



# How to make sure everyone is treated fairly at work

A guide to the Equality Act 2010



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# About this guide



The **Equality and Human Rights Commission** wrote this guide.



We make sure everyone follows the **Equality Act 2010**, which is the law about treating people equally and fairly.



This guide is about how the **Equality Act 2010** applies at work.



It says what rights **employees** have and what **employers** have to do.

- **employees** are people who work



- **employers** are the people or organisations they work for.

# Who is the Equality Act for?



The law talks about different **protected characteristics** or things to do with a person:

- age



- disability



- **sex** (if they are a man or a woman)



- **transgender**

**Transgender** people are people who feel that the body they were born into is not right for them.

This means they may want to change from being a man to a woman, or from a woman to a man.



- being pregnant or having a baby



- race



- religion or belief



- **sexual orientation** (being straight, gay, lesbian or bisexual).



The **Equality Act** protects people in these groups from **discrimination** at work. **Discrimination** means treating someone worse than other people for some reason.



This includes:

- people who work for the employer



- people who used to work for the employer



- people who want to work for the employer.



# Different types of discrimination



**Direct discrimination** is when an employer treats someone worse than other people.



For example an employer who does not interview someone for a job because of their race.



**Indirect discrimination** is when an employer does something, decides something or has a rule that affects some people worse than others.



An example of **indirect discrimination** would be an employer who only gives full time workers the chance to move on to better jobs.

This could be unfair to women as more of them work part time.



**Discrimination arising from a disability** is when an employer treats someone unfairly because of something to do with their disability.



For example, telling a visually impaired person they cannot have a job because the employer does not like their guide dog.



**Discrimination by association** is when an employer treats a person worse than other people because of someone they know or a family member.



For example, treating someone who needs time off to care for her 30 year old husband worse than someone who cares for his 80 year old mother would be **discrimination by association** because of age.



**Discrimination by perception** is when an employer treats someone unfairly because they think they are from a particular group.



For example, if an employer does not give someone a job because they think he is gay, even though he is not.



**Victimisation** means treating someone unfairly because they have complained or spoken up about something.



For example, an employer who does not interview someone for a job because they have complained about interviews in the past.



**Harassment** means picking on someone or upsetting them. This includes things like telling jokes about a person's religion or belief and making them feel ashamed or stupid.

# Treating people who are disabled fairly



**Reasonable adjustments** are changes employers must make to give a person who is disabled the same chance as anyone else to get and do a job.



They must think about this when they decide who is the best person for a job.



Employers must also make changes if someone becomes disabled while they are working for them or they change the job a person who is disabled is doing.



**Access to Work** is a way the government can pay for some changes to help a disabled person do their job.

# Sometimes the law is different



We call it an **exception** when the law is different.



These **exceptions** are for all employers:

- An employer can make a decision based on a person's age but only if they can prove they have a very good reason.



- Some jobs might have to be done by certain people.



For example, a service for women who have been abused by men might be able to have only women working for them.



- When people have to stick to another law.



For example, the law says driving instructors must be at least 21 years old so an employer could choose not to give a job to someone who is only 19.



- If it might be dangerous to **national security** an employer might be able to treat someone differently.



**National security** means the safety of a country.

These **exceptions** are just for some employers:



If the job is with a church or religious group employers can sometimes say:

- what religion or belief a person must have or
- how the person should behave or live their life.

If it goes against what their members believe churches and religious groups can sometimes refuse to employ a person because:



- of their **sex** or if they are **transgender**



- of their **sexual orientation** (being straight, gay, lesbian or bisexual)



- they are married, divorced or living with someone.



- an employer can just train some people to do a job if only people from a particular group can do it.



For example, if a disabled person is going to train a personal assistant to support them with bathing, toileting and dressing they could choose someone of the same sex



- a school or college can say they will only give a job to a woman or someone with a particular religion or belief



- when the government is getting staff to work in some jobs they can say what country they have to come from



- there are different rules about saying who can work in the army, navy or air force.



# Getting different people to work for an employer



Usually an employer cannot make it easier for one person to get a job than another but they can use **positive action**.



**Positive action** is when employers do things to try to get lots of different people working for them.

For example, a fire service that does not have many women working for them could have an open day to tell more women about the job.



An employer can treat a person who is disabled better than someone who is not disabled.

# Who has to stick to the law?



Anyone who decides what happens about jobs or work must stick to the law and treat everyone fairly.

The law covers most workers and people learning a job.



An employer is also breaking the law if:

- someone who works for them bullies or discriminates against another person at work



- someone who works for them bullies or discriminates against another person at work because they tell them to



- they try to get someone to bully or discriminate against another person at work.

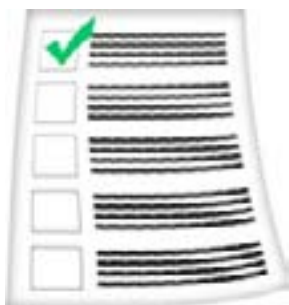
## Volunteers (people who choose to help but are not paid employees)



Some volunteers who have an agreement and get paid more than it costs them to volunteer have the same rights as people who work for the organisation.



If the organisation just gives them a chance to volunteer then they are getting a service and have different rights.



We have written another guide about what service providers must do to stick to the law.

# Choosing staff



**Recruitment** is when employers advertise jobs and choose people to do them.



Employers can do extra things to tell some people about a job but must treat everyone fairly when they decide who gets it.



They must make **reasonable adjustments** to give disabled people the same chance as anyone else.



## Asking about health or disability

Usually employers cannot ask people about their health or disability before they offer them a job or put their name on a list of people who will get a job.



After they offer someone a job they can ask about health or disability to see if they need changes or support to do it.



Employers can ask about health and disability:

- to support a person who is disabled to apply for the job or give more jobs to people who are disabled



- if only a person who is disabled can do the job



- if they need to keep the country safe (**national security**)



- to check people can do an important part of the job



- to collect information about the different types of people who apply for the job.



They cannot keep this with other information about the person.



## Women who are pregnant

An employer cannot ask a woman about being pregnant when she has an interview or refuse to give a woman a job because she is expecting a baby.



They cannot sack a woman because she gets pregnant.

# The hours people work



Employers must not **discriminate** in any way when they decide when people work and when they can have time off.



This includes deciding if people can work flexible hours and making changes for people who are disabled.



There are other laws about parents and carers rights to work different hours.



Employers must have a good reason not to change the time a person has to work if this goes against their religion or belief.



## Different laws working together

Employment law says what rights people have to holidays and days off.



Equality law says employers must treat everyone fairly when they make decisions about time off.



## Time off work when you are ill

If a person is ill and takes time off work because of their disability their employer cannot use this to make decisions about staff.



For example, who should move up to a better job or get bonuses (extra money).





Employers must keep in touch with people who are ill and off work for a long time and help them get back to work when they are ready.



They must think about the changes they can make for the person to do their job.



## **Time off work when you are pregnant**

There are special rules about women taking time off when they are pregnant or having a baby.



Their employer cannot count this as being ill or use this to decide they are not good at their job.



There are rules about paying pregnant women when they are off work and about giving them time off to go to the doctor or hospital.



## Time off work when you have a new baby

Employers must make sure they do not **discriminate** in any way when they give mothers or fathers time off to care for a new baby.



This includes people who adopt a baby but not people who take time off for treatment to help them have a baby.

# Wages and other things you get for working



When employers work out how much to pay people they think about things like:

- what other organisations in the area pay for the job



- the skills and training people need



- how well a person does the job.



They cannot **discriminate** in any way and must make sure some groups of people do not get less than others.



Employers must make **reasonable adjustments** to give a person who is disabled the same chance as other people.



They should check that the way they work things out is fair and based on the jobs people do.



We have a toolkit and guide for employers about this.

# The chance to get on in your job



Employers must give everyone the same chance to:

- do well in their job



- get training



- move up to a higher job



- move on to other jobs.

They cannot **discriminate** in any way and must make sure some groups of people do not do worse than others.



Employers must think about changes they can make to help people who are disabled and other staff do training or move jobs.



They cannot stop pregnant women or new mothers doing training unless it is dangerous for them or other people.



They must treat pregnant women fairly and tell them about chances to move jobs.



Employers must think about the same things as when they recruit new staff.



If they do all this and then decide someone is not the best person for a job, they do not have to offer it to them.

# Organising and planning



Employers cannot **discriminate** in any way when they plan and organise their business. They must think about changes they can make for disabled people.



Everyone should have the same chance to use buildings and equipment unless some people need separate rooms for privacy or because of their religion or belief.



Mothers should have somewhere safe and private to breastfeed their babies.



Employers must make **reasonable adjustments** for disabled people.



Employers can say what people have to wear at work but must be careful these rules do not **discriminate** in any way because of sex, disability, religion or belief.



Employers must not **discriminate** in any way when they check how people are doing their jobs.



They must think about any changes they can make for a person who is disabled.



If employers tell someone they are not doing their job properly they must treat people fairly and think about whether they need to change the way they do this for some people.



# If people lose their job or stop working



This guide is only about the law for treating everyone fairly.



Employers have to stick to other laws and rules to make sure they treat people fairly when they make decisions about:



- sacking people



- people losing their jobs for other reasons



- people who are retiring because of age or disability



- people who do not work for them any more.

acass

Acas can give you information about this. You can find out about them on page 38.



Employers have to make sure they do not **discriminate** in any way if they decide a person cannot work for them because of their disability.



They must first make **reasonable adjustments** to help them do the job.



Employers also cannot **discriminate** about age in rules about when people have to retire, unless they have a very good reason.



They cannot **discriminate** in any way when someone has left their job.



We can give you more information about all these things.

# Making sure people understand and stick to the law



Employers must show they are sticking to the law.



They should also make sure their staff are trained to understand it.



Employers must also keep records to show they are not **discriminating** against any groups of people.

# How to complain



If you think your employer has **discriminated** against you in any way you can:

- tell them you are not happy about this



- follow your employer's rules for making a **grievance** or complaint



- talk to the **Employment Tribunal**.



An **Employment Tribunal** is an independent group of people who try to sort out arguments between employers and people who work for them.



You can try each of these things in turn.



You must fill in a form for the **Employment Tribunal** within 3 months of something happening. You do not have to talk to your employer first.



There are some times when this can be longer.



The person must have facts to show this was **discrimination**.



The employer then has to prove this is not true.



If the **Employment Tribunal** decides your employer has broken the law they can:

- say the employer has **discriminated**



- give you money for lost wages or for suffering



- tell your employer to put things right for you



- tell your employer to change things so they do not **discriminate** against other people.



We can tell you more about this, please see the next page for how you can contact us.



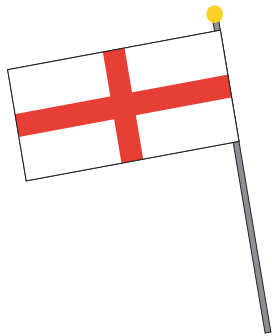
# How to contact us



**Equality and  
Human Rights  
Commission**

## Equality and Human Rights Commission

The helplines are open Monday to Friday from 8am to 6pm.



### Helpline – England



Email:  
**info@equalityhumanrights.com**



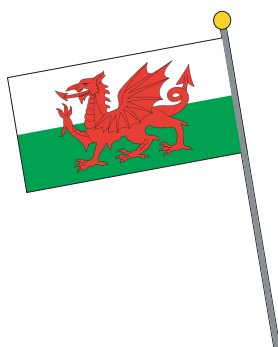
Telephone: **0845 604 6610**



Textphone: **0845 604 6620**



Fax: **0845 604 6630**



### Helpline – Wales



Email:  
**wales@equalityhumanrights.com**



Telephone: **0845 604 8810**



Textphone: **0845 604 8820**



Fax: **0845 604 8830**



## Helpline – Scotland



Email: **scotland@equalityhumanrights.com**



Telephone: **0845 604 5510**



Textphone: **0845 604 5520**



Fax: **0845 604 5530**



## Acas – The Independent Advisory, Conciliation and Arbitration Service

Advice, training and information to help try to sort out problems between employers and employees.



Website: **www.acas.org.uk**



Telephone: **08457 47 47 47**

The helplines are open Monday to Friday from 8am to 8pm and Saturday from 9am to 1pm.

## What the words mean

<b>Access to Work</b>	A way the government can pay for some changes to help a disabled person do their job.
<b>Direct discrimination</b>	This is when an employer treats someone worse than other people.
<b>Discrimination</b>	This means treating someone worse than other people for some reason.
<b>Discrimination arising from a disability</b>	This is when an employer treats someone unfairly because of something to do with their disability.
<b>Discrimination by association</b>	This is when an employer treats a person worse than other people because of someone they know or a family member.
<b>Discrimination by perception</b>	This is when an employer treats someone unfairly because they think they are from a particular group.
<b>Employees</b>	Are people who work.
<b>Employers</b>	Are people or organisations they work for.
<b>Employment Tribunal</b>	An independent group of people who try to sort out arguments between employers and people who work for them.

<b>Equality Act 2010</b>	A law about treating people equally and fairly.
<b>Equality and Human Rights Commission</b>	We work to make sure everyone gets treated equally and fairly.
<b>Exception</b>	If the law is different for some employers, it is called an exception.
<b>Grievance</b>	Another word for a complaint.
<b>Harassment</b>	Picking on someone or upsetting them. This includes things like telling jokes about a person's religion or belief and making them feel ashamed or stupid.
<b>Indirect discrimination</b>	This is when an employer does something, decides something or has a rule that affects some people worse than others.
<b>National security</b>	The safety of a country.
<b>Positive action</b>	When employers do things to try to get lots of different people working for them.
<b>Protected characteristics</b>	Things to do with a person, like age, disability, being a man or a woman, being transgender, being pregnant or having a baby, race, religion or belief, being straight, gay, lesbian or bisexual.

<b>Reasonable adjustments</b>	Changes employers must make to give a person who is disabled the same chance as anyone else to get and do a job.
<b>Recruitment</b>	When employers advertise jobs and choose people to do them.
<b>Sex</b>	Being a man or a woman.
<b>Sexual orientation</b>	Being straight, gay, lesbian or bisexual.
<b>Transgender</b>	People who feel that the body they were born into is not right for them. This means they may want to change from being a man to a woman, or from a woman to a man.
<b>Victimisation</b>	Treating someone unfairly because they have complained or spoken up about something.
<b>Volunteers</b>	People who choose to help but are not paid employees.



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# Find out more about us and your rights

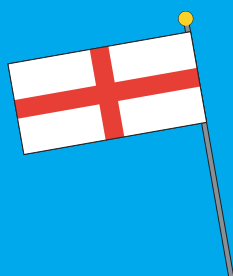


from our website  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)



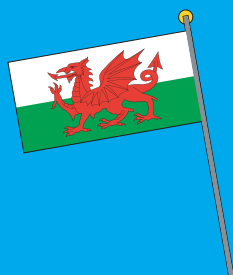
Telephone 1 of our helplines.

- They are open Monday to Friday  
8am to 6pm.



England

- 08456 046 610
- Textphone 08456 046 620
- Fax 08456 046 630



Wales

- 08456 048 810
- Textphone 08456 048 820
- Fax 08456 048 830



Scotland

- 08456 045 510
- Textphone 08456 045 520
- Fax 08456 045 530