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Government announces Equality Act measures to be introduced

The Equalities Office website has just published details of the provisions in the Equality Act 2010 which will come into force on 1 October 2010 and those which the Government are still considering, i.e. whether or not to amend, or indeed, to introduce at all.

The Statutory Order confirming the relevant provisions has yet to be published, laid before Parliament and debated, with the latter, of course, meaning that the position may still be subject to change.

A summary of the current position is set out below, as it effects the employment provisions. As you will see, the Coalition Government are "holding off" on the key provisions relating to: (i) combined characteristic - dual discrimination; (ii) gender pay gap information reporting; and (iii) positive action in recruitment and promotion.

Provisions coming into force on 1 October 2010

- The basic framework of protection against direct and indirect discrimination, harassment and victimisation.
- Increasing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers.
- Extending protection from indirect discrimination to disability.
- Introducing the new concept of "discrimination arising from disability", to restore the protection from "disability-related discrimination" lost as a result of the Malcolm case.
- Extending protection against 3rd party harassment to all characteristics.
- Preventing employers asking job applicants questions about disability or health before making a job offer, except in specified circumstances.
- The new framework for equality of terms (equal pay), including allowing hypothetical comparators for direct gender pay discrimination and making pay secrecy clauses unenforceable.

Provisions still being considered

- Dual discrimination
- Gender pay gap information reporting in the private sector
- Positive action in recruitment and promotion

SM&B Equality Act Conference

We have a limited number of places available for our one day Equality Act Conference on Tuesday 28 September 2010 at The Meeting Venue, 18 Soho Square, London W1D 3QL. At only £149.00 + VAT per delegate, this represents tremendous value when other providers are charging over £500. Please contact eva.squibb@smab.co.uk for a booking form.