

EQUALITY ACT 2010

The Equality Act came into effect in October 2010. Some of the key changes for employers include:

Pre Employment Health Related Checks

In the past many companies have carried out health checks as part of their recruitment and pre employment processes. Since the October 2010 employers will only be able to ask health related questions prior to offering a position, if the health related question will help the Company to:

- decide whether they need to make any reasonable adjustments in respect of the selection process. Any information divulged by the candidate in this respect could not then be used when deciding who to employ.
- decide whether an applicant can carry out a function or responsibility that is *'intrinsic'* to the job. For example if heavy lifting was a specific requirement for the role, a related health question could be asked.
- to monitor diversity among potential candidates so to evaluate whether the recruitment methods are reaching disabled people.
- take positive action to assist disabled people, where the Company may wish to improve disabled peoples chance of being selected for vacant positions. In which case the Company would guarantee these individuals an interview.

- assure the Company that the individual has a disability which may be required for the job.

Extension Of Employment Tribunal Powers

Currently Tribunals can recommend that employers take action to eliminate or reduce the effect of any discrimination in respect of a claimant. However from October Tribunals will be able to extend their recommendations to include other employees, for example the Tribunal may make a recommendation that the Company reviews its policies or trains all employees about equal opportunities.

Equal Pay

Under the new act a claim of direct pay discrimination can be made without the need for a real comparator within the organisation, providing that the Claimant can show evidence that they would have received better remuneration from their employer if they were of a different sex.

Pay Secrecy

Employers will not be able to prevent or restrict their employees from discussing their pay with each other. However, any such discussion should be for the purpose of establishing differences in pay on the basis of discrimination.

Equality Reports

The Act includes powers for Ministers to require public bodies to report on equality issues, the precise duties still have to be confirmed, however it is

anticipated that public bodies with over 150 employees will from 2011 be required to publish annual details of their:

- gender pay gap
- ethnic minority employment rate
- disability employment rate.

It is also anticipated that Private Sector gender pay reporting will take effect in 2013.