

The Protected Characteristics

The following characteristics are protected characteristics—

- **age**
- **disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation**

Age

1. In relation to the protected characteristic of age—

- a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;
- b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.
- c) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

Disability

1. A person (P) has a disability if—

- a) P has a physical or mental impairment, and
- b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

2. A reference to a disabled person is a reference to a person who has a disability.

3. In relation to the protected characteristic of disability—

- a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

- b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
4. This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
- a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
 - b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
5. A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
6. Schedule 1 (disability: supplementary provision) has effect.

Gender reassignment

1. A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
2. A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
3. In relation to the protected characteristic of gender reassignment—
 - a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;
 - b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

Marriage and civil partnership

1. A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.
2. In relation to the protected characteristic of marriage and civil partnership—
 - a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;
 - b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

Pregnancy and Maternity

Pregnancy refers to the condition of being pregnant or expecting a baby and maternity refers to the period of 26 weeks after birth. The Equality Act 2010 protections also cover a woman who has had a miscarriage.

Race

1. Race includes—
 - a) colour;
 - b) nationality;
 - c) ethnic or national origins.
2. In relation to the protected characteristic of race—
 - a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
 - b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.
3. A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.
4. The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.
5. A Minister of the Crown may by order—
 - a) amend this section so as to provide for caste to be an aspect of race;
 - b) amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.
6. The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

Religion or belief

1. Religion means any religion and a reference to religion includes a reference to a lack of religion.
2. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
3. In relation to the protected characteristic of religion or belief—
 - a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;
 - b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

Sex

In relation to the protected characteristic of sex—

- a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

Sexual orientation

1. Sexual orientation means a person's sexual orientation towards—

- a) persons of the same sex,
- b) persons of the opposite sex, or
- c) persons of either sex.

2. In relation to the protected characteristic of sexual orientation—

- a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
- b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.