

Equality Act 2010

Types of Discrimination – New Definitions

This document is a useful guide and highlights the definitions as laid out in the new Equality Act 2010 and should be read in conjunction with any existing University policies and procedures that refer to discrimination, harassment and victimisation.

All relevant University policies and procedures will be updated in due course to reflect the amended definitions.

Protected characteristics are the grounds upon which discrimination is unlawful.

The protected characteristics under the Equality Act 2010 are:

Age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion or belief (including lack of belief), sex and sexual orientation

Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see 'perceptive discrimination' below) or because they associate with someone who has a protected characteristic (see 'associative discrimination' below).

Associative Discrimination already applies to race, religion or belief and sexual orientation. This is now extended to cover age, disability, gender reassignment and sex. It means direct discrimination against someone because they associate with another person with a protected characteristic.

Perceptive Discrimination already applies to age, race, religion or belief and sexual orientation. This is now extended to cover disability, gender reassignment and sex. It means direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person doesn't actually possess that characteristic.

Indirect Discrimination already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. This is now extended to cover disability and gender reassignment.

Indirect discrimination can occur when the University has a condition, rule, policy or even a practice in the company, that applies to everyone but particularly disadvantages people who share a protected characteristic.

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Harassment applies to all protected characteristics except for pregnancy, maternity, marriage and civil partnership. Employees will be able to complain of behaviour they find offensive – even if it is not directed at them. Employees do not

need to possess the relevant characteristic themselves and are also protected from harassment because of perception and association.

Third Party Harassment occurs already applies to sex and is now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes the University potentially liable for harassment of employees and students by people (third parties) who are not Brunel employees or students, such as customers, clients and visitors. The University will only be liable when harassment has occurred on at least two previous occasions, they are aware it has taken place, and have not taken reasonable steps to prevent it from happening again.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Disability a person is disabled if they have a physical or mental impairment with a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

The Act includes a new protection from discrimination arising from disability. A disabled person should not be treated unfavourably because of something connected with their disability (e.g. spelling mistakes due to dyslexia). This is unlawful where the University or other persons acting on behalf of the University knows, or could reasonably be expected to know that the person has a disability. This type of discrimination is only justifiable if the University can show that it is a proportionate means of achieving a legitimate aim.