

Sexual Orientation - Protected Characteristic



SEXUAL ORIENTATION

What is Sexual Orientation Discrimination

Sexual Orientation Discrimination is when you are treated differently because of your sexual orientation.

The treatment could be a one-off action or as a result of a rule or policy based on sexual orientation. It doesn't have to be intentional to be unlawful.

There are some circumstances when being treated differently due to sexual orientation is lawful.

The discrimination does not have to be intentional to be unlawful.

What the Equality Act says about Sexual Orientation Discrimination

The Equality Act 2010 says you must not be discriminated against because:

- you are heterosexual, gay, lesbian or bisexual
- someone thinks you have a particular sexual orientation (this is known as discrimination by perception)
- you are connected to someone who has a particular sexual orientation (this is known as discrimination by association).

In the Equality Act, sexual orientation includes how you choose to express your sexual orientation, such as through your appearance or the places you visit.

If you have experienced discrimination, contact EQUIP for free, impartial advice and support:

Phone Number
0330 135 6606

E-mail Address
advice@equipequality.org.uk

Website
www.equipequality.org.uk



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Circumstances when being treated differently due to sexual orientation is lawful

A difference in treatment may be lawful if:

- belonging to a particular sexual orientation is essential for a job. This is called an **occupational requirement**. For example, an employer wants to recruit an advice worker who has experience of coming out for a young person's LGBT helpline. The employer can specify that applicants must be lesbian or gay.
- an organisation is taking **positive action** to encourage or develop gay, lesbian or bisexual people to participate in a role or activity.
- the treatment by an employer or organisation falls within one of the exceptions that permits people to be treated differently based on their sexual orientation. For example, a charity can provide a benefit only to lesbians and gay men in certain circumstances.
- a religious or belief organisation is excluding persons of a particular sexual orientation from its membership or participation in its activities, or its provision of goods, facilities and services. This only applies to organisations whose purpose is to practice, promote or teach a religion or belief, whose sole or main purpose is not commercial. The restrictions they impose must be necessary either to comply with the doctrine of the organisation, or to avoid conflict with the 'strongly held religious convictions' of the religion's followers.

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