



Fife Centre for Equalities  
Equality Briefing:  
Quick Equality Check-up Guide



# Quick Equality Check-up

If you are not sure whether an issue you are dealing with might be an equality issue, ask yourself the 4 questions below:

1. **Is a person being put at disadvantage?**
2. **Is it due to a protected characteristic?**
3. **Where or in what context this is this happening?**
4. **Are there possible justifications or exceptions?**

Answering those questions can help you determine whether the issue could be considered under the [Equality Act 2010](#):

## 1. **Is a person being put at disadvantage?**

Disadvantage is a wide-ranging term – it can be easily quantifiable (e.g. loss of earnings if work related) or more complex (e.g. impact of bullying on health, well-being, dignity). There are also different **legal distinctions** of discrimination:

- Direct discrimination  
Treating one person worse than another person because of a protected characteristic. E.g. employer not informing of possible work promotions due to age.
- Indirect discrimination  
Organisation policy or practice which has a worse impact on someone with a protected characteristic than someone without one. E.g. public consultation events in the evening preventing attendance of mothers meetings because of childcare responsibilities.
- Harassment  
Treating people in a way that violates dignity, or creates a hostile, degrading, humiliating or offensive environment. E.g. person with Parkinson's Disease receiving derogatory and offensive comments from bar staff at a pub.
- Victimisation  
Treating people unfairly when taking action under the Equality Act (like making a complaint of discrimination), or if you are supporting someone else who is doing so. E.g. when an employee makes a complaint of sexual harassment at work is dismissed as a consequence.

## 2. **Was it because of a protected characteristic?**

Age, Disability (including long-term conditions such as Mental Health), Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation

For more details on those, visit:

- <https://centreforequalities.org.uk/support-and-advice/equality-act-2010/protected-characteristics/>



### 3. In what context this is this happening?

The Equality Act protects individuals in different ways depending of context, e.g.

- At home
- At work
- When using transport
- When joining clubs or association
- Using businesses and others organisations providing services and goods (shops, restaurants, and cinemas).
- When using public services – e.g. NHS hospitals, GPs, schools, colleges and further education
- When contacting public bodies – e.g. Fife Council, Scottish Government

**Note: *Public Sector Equality Duties (PSED)***

Public bodies, like the police, schools and hospitals, not only have to take steps to stop discrimination, but also have to promote equality. Public bodies should promote equality of opportunity, for example, by ensuring girls and boys have access to the same apprenticeships, or disabled students have access to all the resources and support they need. They should also promote good relations, for example, schools should have anti-bullying policies and should promote cultural understanding between different ethnic groups.

### 4. Are there justifications or exceptions?

*(Examples below are derived from EHRC/SHRC case studies and common law)*

**Objective Justification and Positive action**

The Act also allows Positive Action which enables public bodies to provide additional benefits to some groups of people to tackle disadvantage e.g. providing additional lessons for Gypsies and Travellers. Where services are concerned, actions which would otherwise be unlawful may be allowed where they are **objectively justified** for the provision of the service. Some examples includes:

➤ **Age: Age-related restrictions**

Where the law restricts by age the supply of certain services (such as the sale of alcohol or tobacco), a service provider can refuse to serve persons who appear to be younger and cannot provide satisfactory proof of age, provided the service provider has displayed a sign notifying the public.

***Travelcards***

*A service provider may limit certain holiday services to a defined age group if an essential feature of the holiday is to bring together persons of that age (such as 18-30 holidays) or have Concessions in respect of a service to persons of a particular age group (such as discounts for pensioners or schemes such as the young persons' railcard)*



**Financial services**

*(including banking, credit, insurance, pension services etc) When a service provider undertakes an assessment of risk for the purposes of providing a financial service, it may only take account of a person's age in so far as this is relevant to the risk and where the information is obtained from a source that it is reasonable to rely on.*

- **Marriage and civil partnership; Religion; Gender Reassignment**  
 Equality law does not impose any obligation on a religion to solemnize a marriage religiously where it would be contrary to their convictions, e.g. for a same-sex couple or where one of a couple is transgendered (or is reasonably believed to be so) and has acquired his or her gender under the Gender Recognition Act 2004. The decision lies within leaders of the religious community (e.g. the Scottish Episcopal Church for instance voted in June 2017 to allow gay couples to marry in church).

**Religious Marriage - Scotland**

*In Scotland this applies to a Minister of the Church of Scotland, or a minister, clergyman, pastor, priest, or any other person recognized by a religious body and entitled to solemnize a religious marriage, however the exemption does not apply to civil marriage registrars and to other protected characteristics of one or both of the couple (e.g. a mixed couple cannot be turned away because of their different ethnic origins as this would be race discrimination does not fall within the exception).*

- **Race; Religion: Businesses with ethnic or religious characteristics**  
***African Caribbean Hairdressers & European hairdos***  
*An African Caribbean hairdresser would normally be providing services only to people of African and African Caribbean origin as a specialist service matching type of hair and styles. The business doesn't have to change its services provided to provide European hairdressing.*

**French waiters, authenticity fake chefs**

*Equality law prevents French restaurants from employing only French chefs (as French cooking can be done by anyone trained to do so) but it allows them to recruit French-speaking waiters specifically if it's part of the authenticity and image of their business*

**Halal, Kosher and consumer meats**

*A butcher only sells meat from animals which have been slaughtered in a way that conforms to particular religious requirements (Halal or Kosher meat). The butcher does not have to sell non-Halal or non-Kosher meat, even though this means that Muslim and Jewish people are more likely to be customers than others. However, the butcher cannot refuse to sell the Halal or Kosher meat to customers who are not Muslim or Jewish.*

- **Religion: Services by religious groups**  
 A religion or belief organisation can legally restrict membership, participation in its activities, provision of any goods, facilities or services, or use of its premises in relation to a service user's (or prospective service



user's) religion or belief to comply with the purpose of the religion or belief organisation, or to avoid causing offence to members of the religion or belief that the organisation represents.

➤ **Sex: Gender segregation**

A service provider can lawfully provide separate services for men and women where providing a joint service would not be as effective and is objectively justified, e.g. because of the extent to which the service is required by one sex. Exemption permitting gender segregation in certain situations where it is necessary to preserve privacy and decency

**Sexual Health Services - Clinics**

*A healthcare provider offering sexual health services holds clinics at different times for women and men. Equality law would allow this, as long as the service provider can show that a combined service would be less effective (for example, because people are less likely to attend a mixed clinic) and that what it is doing is objectively justified.*

➤ **Sex: Single-sex services**

Service providers are also allowed to provide separate services differently for men and women where providing a combined service would not be as effective and where it would not be reasonably practicable to provide the service in the same way to each because of the extent to which the service is required by one sex.

**Health Screening**

*A healthcare provider can offer health screening services only to men or only to women for sex specific services (e.g. typical examples include prostate exams, breast cancer or cervical screening)*

**Note: Third Sector and Beneficiaries of Charities** (including some social enterprises). Charities can legally restrict their benefits (including of the services they offer) to people sharing a particular protected characteristic if this part of their charitable status, objectively justified and done to prevent or compensate for disadvantage linked to the protected characteristic.

## Next steps

If by answering those questions, you still think a person is being put at disadvantage because of a protected characteristic for which there were no justifications, this might be an equality issue and it is a community concern. You should always start by using the procedures in place for complaints and if not successful, depending of your situation, the organisations below may be able to help.

<b>Fife Law Centre</b>	01592 786 710	<a href="http://www.fifelawcentre.co.uk/">http://www.fifelawcentre.co.uk/</a>
<b>CAB Fife</b>	03451 400 095	<a href="https://www.cabfife.org.uk/">https://www.cabfife.org.uk/</a>
<b>Equality Advisory and Support Service (EASS)</b>	0808 800 0082	<a href="http://www.equalityadvisoryservice.com">www.equalityadvisoryservice.com</a>



If you work, live or study in Fife, we are also able to give advice and support:

## Contact us:

### Fife Centre for Equalities

New Volunteer House, 16 East Fergus Place, Kirkcaldy, KY1 1XT

**Telephone:** 01592 645 310

**Email:** [info@centreforequalities.org.uk](mailto:info@centreforequalities.org.uk)

### Opening Hours:

Monday-Friday, 09:00 – 17:00

Tell us about your community concern online at:

<https://centreforequalities.org.uk/support-and-advice/community-concerns/>



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