilities**;
- **mental health conditions** with symptoms such as anxiety, low mood, panic attacks, phobias, or unshared perceptions;
- **eating disorders**;
- **bipolar affective disorders**;
- **obsessive compulsive disorders**;
- **personality disorders**;



- **post traumatic stress disorder**, and some self-harming behaviour;
- **mental illnesses**, such as depression and schizophrenia;

Footnote

That's it, our brief guide to the Equality Act 2010. If, even after reading this you need more information or just want an independent health & wellbeing specialist to help you then contact us.

Exclusions from the definition

Certain conditions are not to be regarded as impairments for the purposes of the Act. These are:

- addiction to, or dependency on, alcohol, nicotine, or any other substance (other than in consequence of the substance being medically prescribed);
- the condition known as seasonal allergic rhinitis (e.g. hayfever), except where it aggravates the effect of another condition;
- tendency to set fires;
- tendency to steal;
- tendency to physical or sexual abuse of other persons;
- exhibitionism;
- voyeurism.



FOR MORE INFORMATION,

Whatever your workplace health & rehabilitation requirements, HCB can help and advise you on the best course of action.

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