

CollinsBensonGoldhill Legal Briefing

EQUALITY ACT 2010

THE EQUALITY ACT

The Equality Act was presented before Parliament in April 2009 and was the last major piece on employment legislation put forward by the previous government. Many of its provisions will come into force in October 2010. The purpose of the legislation is to harmonize the rules relating to all the different types of anti-discrimination legislation which have been introduced since the 1970s, and to strengthen the position of women under Equal Pay legislation. It may be a good time to review your employment handbooks and staff policies.

This notice is not the place to comment on the Act in detail but we would highlight the following sections which may be of interest and relevance to employers:

EQUAL PAY

- Section 77 – This makes “secrecy provisions” in relation to pay awards unenforceable. A person cannot be prevented from seeking or disclosing details of another person’s pay but only if the purpose for making the disclosure is to assist someone to see if there is a case that equal pay is not being given for the same work.
- Section 78 – employers with more than 250 employees can be forced to publish data about their pay by gender.

INTERVIEWING CANDIDATES – HEALTH QUESTIONS

- Section 60 – questions at an interview stage about a person’s health could leave the employer open to a complaint by the interviewee being brought before an employment tribunal. It is not the asking of the question that is actually illegal – it is the acting on the information given in the answer which is illegal! Questions about a candidate’s health are permissible to the extent that they are intrinsic to the requirements of the job or necessary in order to assess what adjustments an employer might need to make in order to make a job offer. Questions about someone’s past health are more likely to be unacceptable than questions about current health.

PUBLIC SECTOR EQUALITY DUTY

- Section 149 – public authorities now have a duty to eliminate discrimination and harassment for protected groups, advance equality of opportunity and foster good relations between these groups. Some authorities are using this duty in their procurement programmes.

For further information, please contact **David Morrison** or **Edward Harris Hughes** at Collins Benson Goldhill LLP, 26/28 Great Portland Street, London W1W 8QT T: 020 7436 5151; www.cbglaw.co.uk

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