

# Equality Act 2010

Delivering services to people with  
protected characteristics – duties and  
responsibilities

Alicja Zalesinska

Race Equality First

# General Equality Duty

A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

# Importance for you as a service provider

The general duty applies to private or third sector (voluntary and community) organisations where they are carrying out a public function on behalf of a public authority or in their own right.

# Importance for services provided on behalf of the Council

**Previously:** Public Authorities could consider equality as part of their procurement processes

**Now:** In Wales there is a specific duty, a legislative imperative, for public authorities to consider if it's appropriate to include equality requirements in the award and contract criteria  
(normally it will be appropriate where service has impact on people with protected characteristics)

# Examples of requirements

- Good equality practice by supplier carrying out contract (where relevant and proportionate)
- Supplier does not discriminate unlawfully
- Employees are equality trained (if relevant)
- etc.

# Protected characteristics

- Age (from 2012)
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

# Prohibited Conduct

- Direct discrimination
  - Indirect discrimination
  - Victimisation
  - Harassment
  - Disability
- 
- Discrimination arising from
  - Reasonable adjustments (PCP,  
physical feature, auxiliary aid)

# Direct Discrimination

- treating someone with protected characteristic less fairly than another person
- comparators
- covers perceptive and dual discrimination
- covers associative discrimination but not where the protected characteristic is marriage /civil partnership

# Indirect Discrimination

- a person applies a provision, criterion or practice (often called a "PCP");
- which puts ***or would put*** persons who share a protected characteristic at a particular disadvantage when compared with other persons;
- which puts ***or would put*** the Claimant at that disadvantage; and
- which cannot be shown to be justified (a proportionate means of achieving a legitimate aim).

# Harassment

- Unwanted conduct **related to** a relevant protected characteristic which:
  - violates a person's dignity; or
  - creates an intimidating, hostile, degrading, humiliating or offensive environment for that person
- In deciding whether the conduct has that effect, must take into account:
  - Perception of the victim
  - Other circumstances of the case
  - Is it reasonable for the conduct to have that effect
  - Could be a one off incident

# Victimisation

Treating someone unfavourable because they have taken an action in connection with the Act (e.g. raised a grievance/complaint; supported a colleague in a Tribunal case etc)

# Liability

- Vicarious Liability
- Reasonable Steps Defence

# How to prevent discrimination and advance equality?

Objectives  
Strategic Equality Plans  
Engagement  
Assessing impact  
Equality information  
Employment information  
Pay differences  
Staff training  
Publishing  
Review  
Accessibility

# Thank you!

Alicja Zalesinska  
Race Equality First

[alicja.zalesinska@raceequalityfirst.org.uk](mailto:alicja.zalesinska@raceequalityfirst.org.uk)