

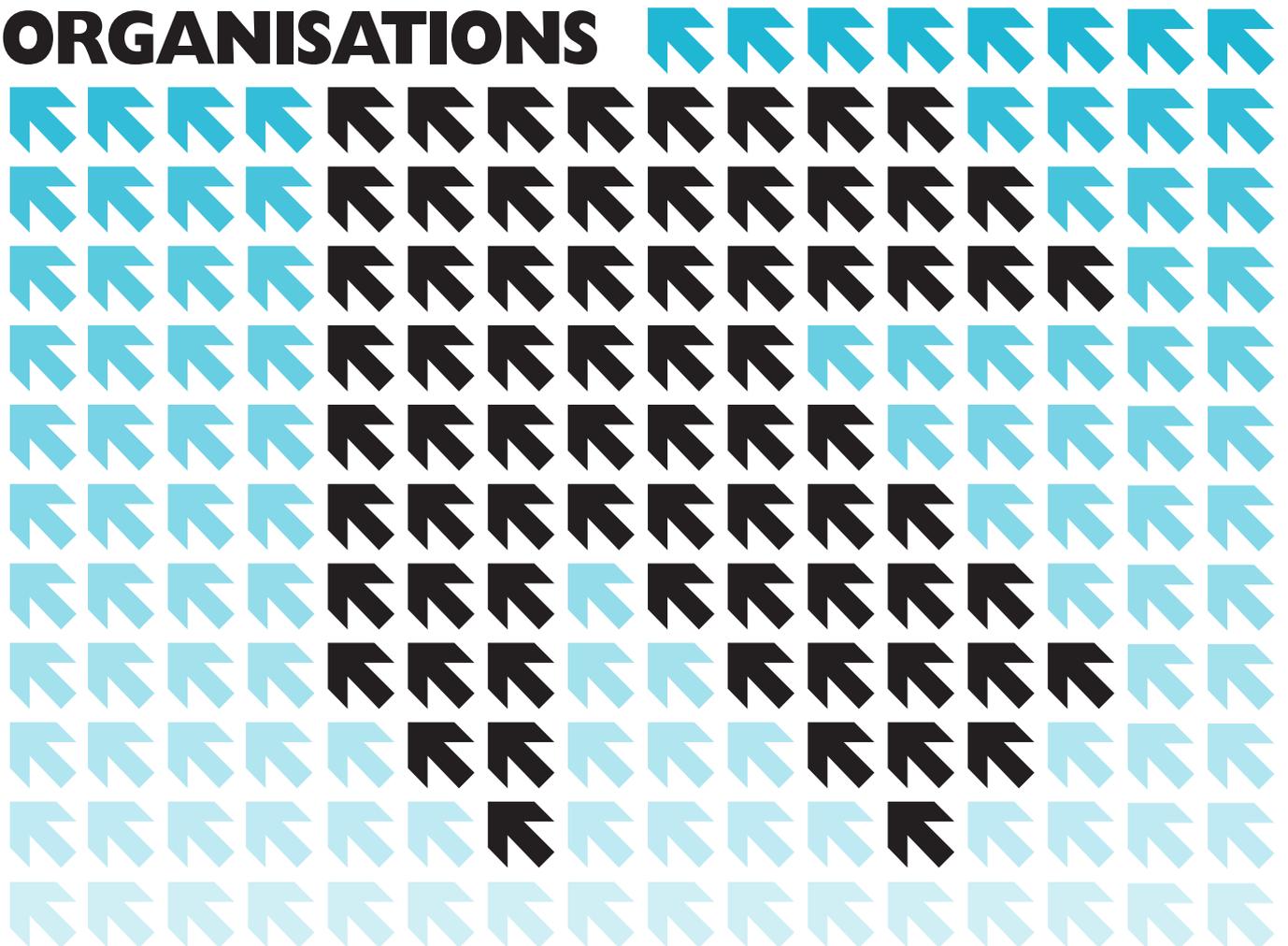


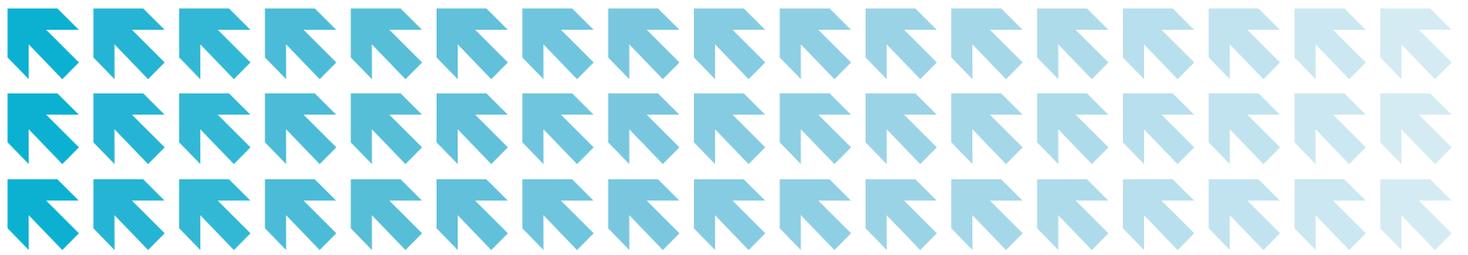
Government  
**Equalities Office**  
Putting equality at the heart of government



**Equality and  
Diversity Forum**

# **EQUALITY ACT 2010: WHAT DO I NEED TO KNOW? QUICK START GUIDE TO DISCRIMINATION BY ASSOCIATION AND PERCEPTION FOR VOLUNTARY AND COMMUNITY ORGANISATIONS**





## Foreword

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with. It also strengthens the law in important ways to help tackle discrimination and inequality.

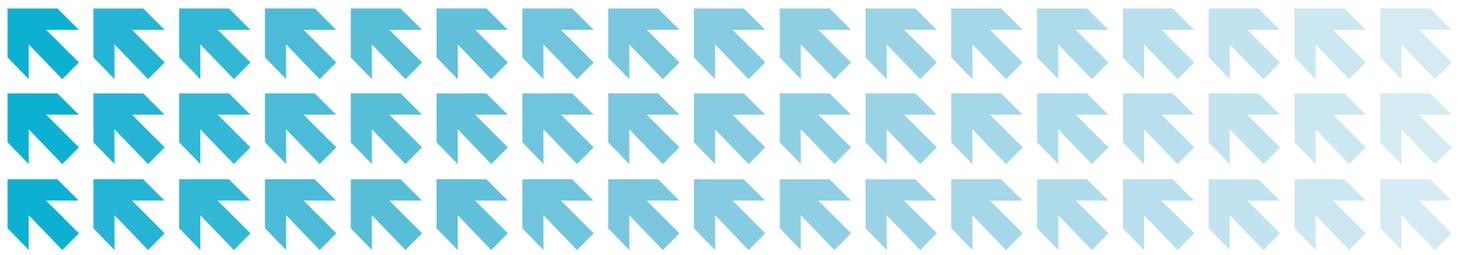
This quick start guide tells you how the Equality Act 2010 changes what you have to do in order to prevent and address direct discrimination by association and perception when you provide goods, facilities or services to the public. These parts of the Act will come into effect on 1 October 2010.

## Introduction

The Equality Act 2010 brings together, harmonises and in some respects extends existing equality law. It aims to make the law more consistent, clearer and easier to follow in order to make society fairer. As a provider of goods, facilities or services in the voluntary and community sector your responsibilities remain largely the same, but there are some differences that you need to be aware of.

There are other guides that give useful information about the changes to the law. A summary guide for the voluntary and community sector gives an overview of the changes that affect you as a service provider. Other guides are available for employers, business and individuals. The guide for employers helps the voluntary and community sector with employment issues.

This series of guides covers key changes that are coming into effect on 1 October 2010. The Equality Act also includes other provisions, including the new concept of dual discrimination, an extended public sector Equality Duty and a prohibition on age discrimination in services and public functions. The Government is looking at how the rest of the Act can be implemented in the best way for business, and will make an announcement in due course.



## Who has responsibilities?

The Act applies to all organisations that provide a service to the public, or to a section of the public. It also applies to anyone who sells goods or provides facilities. For example, it covers voluntary and community organisations that provide information and advice, internet services or day care, and those running residential care homes and leisure centre facilities. It applies to all services, whether or not a charge is made for them. It also applies to clubs and other associations with 25 or more members whose membership is controlled by rules and involves a process of selection.

For further information see the voluntary and community sector associations quick start guide.

## Who is protected?

The Act protects people who have a 'protected characteristic' (these used to be called 'grounds'). The protected characteristics are:

- disability
- gender reassignment
- race (this includes ethnic or national origins, colour and nationality)
- religion or belief
- sex, and
- sexual orientation.

## Direct discrimination

Direct discrimination occurs when a person is treated less favourably than another person because of a protected characteristic.

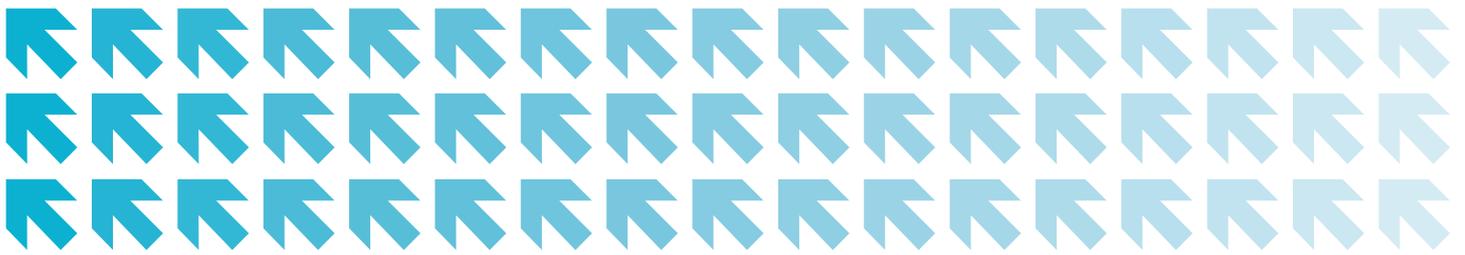
### Example

**Kelly has a severe facial disfigurement. She wishes to attend a day care centre but is told by the manager that she cannot because she will make others feel uncomfortable. This is direct discrimination because of disability.**

### What has changed?

The scope of protection against direct discrimination has been extended by the Equality Act 2010. The definition of direct discrimination is now the same for all the protected characteristics discussed in this quick start guide.

Protection from direct discrimination in services is new for disability. For more information about this, see the disability quick start guide.



## Association and perception

Direct discrimination can also take place because of a protected characteristic that a person does not personally have. For example, a person can be discriminated against because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

### Discrimination by association

Discrimination by association occurs when a person is treated less favourably because they are linked or associated with a protected characteristic. The person does not have the protected characteristic but they are treated less favourably than others because of a protected characteristic of a friend, spouse, partner, parent or another person with whom they are associated.

### Example

Sonali is refused a place at her local playgroup because the management committee knows that her younger brother has cerebral palsy. They operate a policy of automatically offering places to siblings and they are concerned that looking after her brother would take too much time. This is direct discrimination against Sonali because of her association with her brother.

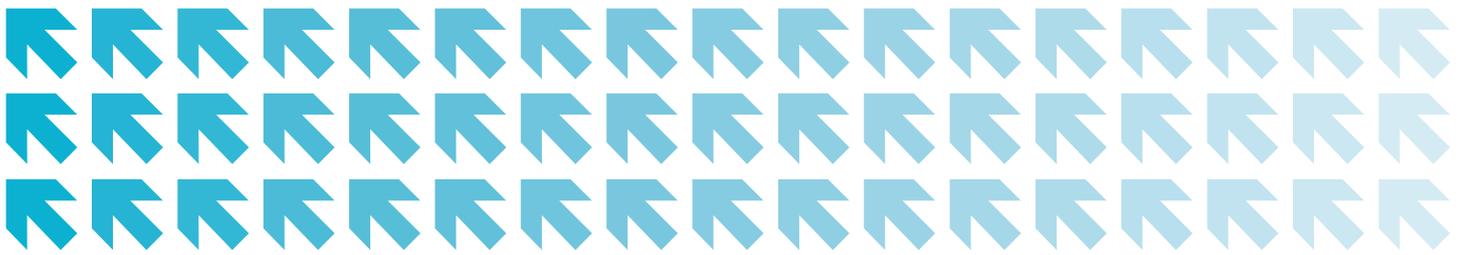
### Discrimination by perception

Discrimination by perception happens when a person is discriminated against because they are thought to have a particular protected characteristic when in fact they do not. If you discriminate against people because you think they are transsexual or gay, for example, then they will be protected even if they do not have these protected characteristics.

### Example

A volunteer for a charity that runs a bring-and-buy sale in the local community hall tells Sanjeev, who is Sikh, that they don't serve Muslims because of concerns about Islamic extremists. Sanjeev explains that he is not Muslim, but the volunteer does not believe him and still refuses to serve him. This would be direct discrimination because of his perceived religion even though Sanjeev is not Muslim.

Direct discrimination could also occur when you treat someone less favourably because of a protected characteristic even if you **know** that they do not have that protected characteristic.



### **Example**

Steve, who drinks in his local bar, is constantly subjected to homophobic abuse by Alan, who works behind the bar. Steve is not gay and has told Alan this, but Alan continues to abuse Steve. This is direct discrimination because of sexual orientation even though Steve is not gay.

- ensure that your equality policies make it clear that making decisions about people based on stereotypes can be discrimination too, and
- consider whether your staff need any further training.

You may also wish to consider whether there are any groups of people that are not as well-represented among your service users as they should be, and if so, whether there are any steps you could take to encourage them to use your organisation more.

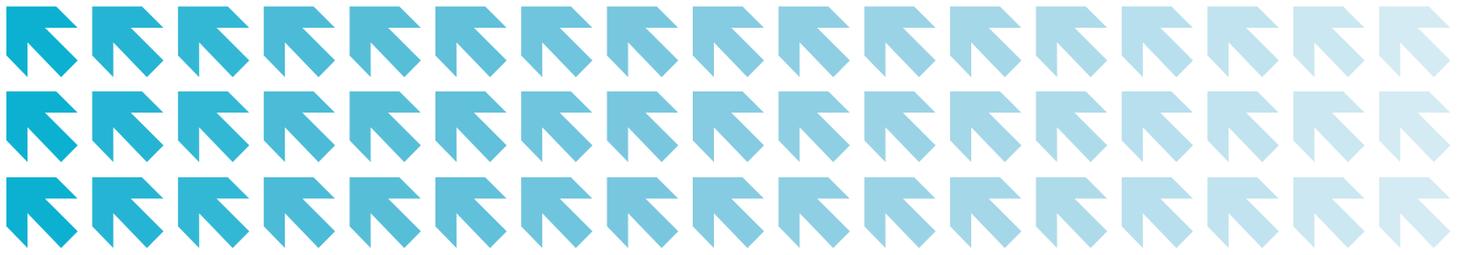
### **What has changed?**

Previously, protection extending beyond a person's own protected characteristic – such as protection from discrimination because of association and perception – applied only to race, religion or belief, sexual orientation and, in the case of disability, to association in relation to discrimination in the field of work. Now it applies to sex, disability and gender reassignment as well.

### **What do you need to do now?**

Voluntary and community organisations that already have good equality procedures in place will not need to take much further action. However, you are advised to:

- inform your staff and management committee of the new provisions
- review your equality policies and make sure that they cover all relevant protected characteristics and include references to discrimination by association and perception



## Further information

The Equality and Human Rights Commission is the statutory body established to help eliminate discrimination and reduce inequality. It will issue a Statutory Code of Practice explaining in more detail the law in relation to service provision and discrimination. It also produces a range of materials providing practical guidance on how to comply with the law.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Advice UK

[www.adviceuk.org.uk](http://www.adviceuk.org.uk)

Citizens Advice

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Government Equalities Office

[www.equalities.gov.uk](http://www.equalities.gov.uk)

Law Centres Federation

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

Charity Commission

[www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)

National Council for Voluntary Organisations

[www.ncvo-vol.org.uk](http://www.ncvo-vol.org.uk)

Office of the Scottish Charity Regulator

[www.oscr.org.uk](http://www.oscr.org.uk)

Scottish Council for Voluntary Organisations

[www.scvo.org.uk](http://www.scvo.org.uk)

Wales Council for Voluntary Action

[www.wcva.org.uk](http://www.wcva.org.uk)