Equality, Diversity and Inclusion Legislation

The main pieces of legislation which apply to Equality, Diversity and Inclusion are the Equality Act 2010 and The Human Rights Act 1998.

Equality Act 2010

The Equality Act came into force on 1st October 2010, bringing together separate pieces of legislation into one single Act.

The previous legislations that now guide collectively for the Equality Act include:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2006, Part 2
- Equality Act (Sexual Orientation) Regulations 2007

As per the law, public bodies are required to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Aims of the Equality Act

The Equality Act 2010 aims to make provisions to require Ministers of the Crown and others to reduce socioeconomic inequalities when making strategic decisions and exercise non-discrimination in their functions.

As defined in the introductory section of the Act, the law's purpose is to:

- Reform and harmonise equality law and restate the more significant part of the enactments relating to discrimination and harassment related to specific personal characteristics
- Enable certain employers to be required to publish information about the differences in pay between male and female employees

- Prohibit victimisation in certain circumstances; to require the exercise of certain functions to be about the need to eliminate discrimination and other prohibited conduct
- Enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity
- Amend the law relating to rights and responsibilities in family relationships and for connected purposes

Objectives

The Equality Act has broadly the same goals as the four major EU Equal Treatment Directives, and also offers protection beyond the EU directives. The most obvious purpose of equality laws is to uphold or promote basic equality.

The law seeks to implement the following objectives:

- Harmonise discrimination law: It harmonises definitions and concepts across all strands of discrimination. Examples of concepts include 'discrimination by perception' and 'indirect discrimination'.

- Strengthen the law to support progress on equality: It extends existing discrimination law, e.g. outlawing age discrimination in goods and service provision in 2012 and has extended the concept of discrimination by association to all nine protected characteristics.

- Replace all existing equality legislation, including the Equal Pay Act: The Equality Act consolidates all existing law preventing discrimination on any one of the nine protected characteristics as well as equal pay law into one Act and covers discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- Applicable to England, Scotland and Wales, but not to Northern Ireland: Northern Ireland is considered to be separate and will be considering changes to their legislative framework.

Human Rights Act 1998

Currently, in Britain, the citizen's human rights are protected by the Human Rights Act 1998.

The Act incorporates the ‘Convention Rights’, which include the right to life, right to liberty and security, right to education, freedom of expression, freedom of assembly and association, freedom from slavery and forced labour, etc.

Application of Human Rights to Ensure Equality

The Human Rights Act sets out human rights in a series of ‘Articles’, where each Article deals with a different right. The right to equality is ensured by Article 14, which states, “Protection from discrimination in respect of these rights and freedoms”.

Article 14 of the Human Rights Act 1998 is based on the core principle that everyone, no matter who they are, should enjoy the same human rights and have equal access to the rights.

The Article explicitly states that: “The enjoyment of the rights and freedoms set forth in the European Convention on Human Rights and the Human Rights Act shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinions, national or social origin, association with a national minority, property, birth or another status.”

The term ‘other status’ includes sexual orientation, illegitimacy, marital status, trade union membership, transsexual status and imprisonment. It can also be used to challenge discrimination on the basis of age or disability. The Human Rights Act makes it illegal to discriminate on all of the stated grounds.

The Human Rights Act protects from discrimination in the enjoyment of those human rights set out in the European Convention of Human Rights. The protection against discrimination in the Human Rights Act is not ‘free-standing’, and application of this right requires that there has been a breach in the enjoyment of one or more of the other rights in the Act.

It is important to understand that the Human Rights Act does not protect from discrimination in all areas of life – other laws offer more general protection, such as the Equality Act 2010.