

# Know Your Rights

## Your guide to the Equality Act 2010



This leaflet was written by **Disability Wales**. It is an easy read version of “**Know your rights Use your rights Live your rights**”.

**March 2022**

# How to use this document



This is an easy read document. But you may still need support to read it. Ask someone you know to help you.



Words in **bold blue writing** may be hard to understand. You can check what the words in blue mean on **page 29**.



Where the document says **we**, this means **Disability Wales**. For more information contact:

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This document was made into easy read by **Easy Read Wales** using **Photosymbols**. To tell us what you think about this easy read version, [click here](#).

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# Introduction



This booklet has been written by **Disability Wales**.



This booklet is for disabled people and disabled people's organisations.



This booklet gives information about the **Equality Act 2010**. But it is not legal advice.



There are 8 booklets in total. Each booklet has information about a different law.



This booklet was correct in January 2021. But the **Equality Act 2010** might change in the future.

# About our work



We work hard to protect the **rights** of disabled people.



**Rights** are the things you are allowed to do. For example, you have the right to get married and the right to vote.

**Rights** tell us how we should be treated. For example, you have the right to be treated with respect.

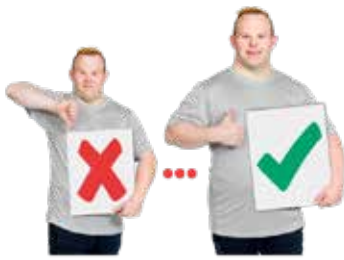
Other people have **rights** too. For example, you must treat other people with respect.



In 2020, we asked disabled people in Wales about their **rights**.



A lot of disabled people told us their **rights** were not well protected in Wales.



A lot of disabled people felt this would not improve in the future.



We want disabled people to know and use their **rights**. And to feel protected.



We wrote these 8 booklets to help.

# The Equality Act 2010



The Equality Act 2010 was written to make **equality** laws easier to understand.



**Equality** means treating people fairly.



We will call the **Equality Act 2010**, the **Act** for short.



The **Act** says that some people suffer from **discrimination** more than others.



**Discrimination** is when you are treated badly or unfairly because of your sex, race, religion, disability, or sexual identity.



The **Act** has a list of things that make people more at risk of **discrimination**. And that are protected by law.



The **Act** calls these things **protected characteristics**.



**Protected characteristics** are things about people that are protected by law.



# Know your rights

## Protected characteristics

The **Act** protects people with **protected characteristics** when they are:



- at work



- using goods, facilities, or services



- in education.



The **protected characteristics** are:

- Disability
- Sex (if you are a man or woman)



- Race
- Age



- Religion or belief
- Sexual orientation (being straight, gay, lesbian or bisexual)



- Gender reassignment (if someone has changed their gender from the one they were born with)
- Marriage or civil partnership



- Being pregnant or having a baby

# Types of discrimination

The following types of **discrimination** are illegal under the **Act**.

## Direct discrimination



This means getting treated worse than others because you have a **protected characteristic**.

For example, you might get told you can't use a service because you are disabled.

## Indirect discrimination



This means things are harder for you because you have a **protected characteristic**.

For example, if you have a learning disability, some documents might be too hard to read.



Or if you are a wheelchair user, a high reception desk might not be **accessible**.

**Accessible** means something that is easy to get to or to use.

## Discrimination arising from a disability



This means getting treated unfairly because of something to do with your disability.

For example, you might look, act or sound different because of your disability.



It is illegal to **discriminate** against you for this.

## Discrimination by perception



This means when someone **thinks** you have a **protected characteristic**. And they **discriminate** against you for it.

For example, you might get treated differently because someone **thinks** you are a Disabled Person.

## Discrimination by association



This means getting treated unfairly if someone you know has a **protected characteristic**.

For example, you might get treated unfairly because you care for a disabled family member.

## Harassment



This means getting bullied or picked on because of a **protected characteristic**.

For example, a **service provider** might **harass** a Disabled Person.



But if someone in the street **harasses** you, this is not illegal in the **Act**. But it is illegal under other laws.

## Third Party Harassment



This means getting **harassed** at work for having a **protected characteristic**.

For example, a customer at work might **harass** you for being a Disabled Person.

Your employer must protect you from this.

## Victimisation



This means getting treated worse than before because you complained about **discrimination**.



Or because you helped someone with a **protected characteristic** to complain.

## Not making reasonable adjustments



**Reasonable adjustments** are changes people can make to help Disabled People.

For example, putting in a ramp so a wheelchair user can enter a building.



Not making **reasonable adjustments** is illegal under the **Act**.

## Positive action and positive discrimination



The **Act** says people with **protected characteristics** can benefit from **positive action**.



**Positive action** means giving everyone the same chances. For example, helping a disabled person with a job application is **positive action**.



The **Act** says disabled people can benefit from **positive discrimination** too.



**Positive discrimination** is when a disabled person gets treated better than a non-disabled person.



This is to avoid them getting treated worse.



# The Equality Act and groups

The **Act** applies to any group of people if:



- it has 25 members or more
- it has rules to follow
- it is not a business or professional organisation.



This includes **disabled people's organisations**.



The **Act** also applies to clubs where you pay a fee to join. And where anyone can join.



However, the **Act does** allow groups that only have people with a **protected characteristic**.

For example, disabled people only groups. Or women only groups.

# Are you protected by the Equality Act?



The **Act** protects all disabled people.

The **Act** says you are disabled if you have a physical or mental issue that:



- makes it much harder to do normal day to day activities
- you have had this issue for more than 12 months.



Find out more about what the law counts as disabled here:

[assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/570382/Equality\\_Act\\_2010-disability\\_definition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf)

# Use your rights

## Going to court



If you suffer from **discrimination** listed in the **Act**, you can go to court.



You can take individuals, organisations, or **public bodies** to court.



**Public bodies** are services that are run for the public. For example, the NHS, local authorities, national parks, or fire service.



Taking a case to court is a good way to stop **discrimination**. And to stop organisations from cutting services to disabled people.

But going to court can be hard:



- it usually takes a long time



- it can cost a lot of money



- it might ruin the relationship with who you take to court.



You should only go to court if you have tried everything else first.

## Going to county court



Organisations that provide goods, facilities or services must not **discriminate** against you.



If they do, you can take them to the **County Court**.



You will need to decide if you want a solicitor. Or do everything yourself.



If you don't use a solicitor, you must get all the paperwork together yourself. And make copies of everything.



You could also find stories about other cases like yours. This might help your case.



You might be able to get **Legal Aid** if you go to court. But they will check to see if you have other money first.



The service provider might offer you a **settlement**. A **settlement** is money they give you to stop the case. Before it goes to court.



You should ask a solicitor before you take a **settlement**. You can get free legal advice if you don't have a solicitor.



**If you go to County Court and lose:**

- you might have to pay costs
- you can appeal and go to another court.

## If you go to County Court and win:



- the **County Court** can tell the service provider to give you money
- the **County Court** can tell the service provider to stop **discriminating**.

## Going to a tribunal



If a student in a school is **discriminated** against, they can go to a **Tribunal**.



This is called a **Special Educational Needs and Disability First Tier Tribunal**.



If a disabled person at work is **discriminated** against, they can go to an **Employment Tribunal**.





**Tribunals** are usually quite relaxed.



But you might still want someone to help you get ready for it.



# A real life story

## Disabled University Student verses a Welsh University in 2013

### The story



A disabled student started at a university. We will call him **AB**.



**AB** reported fire safety issues at the university library.

He noticed that in the library:



- the lift was broken
- it was not accessible for disabled people
- it was hard for disabled people to escape in a fire
- it was unsafe for wheelchair users.

When a fire alarm went off, **AB** was left alone on a stairwell.



**AB** complained and asked for a meeting with staff. The meeting never happened.



## What happened next

**AB** launched complaint against the University.



**AB** contacted the **Equality Advisory and Support Service**. And a **Cardiff** charity called **Race Equality First**.



They helped **AB** take legal action against the University for **discrimination**.



**AB** agreed to settle the case with the University. And received £20,000 in compensation. **You can find more information about the case here:**

[www.disabilitynewsservice.com/disabled-student-wins-20k-after-university-built-library-it-knew-would-breach-dda/](http://www.disabilitynewsservice.com/disabled-student-wins-20k-after-university-built-library-it-knew-would-breach-dda/)

# More information



**UK Government's Easy Read' version of the Equality Act:**

[assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85039/easy-read.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85039/easy-read.pdf).

**Disability Rights UK guide to the Equality Act:**

[www.disabilityrightsuk.org/equality-act-and-disabled-people](http://www.disabilityrightsuk.org/equality-act-and-disabled-people).

**Citizen's Advice** on how the **Equality Act** defines disability and affects disabled people:

[www.citizensadvice.org.uk/work/discrimination-at-work/checking-if-its-discrimination/check-if-youre-disabled-under-the-equality-act/](http://www.citizensadvice.org.uk/work/discrimination-at-work/checking-if-its-discrimination/check-if-youre-disabled-under-the-equality-act/).

**EHRC** guidance for service users about their rights under the **Equality Act**:

[www.equalityhumanrights.com/en/advice-and-guidance/guidance-service-users](http://www.equalityhumanrights.com/en/advice-and-guidance/guidance-service-users).



**Equality Advisory Support Service** gives information, advice and support on discrimination and human rights issues. Includes advice on what the **Equality Act** says and how it applies to disabled people. They also provide lots of template letters.

**Website:** [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

**Address:** FREEPOST  
Equality Advisory Support Service,  
FPN4431

**Phone:** 0808 800 0082

**Textphone:** 0808 800 0084

If you are deaf or hard of hearing, you can call RAD through their webcam portal at:

[www.royaldeaf.org.uk/webcam/](http://www.royaldeaf.org.uk/webcam/)

You can speak to an adviser in **British Sign Language** or text chat.

They also run a government funded helpline:

**Phone:** 0800 444 205

**Textphone:** 0800 444 206

# Hard words

## Accessible

Accessible means something that is easy to get to or to use.

## Discrimination

Discrimination is when you are treated badly or unfairly because of your sex, race, religion, disability or sexual identity.

## Equality

Equality means treating people fairly.

## Protected characteristics

Protected characteristics are things about people that are protected by law.

## Public bodies

Public bodies are services that are run for the public. For example, the NHS, local authorities, national parks, or fire service.

## Rights

Rights are the things you are allowed to do. For example, you have the right to get married and the right to vote. Rights tell us how we should be treated. For example, you have the right to be treated with respect. Other people have rights too. For example, you must treat other people with respect.

