

**Article by Chris Weaver, Employment solicitor at Payne Hicks Beach** first published on 1 November 2013 at SMEWEB online

[http://www.smeweb.com/index.php?option=com\\_content&view=article&id=4514:what-does-the-equality-act-2010-mean-for-your-business-&catid=61:features&Itemid=106](http://www.smeweb.com/index.php?option=com_content&view=article&id=4514:what-does-the-equality-act-2010-mean-for-your-business-&catid=61:features&Itemid=106)



## [What does the Equality Act 2010 mean for your business?](#)

Written by Chris Weaver, Payne Hicks Beach

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**The Act requires service providers to not discriminate against those with protected characteristics when providing goods, services or facilities.**



Recent news coverage of the two cases of the Christian guesthouse owners ordered to pay damages after turning away a gay couple who had requested a double room has brought the issue of the application of equality law to small and medium-sized business back into the spotlight.

The cases provides a warning to businesses that they must provide their goods and services in a non-discriminatory manner or face the risk of a finding of unlawful discrimination and an award for compensation being made against them. Even where no financial losses have been caused by the discrimination, compensation of up to £30,000 can be awarded for injury to feelings.

If your business provides any goods, services or facilities to members of the public then it will be a "service provider" under the Equality Act 2010 and it will be subject to the requirements of equality law.

The Equality Act requires service providers to not discriminate against those with protected characteristics when providing goods, services or facilities. It does not matter whether you give the service for free (for example, when providing someone information about your paid-for services) or if you charge for it.

Equality law applies to all businesses which are service providers irrespective of their size or whether they are set up as a sole trader, partnership, limited company or other legal structure.

A service provider is responsible for the acts of its employees and agents. It must therefore ensure that they do not discriminate or harass members of the public when providing services to them on your behalf.

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It is important that you give consideration as to what training should be given to staff to ensure they are aware of equality law and what is expected of them. This may assist you if you are faced with a claim of alleged discrimination.

The prohibition on discrimination in relation to goods, services and facilities applies to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The prohibition on age discrimination does not apply to persons under the age of 18.

A person is protected both when requesting a service, good or facility and during the course of being provided with a service. A person is also protected if they are seeking to obtain or use the service.

Unlawful discrimination can take a number of forms:

- **Direct discrimination:** You must not treat a person worse because of one or more of their protected characteristics.
- **Indirect discrimination:** You must not make a decision, or apply a rule or practice to someone, which has (or would have) a worse impact on them and on other people who share that particular protected characteristic than on other people who do not share that characteristic, unless this can be objectively justified.
- **Disability related discrimination:** You must not treat a disabled person unfavourably because of something connected with their disability where you cannot show that what you are doing is objectively justified. This only applies if you know or should reasonably have been expected to know that the person is disabled.
- **Associated discrimination:** You must not treat a person worse than someone else because they are associated with a person who has a protected characteristic.
- **Perception:** You must not treat a person worse because you incorrectly think they have a protected characteristic.
- **Victimisation:** You must not treat a person badly or victimise them because they have complained about discrimination or helped someone else complain or done anything to uphold their own or someone else's equality law rights.
- **Harassment:** You must not engage in unwanted conduct related to a person's protected characteristic which has the purpose or effect of either violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- **Reasonable adjustments:** You have a duty to make reasonable adjustments to your premises and to the way you provide goods, services or facilities to make sure that disabled people are able to use these as far as is reasonable to the same standard as non-disabled people. You should consider what adjustments may be reasonable in advance rather than waiting until a disabled person experiences a problem in using your services.