

**Birmingham City Council
Equality Act 2010 Fact Sheet**

RACE EQUALITY

The Equality Act (2010) consolidates all previous equality legislation and extends some protections to groups that were not previously covered. Although there are similarities, there are also significant differences concerning the types of protection afforded the different protected groups. The protected characteristics include: **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.**

This Fact Sheet discusses the provisions with regard to the characteristic, **RACE**. It forms part of a series of fact sheets that highlight the relevant points pertaining to the Act for each of the nine protected characteristicspa

Examples of direct discrimination: Someone who is not appointed because of their race, colour or national origin

Indirect discrimination is where a rule or practice or a criterion is applied to everyone, but particularly disadvantages people who share a racial characteristic but which cannot be justified.

The discrimination can be on grounds of colour or nationality or secondly on grounds of race, ethnic or national origin.

Examples of indirect discrimination

Racial

- § A Black African employee applied for the post of equal opportunities manager in his organization. He was assessed as having the skills and ability for the job. However, his application was rejected because,

Furthermore, there are two supplementary provisions that protect people from direct discrimination or harassment. These include:

Discrimination by **Perception** – e.g. where a person is discriminated against or harassed because s/he is mistakenly thought to share a protected characteristic such as race.

Discrimination by **Association** – e.g. where a person is discriminated against or harassed because s/he is associated with a person who has a protected characteristic such as race.

ARE THERE ANY EXCEPTIONS WHERE DISCRIMINATION IS ALLOWED?

There are some circumstances where some race based actions, measures and practices that are considered “to be justifiable, beneficial or needed for good public policy reason”.

Discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is ‘a proportionate means of achieving a legitimate aim’. A *legitimate aim* might be any lawful objective

Example: A local authority provides a housing training scheme aimed at BME staff who are under represented in the workforce in particular functions such as housing officers / technical staff

Resources and Contacts:

1. Equality Act 2010 Statutory Code of Practice Employment http://www.equalityhumanrights.com/uploaded_files/EqualityAct/employecode.pdf
2. Equality Act 2010 Statutory Code of Practice Services, public functions and associations http://www.equalityhumanrights.com/uploaded_files/EqualityAct/servicescode.pdf
3. Government Equality Office - <http://homeoffice.gov.uk/equalities/>
4. EHRC (Equality & Human Rights Commission), the statutory body with responsibility to enforce and promote equality across the protected characteristics www.equalityhumanrights.com