

THE EQUALITY ACT 2010

What the law says about making your business accessible

LAW
CASES

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What is the Equality Act 2010

The Equality Act 2010 is the latest law that pertains to disabilities and other types of people who may suffer discrimination or unfair treatment. Whether this treatment is on purpose or not, The Equality Act looks to protect certain people and their rights in all areas of life.

The Equality Act itself is just the latest and most comprehensive law on equality. Over the years many different laws have come into effect to protect various different groups. This includes laws in the 1960s to protect people of differences races to the latest laws introduced in 2004 to protect lesbian, gay and bisexual people. Altogether it brings together 9 big equality laws and about 100 smaller ones.

The Equality Act also strengthens as well as clarifies many areas of these older laws to give people more rights and encourage equality change quicker and for the better. It's also easier to understand so that businesses and other bodies know exactly what is required of them and so that people can be confident when their rights are being met or not.

The Equality Act is a UK law that applies to all people in England, Scotland and Wales. While it came into effect in October 2010, it has taken many years for the changes to start working on a wider scale and there are still many people that don't know what is required of them and might not be complying with the law in full.

Some things the law now includes



DUAL DISCRIMINATION

Eg. an employer that doesn't pay women less than others or Muslims less than others, but pays Muslim women less .



PUBLIC SECTOR

There is now extended public sector Equality Duty with public bodies responsible for vendor discrimination.



AGE DISCRIMINATION

The law now includes prohibition on age discrimination in services and public forums.

Who it protects

The Act protects people with the following characteristics as well as people who are treated in a certain way because they are perceived to fall under one of the following. That means you don't actually have to fall into these characteristics to be protected by the law, you just have to have been discriminated under any of these characteristics or because someone you associate with has one of these characteristics.



**PHYSICAL &
MENTAL DISABILITY**



**GENDER
REASSIGNMENT**



**RACE, ETHNICITY,
COLOUR, NATIONALITY**



**PREGNANCY &
MATERNITY**



RELIGION/ BELIEF



GENDER



SEXUAL ORIENTATION

Who it applies to



**BUSINESSES FOR
CUSTOMERS**



**BUSINESSES FOR
EMPLOYEES**



**PUBLIC BODIES
INC. SCHOOLS**



EVERYONE!

Disability and the Equality Act

When it comes to making your business accessible this will predominantly include people with disabilities. There are ways you can make sure your services are accessible and fair to other characteristics such as gender or religion which you can find out more about in the government's guide.

THE FULL GOVERNMENT GUIDANCE

Get the full Government guidance on The Equality Act 2010 including advice on Age Discrimination and guidance for public bodies here.

We're going to focus on what your duty is as a business to make your products or services accessible to people with disabilities. Let's start with the new definition of disability.

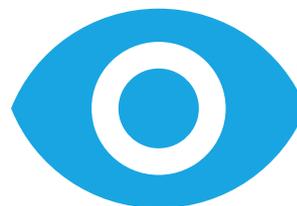


Defining disability

Under the Equality Act 2010, you are disabled if you have a physical or mental impairment that has a substantial or long-term negative effect on your ability to do normal daily activities. In this case, substantial means more than minor or trivial where it takes much longer than it normally would to complete an everyday task like getting dressed. Long-term means 12 months or more, such as a breathing condition that develops as a result of a lung infection.

Progressive conditions that get worse over time can be classed as disabled. People with HIV, cancer or multiple sclerosis all automatically meet the disability definition under the Act.

There are many types of disability including ones that aren't always obvious or visible at all. It's therefore important for businesses to think about all the various types of disabilities that their customers or potential employees may have so that they can make relevant adjustments.



VISUAL IMPAIRMENTS

This includes those that partially sighted as well as the blind



HEARING IMPAIRMENTS

This includes those that are hard of hearing as well as those that are deaf



PHYSICAL DISABILITIES

This includes people with mobility difficulties as well as wheelchair users



LEARNING DISABILITIES

This includes other emotional, mental and learning type disabilities

Types of discrimination

There are three types of disability discrimination under the Equality Act 2010 and they have greatly expanded on previous laws to give more rights to those with disabilities.

DIRECT DISCRIMINATION

This applies to people with disabilities in the same way it applies to other protected characteristics. If someone has a disability, direct discrimination would be if that person were treated less favourably than someone else because they had a disability. Businesses now have a responsibility to make sure they are not directly discriminating against someone with a disability whether they are providing goods, services or facilities.

INDIRECT DISCRIMINATION

The Equality Act 2010 now includes indirect discrimination so businesses have to be careful as they may not always be aware they are in breach of the Act. This could be from applying a policy, criterion or practice in the same way to all individuals that particularly negatively affects disabled people. It is the businesses responsibility to be vigilant and prepared to make sure they are including research and monitoring. A business would need to either change the policy so that disabled people weren't disadvantaged or **objectively justify** it to be **fair and reasonable**.

OBJECTIVELY JUSTIFIED

Something is objectively justified when it can be proven to be a fair and reasonable way of achieving a legitimate aim. This legitimate aim might be a lawful decision made for running your business or for safety reasons, not solely for reducing costs.

FAIR AND REASONABLE

You have a duty to try and avoid discrimination. Even if you can prove a particular policy is for everyone's safety, you could still be in breach of the Equality Act if you could have done it another way that didn't also disadvantage disabled people.

Types of discrimination

DISCRIMINATION ARISING FROM DISABILITY

This is another new obligation for businesses as a result of the Equality Act. Instead of being treated unfavourably because of their actual disability like with direct discrimination, discrimination from the disability is when they are disadvantaged because of something connected with their disability. This type of discrimination is therefore only unlawful if the business knows or can be reasonably expected to know that the person is disabled. As a business, you would need to prove that you didn't and couldn't have known the person was disabled. It may also not be unlawful if it can be objectively justified as with indirect discrimination.

EXAMPLES OF TYPES OF DISCRIMINATION

DIRECT DISCRIMINATION

Geoff is a former soldier who lost both his legs during his service. Staff at his local cafe ask him to leave because they are worried that his appearance may distress other customers. This is direct discrimination on the basis of disability.

INDIRECT DISCRIMINATION

Lynda runs a dental surgery and only offers appointments by phone and is therefore hard for deaf people to make appointments. This may be indirect discrimination, unless the policy can be objectively justified as being a fair and reasonable means of achieving a legitimate aim.

DIRECT DISCRIMINATION

Richard has a faulty hearing aid which beeps loudly. At the cinema a number of other customers complain that this noise is spoiling their enjoyment of the film. If the cinema asks Richard to leave, this may be discrimination arising from disability unless the cinema can objectively justify its decision.



Reasonable adjustments

The Equality Act 2010 states that businesses are now expected to make reasonable adjustments for people with disabilities so that they can access their goods or services and so that disabled people aren't at a significant disadvantage to others. Businesses are expected to reasonably anticipate the needs of potential disabled customers, including potential future customers if you feel you know or your current customers and don't currently serve any with disabilities. You can refer to our earlier section on types of disabilities to help.

There are three areas required to have reasonable adjustments if necessary.

POLICY & PROCEDURE

AUXILIARY AIDS & SERVICES

PHYSICAL ADJUSTMENTS



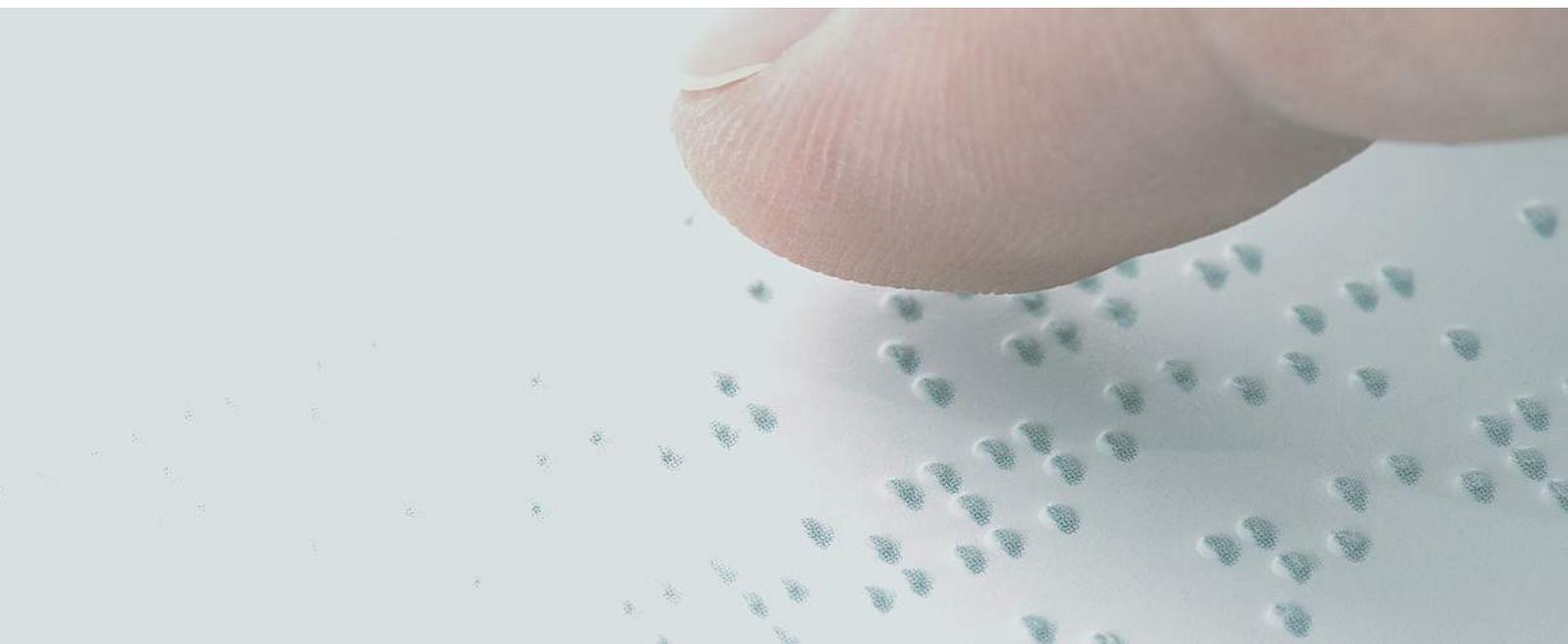
Reasonable adjustments

POLICY AND PROCEDURE

The Act may refer to this as provision, criterion or practice. Even policies that have not been designed specifically to disadvantage people with a disability may fall under indirect discrimination if businesses don't think about them carefully. You are expected to monitor policies and procedures carefully to make sure disabled people aren't at a disadvantage from others and take reasonable steps to change the policies or procedures if you or someone else notices any indirect discrimination.

AUXILIARY AIDS AND SERVICES

There may naturally be many things involved in your product or service that disabled people can't use properly or are at a disadvantage with compared to people without a disability. It is now your responsibility as a business to make them accessible where reasonable. This includes providing information such as information from banks, councils, employers and so on that disabled people need access to. Again, you will need to think about the various types of disabilities. There are many inexpensive ways you could help people with blindness or visual impairments, hearing impairments and more to make use of your services and facilities.



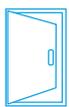
Reasonable adjustments

PHYSICAL ADJUSTMENTS

Businesses are also expected to make reasonable adjustments to their physical location and building so that people with disabilities can access it properly and aren't at a disadvantage. This should include parking and other outside entrance areas. You will need to think about the entirety of the physical area and it may help to walk through your premises to look out for potential obstacles.



Parking



Entrances & Exits



Hallways & Ailes



Stairways & Steps



Doors & Gates

Toilets

Physical adjustments are often the most disputed as many businesses don't see making changes to the building a 'reasonable' adjustment as they think it can be too costly. Just as with policy and procedures, however, expense is not reason enough on its own to justify

not having made a reasonable adjustment. Businesses also can't make adjustments and try to claim the cost back from disabled customers or patrons.

Cost exceptions

A disabled person can ask their landlord to make adjustments to a building with shared areas like stairs and hallways but the disabled person would have to pay for them.

Additionally, businesses think physical changes aren't 'reasonable' adjustments because they think they have to comply with costly building regulations.

However, there are now many easy and inexpensive ways to make your building physically accessible so many businesses have been caught out and have been shown that they could have made reasonable adjustments.

Temporary ramps and simply handrails, for example, are affordable and unobtrusive ways to do this.

TEMPORARY RAMPS

Get affordable temporary and semi permanent wheelchair ramps!

[Shop now >](#)



Conclusion



It may seem like there is a lot to think about and lots of opportunities to be in breach of the new Equality Act 2010 but complying with the law doesn't have to be difficult. Businesses that simply aim to always treat everyone equally and fairly and remember to never make assumptions about the characteristics of individuals be they customers or employees will usually always find themselves well within the law. Even more important than sticking the law, exercising equality best practice is simply better for the world. It means those with disabilities or from different nationalities, genders and more can all receive the same opportunities and services.