



Glossary of terms

Accessible venue

A building designed and / or altered to ensure that people, including disabled people, can enter and move round freely and access its events and facilities.

Act

A law or piece of legislation passed by both Houses of Parliament and agreed to by the Crown, which then becomes part of statutory law (ie is enacted).

Affirmative Action

Positive steps taken to increase the participation of under-represented groups in the workplace. It may encompass such terms as positive action and positive discrimination. The term, which originates from the United States of America, is not used in the Equality Act.

Age

This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds, or people over 50).

Agent

A person who has authority to act on behalf of another ('the principal') but who is not an employee.

All reasonable steps

In relation to harassment by an employee, all the things which the employer could reasonably have done to stop it; in relation to reasonable adjustments, 'reasonable steps' is another term for the things that the employer could reasonably have done to remove the disadvantage.

Alternative format

Media formats which are accessible to disabled people with specific impairments, for example Braille, audio description, subtitles and Easy Read.

Anticipatory duty

For service providers, the duty to make reasonable adjustments is anticipatory; within reason, it is owed to all potential disabled customers and not just to those who are known to the service provider.

Armed forces

Refers to military service personnel.

Associate members

A person who has access to some or all of an association's benefits, facilities and services because they are a member of another associated private club.

Associated with

Where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.

Association

An association of people sharing a particular characteristic or interest which has at least 25 members, where admission to membership is regulated and involves a process of selection.

Association with

See associated with.

Auxiliary aid

Usually a special piece of equipment to improve accessibility.

Auxiliary service

A service to improve access to something often involving the provision of a helper/ assistant.

Bill

A draft Act, not passed or in force.

Breastfeeding

When a woman feeds her baby with breast milk. Breastfeeding is specifically protected for the first 26 weeks after birth by the pregnancy and maternity discrimination provisions in relation to non-work cases.

By association

In the Act, this refers to discrimination against a person who does not have a protected characteristic because of their association with someone who has a protected characteristic. See also 'associated with'.

Charity

A body (whether corporate or not) which is for a statutory charitable purpose that provides a benefit to the public.

Civil, diplomatic, armed or security and intelligence services

Respectively, this refers to (i) the civil service, (ii) the diplomatic service (iii) the armed forces, (iv) organisations responsible for internal security and counterintelligence (but not civil police forces).

Clients

A customer or patron of a service or organisation, generally where the service provider is professional and is in a position of trust and confidence.

Code of Practice

Is a statutory guidance document which must be taken into account by the Courts when applying the law and which may assist people comply with the law.

Comparator

A person with whom a claimant compares themselves to establish less favourable treatment in a discrimination case.

Customers

People who buy or use goods or services.

Data Protection

Safeguards concerning personal data provided for by statute, mainly the Data Protection Act 1998

Different needs

Refers to the different requirements that people with protected characteristics may have which either must or should be met to provide equality, including equality of opportunity and access

Direct discrimination

less favourable treatment of a person compared with another person because of a protected characteristic

Directly discriminatory

See direct discrimination

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day-to-day activities.

Disabled person

Someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Disadvantage

A detriment or impediment – something that the individual affected might reasonably consider changes their position for the worse.

Disadvantaged

When someone suffers a detriment or finds an impediment to enjoying a benefit in comparison with others because of a characteristic of theirs; encountering a pre-existing barrier which is inherent in their workplace but which doesn't have the same effect on others

Discriminate unlawfully

When an employer has treated someone less favourably because of a protected characteristic (discriminated against them) and does not have a valid defence.

Discriminating directly or indirectly

Refers to discrimination because of a person's protected characteristic (direct); or discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic (indirect).

Discrimination arising from disability

When a person is treated unfavourably because of something arising in consequence of their disability.

Disproportionately low

Refers to situations where people with a protected characteristic are under-represented (e.g. in the workforce or among service-users) compared to their numbers in the population

Diversity

Where many different types of people are included

Duty to make reasonable adjustments

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids

Educational establishments

Schools, colleges and higher educational institutions

Employee

A person who carries out work for a person under a contract of service, a contract of apprenticeship, or a contract personally to do work; or a person who carries out work for the Crown or a relevant member of the Houses of Parliament staff.

Employer

A person who makes work available under a contract of service, a contract of apprenticeship, the Crown or a relevant member of the Houses of Parliament staff.

Employment service provider

A person who provides vocational training and guidance, careers services and may supply employers with workers

Employment services

Vocational training and guidance, finding employment for people, supplying employers with workers

Equal pay audit

Comparing the pay of women and men who are doing equal work in an organisation, and investigating the causes of any pay gaps by gender or working pattern. The provisions in the Act directly relating to equal pay refer to sex equality but an equal pay audit could be used applied to other protected characteristics to help an employer equality proof their business.

Equal work

A woman's work is equal to a man's in the same employment (and vice versa) if it is the same or broadly similar (like work); rated as equivalent to his work under a job evaluation scheme or if she can show that her work is of equal value to his in terms of the demands made of her.

Equality clause

A sex equality clause is read into a person's contract of employment so that where there is a term which is less favourable than that enjoyed by someone of the opposite sex doing equal work, that term will be modified to provide equal terms.

Equality policy

A statement of an organisation's commitment to the principle of equality of opportunity in the workplace.

Equality training

Training on equality law and effective equality practice

Exceptions

Where, in specified circumstances, a provision of the Act does not apply

Flexible working

Working different hours or at home to accommodate childcare commitments

Gender reassignment

The process of changing or transitioning from one gender to another

Gender Recognition Certificate

A certificate issued under the Gender Recognition Act to a transsexual person who has, or has had gender dysphoria, has lived in the acquired gender throughout the preceding two years, and intends to continue to live in the acquired gender until death.

Goods, facilities or services

Goods refer to moveable property, facilities to opportunities to enjoy a benefit or do something and services refer to provisions for meeting people's needs. Goods, facilities and services are available to the public or any part of it.

Guaranteed interview scheme

This is a scheme for disabled people which means that an applicant will be invited for interview if they meet the essential specified requirements of the job

Guests

People invited to enjoy an association's benefits, facilities or services by that association or a member of it.

Harass

To behave towards someone in a way that violates their dignity, or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Harassment

Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. See below for sexual harassment.

Impairment

A functional limitation which may lead to a person being defined as disabled according to the definition under the Act. See disability.

Indirect discrimination

The use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic and applying the practice, provision or criterion cannot be objectively justified

Indirectly discriminatory

See indirect discrimination

Information Society Service Provider (ISSP)

A service provider which provides electronic data storage, usually for payment, for example, selling goods online.

Instruction to discriminate

When someone who is in a position to do so instructs another to discriminate against a third party. For example, if a GP instructed her receptionist not to register anyone who might need help from an interpreter, this would amount to an instruction to discriminate.

Insurance business

An organisation which provides financial protection against specified risks to clients in exchange for payment.

Job evaluation study

This is a study undertaken to evaluate jobs in terms of the demands made on a person, using factors such as effort, skill and decision making. This can establish whether the work done by a woman and a man is equal, for equal pay purposes. See equal work.

Judicial review

Is a procedure by which the High Court supervises the exercise of public authority power to ensure that it remains within the bounds of what is lawful.

Less favourably

Worse, not as well as

Like work

See equal work.

Manifest

See manifestation: refers to the appearance or expression of a protected characteristic. For example manifestations of sexual orientation can include the person's appearance, the places they visit or the people they mix with.

Manifestation

Expression

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated no less favourably than married couples.

Maternity

See pregnancy and maternity

Maternity leave

leave which a woman can take whilst she is pregnant and after the birth of her child divided into compulsory, ordinary and additional maternity leave. How much leave a woman is entitled to will vary, but all women employees are entitled to 26 weeks.

Members

People who have been formally accepted into membership of an association

Minister

Someone who is authorized to perform religious functions, such as weddings, baptisms and communion, in a Christian church.

Monitor

See monitoring

Monitoring

Monitoring for equality data to check if people with protected characteristics are participating and being treated equally. For example, monitoring the representation of women, or disabled people, in the workforce or at senior levels within organisations.

Monitoring form

A form which organisations use to collect equality monitoring data – from, for example, job applicants or service users. It records information about a person's sex, age, disability, race, religion, or sexual orientation. It is kept separately from any identifying information about the person.

More favourably

To treat somebody better than someone else. This is unlawful under the Act if it is because of a protected characteristic except in very limited circumstances e.g. the duty to make reasonable adjustments for a disabled person. The law can require pregnant workers to be treated more favourably in some circumstances.

National security

The security of the nation and its protection from external and internal threats, particularly from activities such as terrorism and threats from other nations

Needs that are different

See different needs

Normal retirement age

Is the retirement age at which in practice employees in a particular job and workplace would normally expect to retire. Normal retirement age can differ from the contractual retirement age. If it is under 65, it must be objectively justified.

Objective justification

When something (e.g. an otherwise discriminatory action) can be objectively justified

Objectively justified

When something can be shown to be a proportionate means of achieving a legitimate aim – that is, the way of achieving the aim is appropriate and necessary.

Occupational health

Occupational health can be defined as the ongoing maintenance and promotion of physical, mental and social well-being for all workers.

Occupational health practitioner

A health professional providing occupational health services

Occupational pension

A pension which an employee may receive after retirement as a contractual benefit

Occupational requirement

Where having a protected characteristic is an occupational requirement, certain jobs can be reserved for people with that protected characteristic (e.g. Women support workers in women's refuges; Ministers of Religion)

Office-holders

There are personal and public offices. A personal office is a remunerated office or post to which a person is appointed personally under the direction of someone else. A public office is appointed by a member of the government, or the appointment is recommended by them, or the appointment can be made on the recommendation or with the approval of both Houses of Parliament, the Scottish parliament or the National Assembly for Wales.

Organised religion

Refers to a religion which manifests its beliefs through organised worship

Palantypist

Also known as 'Speech to Text Reporter'. A palantypist reproduces speech into a text format onto a computer screen at verbatim speeds for deaf or hard of hearing people to read

Past disability

A person who has had a disability as defined by the Equality Act

Perception

In the Act, the belief that someone has a protected characteristic, whether or not they do have it.

Physical barriers

A physical feature of a building or premises which places disabled people at a substantial disadvantage compared to non-disabled people when accessing goods, facilities and services or employment

Physical features

Anything that forms part of the design or construction of a place of work, including any fixtures, such as doors, stairs etc. Physical features do not include furniture, furnishings, materials, equipment or other chattels in or on the premises.

Positive action

Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

Positive Discrimination

Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.

Practicable

Capable of being carried out or put into effect

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Pregnant

See pregnancy and maternity

Private disposals

Is when an owner-occupier disposes of property (i.e. sells or leases etc) without using an estate agent or publishing an advert in connection with the 'disposal'

Procurement

Is the term used in relation to the range of goods and services a public body or authority requires and delivers. It includes sourcing and appointment of a service provider and the subsequent management of the goods and services being provided.

Professional organisations

A body of persons engaged in the same profession, formed usually to provide advice, maintain standards, and represent the profession in discussions with other bodies about professional concerns

Proportionate

This refers to measures or actions that are appropriate and necessary. Whether something is proportionate in the circumstances will be a question of fact and involve weighing up the discriminatory impact of the action against the reasons for it, and asking if there is any other way of achieving the aim.

Protected characteristics

These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Protected period

This refers to the time when the specific prohibition against unfavourable treatment of expectant and new mothers applies. The period begins at the start of a woman's pregnancy and continues until the end of her maternity leave.

Provision, criterion or practice

Identifying a provision, criterion or practice is key to establishing indirect discrimination. It can include for example, any formal or informal policies, decisions, rules, practices, arrangements, criteria, conditions, prerequisites or qualifications.

Public authority

Organisations and individuals that carry out public functions - this would include government departments, local authorities, health authorities and hospitals, schools, prisons, and police for example.

Public bodies

Public bodies are defined as bodies which have a role in the processes of national Government but are not a Government department or part of one. They operate to a greater or lesser extent at arm's length from Ministers.

Public functions

Any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority planning services.

Public sector equality duty

The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Qualifications bodies

An authority or body which can confer qualifications.

Questions procedure

A discrimination law procedure whereby a pre-action questionnaire is issued to the respondent/defendant, i.e. the person or organisation against whom a discrimination claim may be made

Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.

Rated as equivalent

An equal pay concept - see equal work

Reasonable

What is considered reasonable will depend on all the circumstances of the case including the size of an organisation and its resources, what is practicable, the effectiveness of what is being proposed and the likely disruption that would be caused by taking the measure in question as well as the availability of financial assistance

Reasonable adjustment

See the duty to make reasonable adjustments

Reasonable steps

See the duty to make reasonable adjustments

Reasonably

See reasonable

Reasonably believe

This refers to a belief based on objective grounds

Regulations

Secondary legislation made under an Act of Parliament (or European legislation) setting out subsidiary matters which assist in the Act's implementation

Religion or belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Religion or belief organisations

An organisation founded on an ethos based on a religion or belief. Faith schools are one example of a religion or belief organisation

Religious organisation

See religion or belief organisation

Retirement age

The age at which an employee retires. This may be the national default retirement age, if there is one, or an age which is set in the contract of employment but which must be capable of being objectively justified

Right to request flexible working

The legal right to request flexible working, e.g. a change in the way you work or the hours you work
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Same employment

An equal pay concept (see equal work). Generally, women and men can compare their pay and other conditions with those employed by the same or an associated employer.

Separate services

Services only provided for one sex

Service complaint

A complaint about service delivery

Service provider

Someone (including an organisation) who provides services, goods or facilities to the general public or a section of it

Service users

Those accessing or using a particular service

Services

See goods, facilities and services

Services, Goods or Facilities

This refers to services, goods or facilities provided to the public by public or private providers. The definition excludes public functions and benefits, facilities and services provided by clubs and associations. See also goods, facilities and services.

Sex

This is a protected characteristic. It refers to whether a person is a man or a woman (of any age).

Sexual harassment

Any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Single-sex facilities

Facilities which are only available to men or to women, the provision of which may be lawful under the Act

Single-sex services

A service provided only to men or women. It is not always discriminatory to provide single-sex services, for example provision of single-sex changing facilities in a leisure centre

Small premises

Premises are small if they are not normally sufficient to accommodate more than two other households (and no more than six people in addition to the owner-occupier and/or their relatives and/or close relations)

Stakeholders

People with an interest in a subject or issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it.

Substantial disadvantage

A disadvantage which is more than minor or trivial

Terms of employment

The provisions of a person's contract of employment, whether provided for expressly in the contract itself or incorporated by statute, custom and practice or common law etc.

Textphone

A type of telephone for deaf or hard of hearing people which is attached to a keyboard and a screen on which the messages sent and received are displayed

Trade unions

These are organisations formed to represent workers' rights and interests to their employers, for example in order to improve working conditions, wages or benefits. They also advocate more widely on behalf of their members' interests and make recommendations to government, industry bodies and other policy makers.

Transsexual person

Refers to a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual,

Two Ticks' Symbol

A sign awarded by Jobcentre Plus to employers who are positive about employing disabled people and are committed to employ, keep and develop disabled staff

UK Text Relay Service

Text Relay is a national telephone relay service for deaf, deafened, hard of hearing, deafblind and speech-impaired people. It lets them use a textphone to access any services that are available on standard telephone systems.

Unfavourably

The term is used (instead of less favourable) where a comparator is not required to show that someone has been subjected to a detriment or disadvantage because of a protected characteristic – for example in relation to pregnancy and maternity discrimination.

Unlawful

Not permitted by law (as distinct from illegal which means 'forbidden by law'). On occasions, unlawful and illegal may be synonymous, but unlawful is more correctly applied in relation to civil (as opposed to criminal) wrongs.

Unlawful disability discrimination

See unlawful discrimination

Unlawful discrimination

When an employer has engaged in prohibited conduct against someone with a protected characteristic and does not have a valid defence

Unlawful discrimination because of disability

See unlawful discrimination and discrimination arising from disability

Unlawful indirect discrimination

See indirect discrimination

Unlawfully discriminated

See discriminate unlawfully and unlawful discrimination

Unlawfully discriminated

See unlawful discrimination

Unreasonable

Not reasonable, beyond what's practicable. See also reasonable.

Victimisation

Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.

Victimise

The act of victimisation

Vocational service

A range of services to enable people to retain and gain paid employment and mainstream education.

Vocational training

Training to do a particular job or task

Work of equal value

See equal work

Work situation

Refers to the employment and workplace context – if disputes or discrimination complaints arise in relation to work they will be heard in the Employment Tribunal.

Workstep

The WORKSTEP employment programme provides support to disabled people facing complex barriers to getting and keeping a job. It also offers practical assistance to employers.

Worker

The definition of 'employee' given above also encompasses that of 'worker'. However, in employment law, worker is generally a wider category than employee and includes a contract personally to do work.

Worse

When someone is treated less favourably they are treated worse than someone else, literally something which is not as good as someone or something else.