



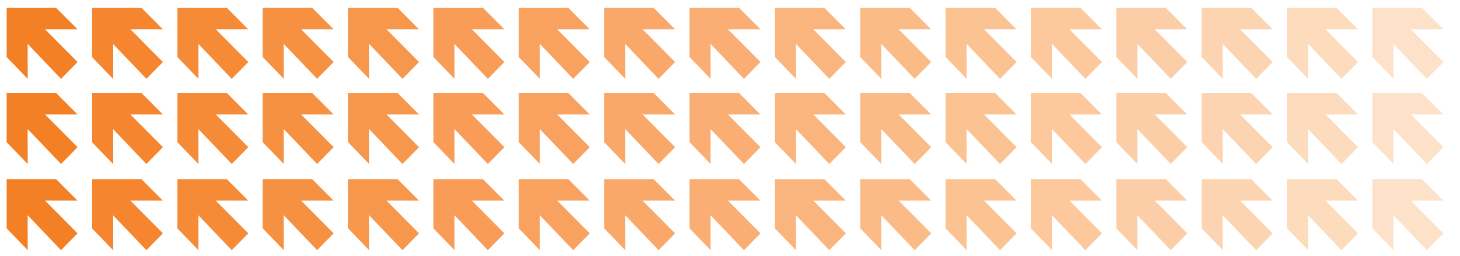
Government
Equalities Office

Putting equality at the heart of government



EQUALITY ACT 2010: WHAT DO I NEED TO KNOW AS A CARER?





Foreword

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with. It also strengthens the law in important ways to help tackle discrimination and inequality.

This quick-start guide is intended to help carers understand how the new law coming into effect in October 2010 can help them. Carers are people who care, unpaid, for others who are elderly or disabled.

Introduction

The Equality Act 2010 is a new law aimed at stopping discrimination and helping to encourage equality. It could help you if you care for someone who is elderly or disabled; this quick-start guide uses the word 'carer' to mean a person with these sorts of responsibilities.

Most of the Equality Act will start to apply in October 2010. The Government is looking at how the rest of the Act can be implemented in the best way for business. It will make an announcement about this at a later stage.

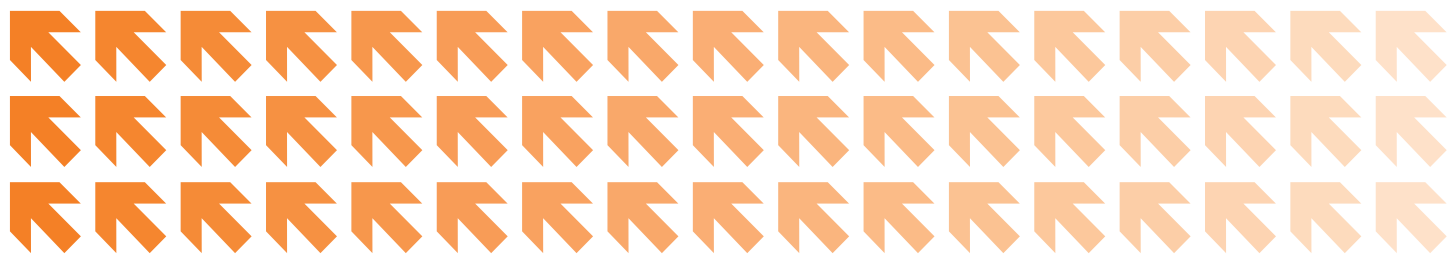
Get advice about the dates when the new law comes into effect from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

This quick-start guide tells you about some of the most important things in the Equality Act, but it doesn't cover all your rights as a carer. Get advice if you're a carer and you think you're being treated unfairly or if your needs aren't being met, even if we don't cover your situation in this guide.

Get advice about your rights as a carer from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

You can also visit the Carers UK website at: www.carersuk.org.

This quick-start guide covers people in England, Wales and Scotland.



How the new law could help you if you're a carer

If you're looking after someone who is elderly or disabled, the law will protect you against direct discrimination or harassment because of your caring responsibilities. This is because you're counted as being 'associated' with someone who is protected by the law because of their age or disability. You're already protected from discrimination and harassment if they happen at work, but the new law will also protect you, if you are caring for a disabled person:

- when you shop for goods
- when you ask for services
- when you get services
- when you use facilities like public transport.

If you're caring for an elderly person, the new law will only protect you at work until more new parts of the law come into effect later.

Direct discrimination

This is where you're treated less favourably than someone else because you're caring for an elderly or disabled person. At work this could include your employer:

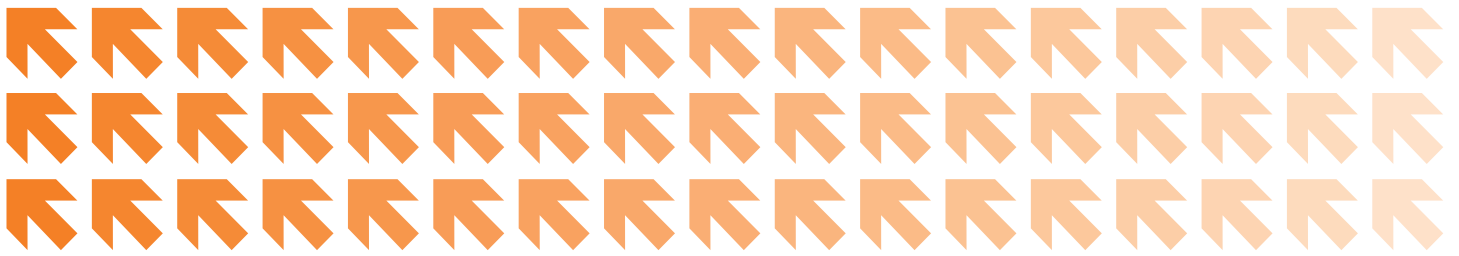
- refusing to offer you a job because of your caring responsibilities
- treating you less favourably because of your caring responsibilities.

You are also protected outside work from direct discrimination, which could include:

- discouraging you from using a service because you care for someone who is disabled
- making it impossible for you to use a facility because you look after someone who is disabled
- providing you with a worse service than someone else who isn't caring for a disabled person.

Example

Ms Battle applies for a job which involves a lot of travelling. She has the best skills and experience but the company knows that Ms Battle cares for her son who is disabled. The company makes an assumption that she cannot manage because she has a disabled son and so it doesn't offer her the job. This is direct discrimination because Ms Battle is associated with a disabled person. It's against the law to refuse to offer her the job for that reason.



Harassment

The new law will protect you from harassment because you're looking after an elderly or disabled person. Harassment is unwanted behaviour related to, say, disability or age. It hurts your pride or creates an intimidating, degrading or offensive environment for you. It might be deliberate but it doesn't have to be. Someone could be harassing you even if they don't mean to or don't realise they are doing so.

It's already against the law to harass you at work but it will also be against the law to harass you when you buy goods or get services if you are caring for a disabled person. If you're caring for an elderly person, the new law will only protect you at work until more new parts of the law come into effect later.

Example

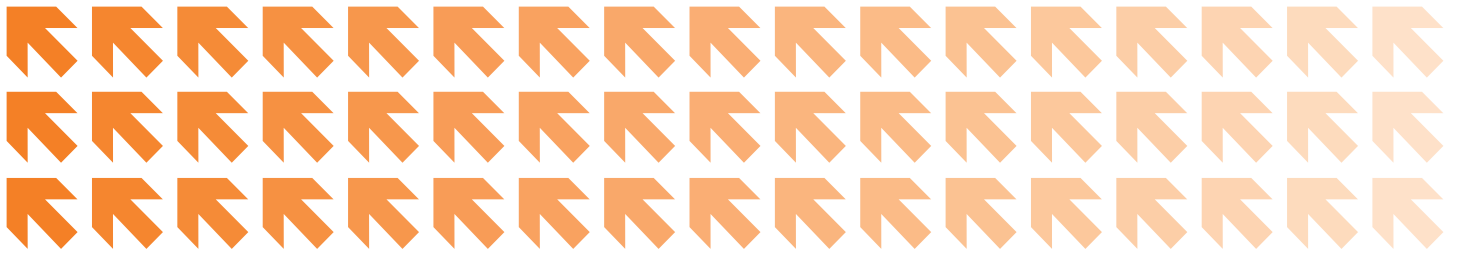
You're a carer for your disabled husband, who is a wheelchair user. When you're trying to buy something in a shop, the shop assistant makes rude remarks about wheelchair users to her colleague, which you find offensive and upsetting. You may have a claim of harassment related to disability, even though you are not disabled.

Victimisation

If you complain about direct discrimination or harassment, the law will protect you if you are treated unfavourably because of your complaint. You have to believe that your complaint is true for this to apply.

Exceptions

If you were disabled yourself, you'd have the right to have reasonable changes made so you could use services and facilities or go to work. This doesn't apply to people associated with disabled people so it won't apply to you as a carer. However, as a carer you already have the right to ask for flexible working hours so that you can fit in your caring responsibilities with your work.



Taking action about discrimination

Employment tribunals

If you're experiencing discrimination at work and you can't sort out the problem with your employer, you can take your case to an employment tribunal. If you win your case, you might get compensation and the tribunal could recommend that your employer stops discriminating against you. If you've been sacked because of your caring responsibilities, the tribunal could recommend that your employer allows you back to work.

Be careful not to miss the deadlines for taking your case to the employment tribunal.

Get advice about the deadlines from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.

Employment tribunals have been given extra powers under the new law. They will be able to make recommendations in discrimination cases that make things fairer for other workers, as well as for the person who has made the claim.

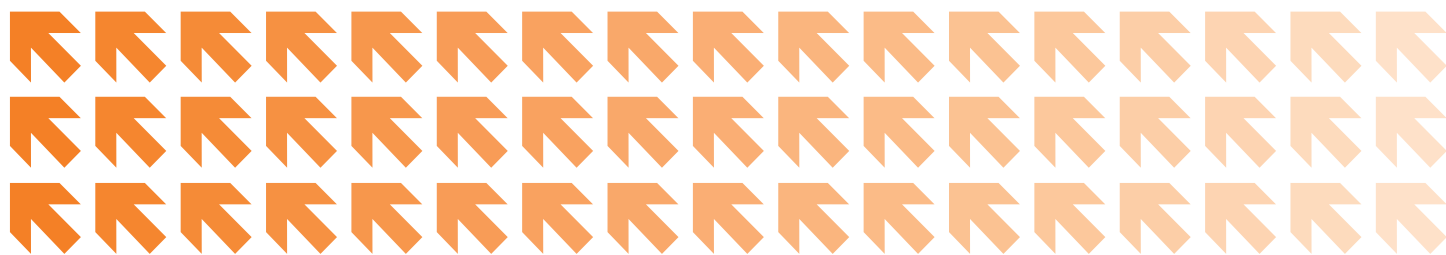
County court claims in England and Wales and sheriff court claims in Scotland

If you've been discriminated against when buying goods or getting services, you might be able to bring a claim in the county court in England or Wales or in the sheriff court in Scotland.

An expert in discrimination might help the judge to hear the case and you might get legal aid. If you win your case, you could get compensation and whoever discriminated against you could be ordered to stop doing so.

Be careful not to miss the legal deadlines to bring a claim.

Get advice about the deadlines and about legal aid from your local Citizens Advice Bureau, or look on the Citizens Advice website at: www.adviceguide.org.uk.



Find out more

Other new leaflets

Equality Act 2010: What do I need to know?
A summary guide to your rights

Other information

Age UK: www.ageuk.org.uk

Carers UK: www.carersuk.org

Directgov: www.direct.gov.uk

Disability organisations – there are many local and national organisations that could help you. If you go to the Directgov website, you can find useful contact details. Go to: www.direct.gov.uk/en/DisabledPeople/HealthAndSupport/DG_10037826

Equality and Human Rights Commission:
www.equalityhumanrights.com

Government Equalities Office:
www.equalities.gov.uk

You can also visit your local Citizens Advice Bureau.