

Equality Act 2010

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

As providers of goods and services, tourism businesses have obligations under the Equality Act 2010.

Tourism providers should treat everyone accessing their goods, facilities or services fairly, regardless of their age, gender, race, sexual orientation, disability, gender reassignment, religion or belief, and guard against making assumptions about the characteristics of individuals. [More advice can be found in the Summary guide for businesses who sell goods and services](#). The following information concerns obligations with regard to disability only.

Disabled people must not be treated less favourably than others because they are disabled. Businesses also have an obligation to make reasonable adjustments to help disabled people access their goods, facilities and services. The Act makes significant changes in this area, introducing the principle of indirect disability discrimination and clarifying the three requirements for making reasonable adjustments and the point at which the duty to make reasonable adjustments is triggered.

The Act also introduces a new form of discrimination, known as discrimination arising from disability. This occurs when a disabled person is treated unfavourably because of something connected to their disability.

Obligations

The Equality Act will replace the Disability Discrimination Acts 1995 and 2005 (DDA). The changes include new provisions on direct discrimination, discrimination arising from disability, harassment and indirect discrimination.

The law protects anyone who has, or has had, a disability; people who are mistakenly thought to be disabled; people who are linked or associated with a disabled person.

Direct Discrimination – must not treat someone less favourably because of the disability itself.

Discrimination arising from disability (NEW) – must not treat someone less favourably because of something connected with their disability e.g. refusing someone with incontinence.

Can non-compliance be justified?

Treatment can be justified and will be lawful if it can be shown that it is intended to meet a legitimate objective in a fair, balanced and reasonable way. This means that a service provider must strike a careful

balance between the negative impact of a provision on the disabled person and any lawful reason for applying it.

Also, discrimination arising from disability will not be unlawful if the service provider can show that it did not know, or could not be reasonably expected to know, that the person was disabled. This means that:

Service providers should take reasonable steps to find out whether someone is disabled e.g. enquire as to whether anyone in the travelling party has any access needs.

Reasonable adjustments

What is 'reasonable' will depend on a number of circumstances, including the cost of an adjustment.

The Equality Act 2010 requires that service providers must think ahead and take steps to address barriers that impede disabled people. Providers should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

- 1. Make 'reasonable' changes to the way things are done** – such as changing practices, policies or procedures where disabled people would be at a 'substantial disadvantage' e.g. amend a 'no dogs' policy.
- 2. Make 'reasonable' changes to the built environment** - such as making changes to the structure of a building to improve access e.g. fitting handrails alongside steps.
- 3. Provide auxiliary aids and services** - such as providing information in an accessible format, an induction loop for customers with hearing aids.

Can non-compliance be justified?

A service provider can not legally justify failing to provide a reasonable adjustment. The only question is whether the adjustment is a 'reasonable' one to make.

[More information on the Equality Act 2010](#)