

A public authority must, in the exercise of its functions, have due regard to the need to

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act

Direct discrimination occurs when someone is treated less favourably than another person because:

- they have a protected characteristic, they are thought to have a protected characteristic or they associate with someone who has a protected characteristic.

Indirect discrimination occurs when a policy or practice that applies to everyone particularly disadvantages people who share a protected characteristic.

Discrimination arising from disability –

- a person discriminates against a disabled person if he/she treats them unfavourably because of something arising in consequence of their disability, and this treatment cannot be justified as a proportionate means of achieving a legitimate aim.
- If you are acting as either an employer or service provider and did not know and could not reasonably have been expected to know of the disabled person's disability, then the unfavourable treatment will not amount to discrimination. However, you must do all you can reasonably be expected to do to find out if a person has a disability.
- Unlike direct and indirect discrimination, this form of discrimination does not require the use of a comparator to establish less favourable treatment.

Harassment is defined in the Act as:

- 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.
- Harassment applies to all protected characteristics except for pregnancy and maternity, and marriage and civil partnership.

Third Party Harassment

- An employer is liable for harassment if an employee is harassed by a third party (eg a customer) and the employer failed to take reasonable steps to prevent it. This liability does not arise unless the employer knows of at least 2 other occasions when that employee has been harassed by a third party, though it need not be the same third party.

Victimisation occurs when an employer or service provider subjects a person to a detriment because the person has carried out (or you believe they have or may carry out) what is referred to as a 'protected act'.

- A protected act is any of the following : bringing proceedings under the Act, giving evidence or information in proceedings brought under the Act, doing anything which is related to the provisions of the Act and making an allegation that another person has done something in breach of the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to -

- (a) tackle prejudice, and
- (b) promote understanding.