




# Unite Brief EQUALITY ACT OCTOBER 2010

LABOUR'S EQUALITY BILL BECAME THE EQUALITY ACT 2010  
IT CAME INTO FORCE ON THE 1st OCTOBER 2010.

## WHAT ARE THE AIMS OF THE EQUALITY ACT 2010?

-  To protect from discrimination
-  To promote equality for all
-  To bring together, simplify and harmonise anti-discrimination laws

## PROTECTION FROM DISCRIMINATION ON 9 GROUNDS:

- ❖ SEX
- ❖ RACE
- ❖ AGE
- ❖ DISABILITY
- ❖ SEXUAL ORIENTATION
- ❖ RELIGION OR BELIEF
- ❖ GENDER REASSIGNMENT
- ❖ PREGNANCY & MATERNITY
- ❖ MARRIAGE & CIVIL PARTNERSHIP

## PROTECTION FROM DISCRIMINATION – PROHIBITED CONDUCT:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation
- Combined Discrimination - dual characteristics eg black women (later start date - under threat)
- Discrimination by association or perception, for example in relation to a mother who cares for her disabled child; and by perception, for example where a person is perceived to be disabled or gay
- Discrimination arising from disability & Reasonable Adjustment

## PROMOTING EQUALITY

(Later start dates - under threat)

POSITIVE ACTION in recruitment and training 'all other things being equal' under-representation can be taken into account

PUBLIC SECTOR DUTY to promote equality in public policy and decision-making, existing provisions on sex, race and disability being extended to the protected characteristics of sexual orientation, age and religion or belief, and proposes a new public sector duty related to socio-economic inequalities

CLOSING THE GENDER PAY GAP provides for future legislation requiring employers to review gender pay differences and publish the results

POLITICAL PARTIES extends all-women shortlists use for parliamentary and other elections until 2030 and allows parties to reserve places on shortlists of candidates on the grounds of race or disability.

# WHAT ARE THE NEW FAMILY RIGHTS AND UPDATED PAY RATES?

## New rates for Statutory Maternity and Paternity Pay

In April 2010, basic rates for statutory maternity pay were increased to £124.88 per week, following the first 6 weeks at 90% pay.

In April 2010, basic rates for statutory paternity pay were increased to £124.88 per week.

The Lower Earnings Limit for both is now £97 a week.

**It is important that negotiators on family policies at work recognise that SMP and SPP basic rates are reimbursed to the employer** (slightly more for smaller employers and slightly less for larger employers).

## The Right to Request Flexible Working

This right has been extended to older children and carers of adults. Parents of children up to the age of 16 (disabled child under 18) have the right to request flexible working. This includes biological parents, legal guardians, adoptive and foster parents and their partners, spouses, civil partners who have parental responsibility for the child. However, agency workers or members of the armed forces are not eligible.

Also carers who are, or expect to be, caring for an adult who is their partner, spouse, civil partner, a near relative or lives at the same address have the right to request flexible working.

## NEW RIGHTS: Additional Paternity Leave

In April 2010, Labour also introduced new rights for fathers and partners (including same sex partners) to take additional paternity leave of up to 26 weeks (up to 19 weeks of which can be paid at SPP levels) in order to share the care of their baby. The same rights apply to parents who adopt a child during the first year of adoption. (Qualifying conditions similar to current rights.)

Additional Paternity leave can start **from 20 weeks** after the birth until the baby's first birthday/first year of adoption. **It can only be taken once the mother has returned to work** (this includes when she is treated as returning to work but is on annual leave or sick leave). It is therefore important to recognise that maternity leave is then treated as completed by the mother.

<p><b>These new rights are in now, but they apply to babies who are due or matched for adoption on or after 3 April 2011. Now is the time for all Unite negotiators to check family policies at work are updated to meet and build on legal rights.</b></p>
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