

Increasing voluntary sector influence

Module 8 – Equalities issues

Factsheet – Overview of the protected characteristics

The Act provides protection against discrimination because of nine 'protected characteristics'.

Age

For those aged 18 years and over, age is a protected characteristic. It refers to a person belonging to a particular age or range of ages. In relation to services and public functions those aged under 18 will not be protected under the Act (Part 3, Equality Act 2010). In relation to associations age is a protected characteristic irrespective of the person's age (Part 7, Equality Act 2010). The provisions relating to age are not expected to come into force before October 2012.

Disability

Only a person who meets the Act's definition of disability is protected. The Act says that a person has a disability if they have a physical or mental impairment which has a long term (12 months or for the rest of that person's life) and substantial adverse effect on their ability to carry out normal day-to-day activities.

Gender reassignment

People are protected if they are proposing to undergo, are undergoing or have undergone a process to reassign their sex by changing physiological or other traits of their sex. 'Transsexual person' is another way of referring to a person with this protected characteristic.

Marriage and civil partnership

The protected characteristics of marriage and civil partnership relates to persons who are married or are in a civil partnership. The Act does not provide protection against discrimination because of marriage and civil partnership in the provision of services, the exercise of public functions or by associations. However, a civil partner treated less favourably than a married person can bring a claim for sexual orientation discrimination.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context.

For pregnancy and maternity there is no express protection under the Act from:

- Direct discrimination by association or perception;
- Indirect discrimination;
- Harassment.

However in these three situations a person could bring a claim under the sex discrimination provisions.



Race

The Act defines 'race' as including colour, nationality and ethnic or national origins. A person is protected if they fall within a particular racial group. A racial group is defined as a group of people who have or share a colour, nationality or ethnic or national origins.

Religion or belief

Religion or belief includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief. Belief means any religious or philosophical belief and includes a lack of belief. Examples of philosophical beliefs include Humanism and Atheism.

Sex

Sex as a protected characteristic refers to a male or female of any age.

Sexual orientation

Sexual orientation means a person's sexual orientation towards:

- persons of the same sex;
- persons of the opposite sex; or
- persons of either sex.

For further information on protected characteristics in relation to the Act please see chapters 1, 2, and 4 of the 'Equality Act 2010 Statutory code of practice; Services, public functions and associations'.

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