

The Equality Act

A brief guide to The Equality Act 2010

- The Equality Act 2010 prevents people with 'protected characteristics' from unfair treatment and being discriminated against.
- There are nine protected characteristics, including disability.
- Not everyone with cardiomyopathy will be considered 'disabled' under the Act.

What is The Equality Act?

The Equality Act 2010 is a law that protects people with certain 'protected characteristics' from being discriminated against or treated unfairly **due to** these characteristics.

What are the 'protected characteristics'?

There are nine protected characteristics. These are:

- age;
- disability;
- gender;
- gender reassignment;
- marital status (including civil partnerships);
- pregnant and maternity;
- race (including colour and nationality);
- religion or belief; and
- sexual orientation.

Where does the The Equality Act apply?

The Act gives protection in various areas, such as:

- in employment (or when applying for work);
- in educational settings (at any age);
- in using public services, such as medical settings, transport or services from local authorities; and
- when using shops and restaurants, leisure facilities, housing, and in banking and financial services.

What is 'discrimination'?

Discrimination means treating someone in a way that is unfair or puts them at a disadvantage, because of a protected characteristic. It isn't necessarily about treating someone *differently* from other people, as some people may *need* different treatment in order to be treated *equally*.

Types of discrimination

The act identifies, and protects against, different types of discrimination, including the following.

- **Direct discrimination** - someone with a protected characteristic is treated worse than someone without a protected characteristic, *due to* this characteristic. For example, someone is refused a job because they have a disability or they are considered 'too old'.

- **Indirect discrimination** - when a rule or condition is applied to everyone but puts someone with a protected characteristic at a disadvantage. For example, saying that everyone has to use the stairs would disadvantage someone who uses a wheelchair.
- **Associative discrimination** - when someone is treated unfairly because they are *associated* or connected to someone with a protected characteristic. For example, someone is refused a job because they have a child with a disability and it is assumed that they will need time off work to look after them. In this way, the act gives some rights and protection to family members and carers.
- **Perceived discrimination** - someone is discriminated against because it is *assumed* that they have a protected characteristic. For example, someone is not considered for a job because it is assumed that they have a disability.
- **Harassment** - this is when someone is treated in a way that is humiliating, undermining or offensive, because of a protected characteristic.
- **Victimisation** - this is when someone is treated unfairly because they have made (or might make) a complaint of discrimination under the Equality Act.
- **Failure to make reasonable adjustments** - when failing to make adjustments means that a person with a protected characteristic is at a disadvantage.

What are reasonable adjustments?

'Reasonable adjustments' are changes made so that someone with a protected characteristic is not at a disadvantage, such as making changes to practices or providing equipment. Examples include giving someone time off work for therapies if they have a medical condition, or providing information in large print for someone with a visual impairment.

What is considered 'reasonable' depends on many factors, such as what it is that is causing disadvantage, how practical the adjustment is to make, how effective it will be to the individual, and the cost. It does not rely on what an individual, or the organisation or service, considers to be 'reasonable'.

Failing the 'duty to make reasonable adjustments' is discrimination.



Is cardiomyopathy a disability?

Under the Equality Act, someone has a disability if they have "a physical or mental impairment" that "has a substantial and 'long-term' adverse effect" on their "ability to carry out normal day-to-day activities".

In this definition:

- an 'impairment' means something that affects their ability to do daily activities, and includes the impact of medical and long-term conditions;
- 'substantial' means a significant impact (it has to limit your activities, and not be 'minor');
- 'long-term' means that it has lasted, or is likely to last, at least 12 months; and
- 'day-to-day activities' are activities that the person would normally expect to do regularly as part of daily living. This might include washing and dressing, preparing and eating food, reading, getting around, talking to other people, and activities related to work or education, or social interactions.

What conditions are covered by the act?

The Act does not define a list of medical or long-term conditions (or "impairments") covered. This is because it focuses on the *effect* of the impairment, and not on the *cause* of it. To be covered by the Act, the cause of the impairment does not need to be identified, but its impact, whether it is substantial, long-term and affects daily activities, does. (There are some exceptions to this. For example, someone with cancer, HIV or multiple sclerosis is automatically considered to have a disability).

The act also includes the physical impact of a mental health condition, and the impact that someone's physical condition can have on their mental health.

So, having cardiomyopathy does not necessarily mean that you have a disability. Whether your cardiomyopathy is a disability depends on whether you are *disabled by it* (whether it has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities).

♥ *For more about the definition of disability see: www.equalityhumanrights.com*

What if my symptoms are managed with treatment?

If you have treatment to control your symptoms, the act considers your impairment to be a disability if it is likely to meet the definition *if it was not treated*. So, it looks at the effect as if you were not treating it, even if your symptoms are fully controlled. This is because symptoms are likely to return if you stop treatment.

The Equality Act and carers

As well as the protection the act gives to people with protected characteristics, it also gives rights to people *associated* with the person with a protected characteristic. This means anyone connected to someone who meets the definition of a disability, such as a family member or carer, is protected from discrimination.

♥ *For more about the rights of carers, see our factsheet 'Support for carers'.*

For more information and support

Citizens Advice

Information on the Equality Act including guides for individuals and for carers.

www.citizensadvice.org.uk

Equality Advisory Support Service

Information on the Equality Act and discrimination.

Their helpline assists and gives advice if you think you have been discriminated against.

www.equalityadvisoryservice.com

Advice line 0808 800 0082

Equality and human rights commission

Information on the Equality Act, what it means and how it applies in different settings.

www.equalityhumanrights.com

GOV website

Information from the government about the Equality Act and your rights.

www.gov.uk and search for 'Equality Act'.

We are here for you

At Cardiomyopathy UK we offer help and support for you and your family. We have information about each type of cardiomyopathy as well as diagnosis, treatment and lifestyle issues. Look on our website or call us for more information. Call our helpline to talk to our cardiomyopathy support nurses. We can put you in contact with other people affected by cardiomyopathy through our support groups, support volunteers and social media. Contact us for more about our services, or look online.

Cardiomyopathy^{UK}

the heart muscle charity

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